



# GOVERNING BOARD MEETING AGENDA

26316 Hesperian Blvd. Hayward, CA 94545 • (510) 293-2971 • [www.edenrop.org](http://www.edenrop.org)

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**Thursday, May 4, 2023**  
**5:45 pm**

## GOVERNING BOARD MEMBERS

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Gary Howard, President	Castro Valley Unified School District
Juan Campos, Vice-President	San Lorenzo Unified School District
Joe Ramos, Member	Hayward Unified School District
Evelyn Gonzalez, Member	San Leandro Unified School District

## MISSION STATEMENT

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The mission of the Eden Area ROP is to build a foundation for students that prepare them academically, technically, and professionally to meet challenging opportunities of the 21st Century with confidence and purpose.



## Regular Meeting of the ROP Governing Board

Date: Thursday, May 4, 2023  
Time: 5:45 p.m.  
In-Person (limited seating): Eden Area ROP Board Room (Building A), 26316 Hesperian Blvd., Hayward, CA 94545  
Virtual via Zoom: <https://zoom.us/j/99397978944?pwd=anVST3pGRDF4MjRjOHJMOUJNR3NyUT09>

### **Attend Zoom Meeting Instructions:**

- **To observe the meeting by video conference**, please click on [LINK](#) or go <https://zoom.us/j/99397978944?pwd=anVST3pGRDF4MjRjOHJMOUJNR3NyUT09> to at the noticed meeting time.

Meeting ID: **993 9797 8944**

Passcode: **EAROP23**

Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>.

**To listen to the meeting by phone**, please call at the noticed meeting time **1-669-900-6833**, then enter ID **993 9797 8944**, then press "#". Passcode: **8908035**

Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>.

### **Public Comment Instructions:**

The Board respects and encourages the public to comment on matters on the Board agenda and within the Board's jurisdiction. The Board fully supports civil discourse and requests that everyone respect each other and their point of view. We strive to model respectful communication for our students in all of our interactions. According to the Brown Act, the Board may not comment or take action on items not on the agenda.

- **To comment by video conference**, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- **To comment by phone**, you will be prompted to "Raise Your Hand" by pressing "\*9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>.
- **To comment in-person**, individuals who would like to address the Board in-person must complete a "Request to Address ROP Governing Board" card, available at the entrance to the meeting room, and submit it to the Governing Board's President prior to the start of the agenda item. Once called on speakers are requested to go to the podium and begin by stating his/her/their name, and whether the statement is being made as an individual or as a representative of an organization.

## AGENDA

Welcome to the Eden Area Regional Occupational Program Governing Board Meeting. The purpose of the meeting is to consider matters of policy and business necessary for the operation of the Regional Occupational Program.

Any member of the audience may speak on any agenda item by following this process, or upon recognition by the President by identifying himself/herself/themselves and his/her/their organization affiliation prior to any action taken by the Governing Board. Such presentations may be limited. If there is a desire to address the Governing Board on a matter relating to the Eden Area ROP that does not appear on the agenda, this may be done during the "Public Comment" section.

State law prohibits the ROP Governing Board from taking any action on or discussing items that are not on the posted agenda except to A) briefly respond to statements made or questions posed by the public in attendance; B) ask questions for clarification; C) provide a reference to a staff member or other resource for factual information in response to the inquiry; or D) ask a staff member to report back on the matter at the next meeting and/or place it on a future agenda. (Government Code Section 54954.2 (a))

This meeting is being recorded. These recordings are maintained by the Eden Area ROP for 30 days and are available for review to the public upon request.

**I. Call to Order**

**II. Roll Call**

**III. Pledge of Allegiance**

**IV. Mission Statement**

**V. Approval of Agenda**

**VI. Public Comment for Agenda items and matters that are related to the Eden Area ROP**

(According to the Brown Act, the Board may not comment or take action on items not on the agenda.)

The Board respects and encourages the public to comment on matters on the Board agenda and within the Board's jurisdiction. The Board fully supports civil discourse and requests that everyone respect each other and their point of view.

**Public Comment Instructions:**

- When it is time for the speakers to address the Board, your name will be called and you will then be unmuted (if attending virtually) or asked to come to the podium (if attending in-person) and allowed to make public comments.
- Speakers via Zoom should rename their Zoom profile names to their real names to expedite this process.
- If attending virtually, after the comment, the microphone for the speaker's Zoom profile will be muted.

With Board consensus, the President may increase or decrease the time allowed. This meeting is being recorded to prepare the official minutes.

**VII. Consent Calendar**

Action by the Eden Area ROP Governing Board of the Eden Area Regional Occupational Program means that all items listed under the Consent Calendar are adopted by one single motion, unless a member of the Governing Board, the Superintendent, or a member of the public requests that any such item be removed from the Consent Calendar and voted upon separately.

- A. Request the Governing Board to approve the Minutes of the Regular Governing Board Meeting of April 13, 2023 (pages 5-10)
- B. Request the Governing Board to approve the Minutes of the Special Governing Board Meeting of April 13, 2023 (pages 11-12)
- C. Request the Governing Board to approve the Bill Warrants (pages 13-18)
- D. Request the Governing Board to approve the Personnel Action Items (pages 19-20)
- E. Request the Governing Board to approve the Contract with American Stage Tours for Sophomore Tour Transportation for Lincoln High School for the 2022-2023 School Year (pages 21-24)

- F. Request the Governing Board to approve the Revised Contracts with American Stage Tours for Sophomore Tour Transportation for the 2022-2023 School Year (pages 25-32)
- G. Request the Governing Board to approve the Agreement with Bonnie Wills for Restorative Practices Services and Training for the 2023-2024 School Year (pages 33-38)
- H. Request the Governing Board to approve the Agreement with Burnham Benefits Insurance Services for Employer Reporting Services for the 2023-2024 School Year (pages 39-42)
- I. Request the Governing Board to approve the Agreement with Evan Goldberg for Consulting Services for the 2023-2024 School Year (pages 43-48)
- J. Request the Governing Board to approve the Agreement with ESI Employee Assistance Group for Participation in their Employee Assistance Program from June 1, 2023 through May 31, 2024 (pages 49-55)
- K. Request the Governing Board to approve the Ongoing Agreement with Teacher's Pension for Retirement and Financial Literacy Education (pages 56-58)

#### **VIII. Information Items**

- A. SkillsUSA Update (page 59)
- B. Career Counselor Report (page 60)

#### **IX. Action Items**

- A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations and Board Bylaws (pages 61-94)
- B. Request the Governing Board to approve the Adoption of Resolution 12-22/23: Day of the Teacher (pages 95-96)
- C. Request the Governing Board to approve the Adoption of Resolution 13-22/23: Classified Employees' Week (pages 97-98)
- D. Request the Governing Board to approve the Adoption of Resolution 14-22/23: Temporary Borrowing Between Funds (pages 99-100)
- E. Request the Governing Board to approve the Adoption of Resolution 15-22/23: Year End Budget Transfers of Funds (pages 101-102)
- F. Request the Governing Board to approve the Adoption of Resolution 16-22/23: Authority to Sign Contracts for the 2023-2024 Fiscal Year (pages 103-104)
- G. Request the Governing Board to approve the Adoption of Resolution 17-22/23: Delegation of Powers to Agents for the 2023-2024 Fiscal Year (pages 105-106)
- H. Request the Governing Board to approve the Adoption of Resolution 18-22/23: Retirement: Tammey Brown (pages 107-108)
- I. Request the Governing Board to approve the Adoption of Resolution 19-22/23: Retirement: Cheryl Gixti (pages 109-110)
- J. Request the Governing Board to approve the Adoption of Resolution 20-22/23: Retirement: William Deslaurier (pages 111-112)
- K. Request the Governing Board to approve the Reclassification Panel Recommendation (page 113)

**X. Communications**

- A. Letter from the Alameda County Office of Education regarding the Second Interim (pages 114-116)

**XI. Superintendent's Report**

**XII. Governing Board Reports**

**XIII. Recess to Closed Session**

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)
- B. Public Employee Performance Evaluation (Pursuant Government Code 54957)  
Title: Superintendent

**XIV. Reconvene to Open Session and Report Action Taken in Closed Session**

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)
- B. Public Employee Performance Evaluation (Pursuant Government Code 54957)  
Title: Superintendent

**XV. Adjournment**

# CONSENT CALENDAR

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## Minutes of the Regular Meeting of the ROP Governing Board April 13, 2023

### I. Call to Order

Gary Howard, Board President, called the meeting to order at 5:45 p.m. on Thursday, April 13, 2023 at the Eden Area Regional Occupational Program Board Room, 26316 Hesperian Blvd., Hayward, CA 94545.

### II. Roll Call

#### Eden Area ROP Governing Board Members Present:

Gary Howard, President	Castro Valley USD
Juan Campos, Vice President	San Lorenzo USD
Evelyn Gonzalez, Member	San Leandro USD
Joe Ramos, Member	Hayward USD

#### Eden Area ROP Superintendent/Clerk of the Board Present:

Blaine Torpey

#### Eden Area ROP Administrators Present:

Linda Granger	Chief Operating Officer
Mercedes Henderson	Human Resources Administrator
Craig Lang	Director of Adult Programs
Brigitte Luna	Director of Educational Services
Anthony Oum	Fiscal Services Administrator

#### Eden Area ROP Staff Present:

Laura Jagroop	Entrepreneurship Instructor
Gabriela Juarez	Executive Assistant
Todd O'Leary	Automotive Technology Instructor

#### Others Present:

Students of the Month and their families

### III. Pledge of Allegiance

Blaine Torpey led the Pledge of Allegiance.

### IV. Mission Statement

Lea Peraza read the Eden Area ROP mission statement.

### V. Approval of Agenda

Trustee Evelyn Gonzalez moved to approve the agenda. Trustee Juan Campos seconded the motion. By the following vote, the agenda was approved:

AYES:	4 (Campos, Gonzalez, Howard, Ramos)
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

**VI. Public Comment for Agenda items and matters that are related to the Eden Area ROP**

None

**VII. Student of the Month Awards**

The following students were honored by their teachers, ROP staff and the Governing Board as students of the month for April 2023:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Victor Fuentes Mejia	Mt. Eden	Auto Technology I	Todd O'Leary
Lea Peraza	San Leandro	Medical Careers II	Heather Bystrom
Amy Montion	San Leandro	Marketing Economics II	Laura Jagroop

Brigitte Luna, Director of Educational Services, introduced the instructors, who presented their students to the Governing Board. A framed certificate of achievement was delivered to each student. Each student was given an opportunity to introduce their family and say a few words.

**VIII. Consent Calendar**

Trustee Juan Campos moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of March 2, 2023
- B. Bill Warrants
- C. Personnel Action Items
- D. Listed Donation- Diablo Valley Industrial Claims Association (DVICA)
- E. Listed Donation-Leslie and Tricia Svenningsen
- F. Quarterly Report on Williams Act Complaints and Resolutions
- G. Receipt of the Career Technical Education Incentive Grant (CTEIG) Funds
- H. Subaward Agreement Amendment with California State University East Bay for the South Hayward Promise Neighborhoods Program (HPN) for the 2022-2023 School Year
- I. Request the Governing Board to approve the Agreement with Del Conte's Landscaping, Inc. for Landscape Maintenance Services for the 2023-2024 School Year
- J. Agreement with Premier Commercial Cleaning Solutions, Inc. (PCCS) for Janitorial Services for the 2023-2024 School Year
- K. Agreement with Cabrillo Community College for the Strong Workforce Program from January 2023 through June 2025

Trustee Eveyln Gonzalez seconded the motion.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**IX. Information Items**

**A. Adult Programs Update**

Craig Lang, Director of Adult Programs, gave an update on Adult Programs. He began



by sharing the courses we are currently offering which are Electrical Day Program, Clinical Medical Assisting, Dental Assisting, Direct Support Provider (DSP), Welding and Electrical (continuing education courses).

He shared that the Electrical Day Program, Clinical Medical Assisting, Dental Assisting and Welding are on the approved Eligible Training Provider List (ETPL). The ETPL provides employment training resources for adults and dislocated workers. Many organizations use the ETPL as a resource to direct students to different training and education programs. Mr. Lang provided a list of organizations that refer students to the Eden Area ROP which includes HPN Scholarship, Rubicon/One Stop, Live in Peace, Patricia Salazar Vocational Consulting, Ortega Counseling Center, Patricia Posada Vocational Services Inc., Department of Rehabilitation (DOR), EDD/Unemployment, Workers Comp and International Rescue Committee IRC (refugee services).

He also discussed employment opportunities that students were able to secure upon course completion. He mentioned businesses that hired students such as TESLA, Helix, Hayward Electric, Nelson Electric, Gott Watts, Kaiser, Sutter Health, St. Rose, Tiburcio Vasquez Health Center, ConXtech, Gillig, Inland, SF Tube and several dentist offices.

For apprenticeship programs to be eligible to receive funding from the state for Related Supplemental Instruction (RSI) hours, they must partner with a Local Education Agency (LEA). As an LEA, the Eden Area ROP provides educational support and training for teachers, reviews curriculum, observes teachers, attends apprenticeship meetings, and monitors Related Supplemental Instruction (RSI) hours. The Eden Area ROP has a longstanding partnership with the Associated Builders and Contractors, Northern California Chapter (ABC) for 50,000 RSI hours and with the California Sprinkler Fitters Association (CAFSA) for 13,261 RSI hours.

Mr. Lang also reviewed programs he is looking to offer in the fall which include radiography, coronal polishing, pit & fissure sealants, and medical assisting externships.

Looking to the future, the adult programs department is continuing to update and refine the new student information system (SIS) and Learning Management System (LMS), Orbund and school webmaster website to allow program enrollment, instructor and student communication, grading, and billing. In addition, as a partner, attending HPN (Hayward Promise Neighborhood) and C2CERN (Cradle to Career Education Reform Network) meetings and events to promote adult programs.

## **B. First Reading of Governing Board Policies, Administrative Regulations, and Board Bylaws**

Blaine Torpey, Superintendent, shared that the Eden Area ROP has contracted with California School Boards Association (CSBA) to receive regular updates and suggested policy language for any additions, changes, or modifications to educational code that impacts policy. Staff has reviewed these updates and brought relevant changes to the Board for their consideration.

Superintendent Torpey presented to the Governing Board the first reading of the following board policies, administrative regulations and board bylaws:

NUMBER	TYPE	TITLE	STATUS
4030	BP	Nondiscrimination in Employment	Revise
4218	BP	Dismissal/Suspension/Disciplinary Action	Revise
4218	AR	Dismissal/Suspension/Disciplinary Action	Revise
5113	AR	Absences and Excuses	Revise
5131.41	AR	Use of Seclusion and Restraint	Revise

5144	AR	Discipline	Revise
5144.1	AR	Suspension and Expulsion/Due Process	Revise
5144.2	AR	Suspension and Expulsion/Due Process (Students with Disabilities)	Revise
6115	AR	Ceremonies and Observances	Revise
9270	BB	Conflict of Interest	Revise
9320	BB	Meetings and Notices	Revise

The Governing Board agreed with the revisions of board policies, administrative regulations and board bylaws.

#### **X. Superintendent's Report**

Blaine Torpey, Superintendent, was proud to report that the Eden Area ROP held its annual Spring Showcase, which is similar to an Open House. Eden Area ROP students set up their equipment and gave families and guests tutorials on what they do at the Eden Area ROP Center. The classrooms were full as staff and students did an excellent job showing off their skills!

He shared that the Eden Area ROP hosted MLK Middle School for a tour of the Center. He noted that it was exciting to see middle school students watching with awe as current ROP students showed off their skills. Staff was delighted to host San Leandro Unified School District's Educational Services Leadership for a visit and a tour.

Superintendent Torpey reported that for Hayward's 147<sup>th</sup> Birthday Bash Street Fair, the Eden Area ROP had a booth where staff shared with the community the work ROP does. It was his first-time tabling for the Eden Area ROP and he was amazed to meet so many community members who were interested in learning about the Eden Area ROP. He was even more amazed at the number of people he met who had attended Eden Area ROP. He stated that our reach is long!

He reported that CAROCP, the Association of Career and College Readiness Organizations, is our statewide advocacy group that supports CTE and ROP throughout California. CAROCP had its quarterly meeting in Sacramento and participated in a Legislative Action Day. Superintendent Torpey said this was an amazing experience. He met with staffers from Senator Skinner's office, Senator Wahab's office, and Assemblymember Ortega's office. We advocated for rolling Strong Workforce Program (SWP) grant funds into the Career Technical Education Incentive Grant (CTEIG).

The Eden Area ROP was awarded a planning grant for the California Apprenticeship Innovation program. He shared that we are designing a pre-apprenticeship and apprenticeship model for our Dental Program. This will enable students to be paid for their internship work, a significant improvement with the program.

He shared that staff is continuing the Agricultural Science and Culinary Collaboration between Tennyson and the Eden Area ROP, we are working the City of Hayward's Food Action Grant funding to develop a summer internship program for a small cohort of students.

The Eden Area ROP staff are also continuing to work with our colleagues at Hayward Promise Neighborhood (HPN) Grant, under the excellent leadership of Edgar Chavez. He is working with City of Hayward funding to expand a Tuition Assistance Program for our Adult Program students.

Superintendent Torpey concluded his report by providing an achievement under each of his four goals.

**Goal 1: Reinforce EAROP Organizational Infrastructure and Communication**

- **Program Communication:** The Eden Area ROP held its Spring Showcase, highlighting student skills for families and public. The Eden Area ROP welcomed San Leandro Unified School District Educational Services Leadership for a visit and tour. Eden Area ROP set up a booth at the 147th Hayward Birthday Bash Street Fair.

**Goal 2: Maintain and Refine High Quality CTE Programming**

- **Industry Partnerships:** Continuing to build connections between industry and public services with our Work-Based Learning (WBL) Team. Participated in City of Hayward/HPN Tuition Assistance Program. Participated in planning meeting with Hayward Fire Department.

**Goal 3: Enhance Systems to Support the Success of All Students**

- **Anti-Bias and Anti Racism:** Held our March 31 Professional Development Day with a full day equity training with Race Work and Dr. Lori Watson. We shared our identity stories with each other and examined ways in which the Eden Area ROP could improve its equity outcomes.

**Goal 4: Fiscal and Resource Management, Leadership, and Innovation**

- **Business:** Conducted 2023-2024 position control budget development. Participating in Hayward Unified School District facilities meeting and planning. Participated in Eden Area ROP/AC Transit meeting and submitted information to AC Transit regarding transportation needs.

**XI. Governing Board Reports**

Trustee Juan Campos, San Lorenzo USD representative, shared that the SLzUSD has reached an agreement with the bargaining union.

Trustee Gary Howard, Castro Valley USD representative, shared he was pleased to announce that the Castro Valley/Eden Area Chamber of Commerce had its Student Citizen of the Year Awards ceremony. Senator Aisha Wahab was the guest speaker at the event.

**XII. Recess to Closed Session**

The meeting was called into closed session at 6:42 p.m.

**A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)**

**B. Personnel (Government Code Section 54957) Public Employee Appointment/Discipline/ Dismissal/Release**

**XIII. Reconvene to Open Session and Report any Action taken in Closed Session**

The meeting resumed to open session at 7:53 p.m.

**A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)**

Board President, Gary Howard, announced that no action was taken.

**B. Personnel (Government Code Section 54957) Public Employee Appointment/Discipline/ Dismissal/Release**

Board President, Gary Howard, announced that no action was taken.

**XIV. Adjournment**

The meeting was adjourned at 7:54 p.m.

Approved by the Eden Area ROP Governing Board \_\_\_\_\_.

\_\_\_\_\_  
Blaine Torpey, Superintendent/Clerk to the Eden Area ROP Governing Board



## Minutes of the Special Board Workshop Meeting of the ROP Governing Board April 13, 2023

### I. Call to Order

Gary Howard, Board President, called the Special Board Workshop meeting to order at 7:54 p.m. on Thursday, April 13, 2023 at the Eden Area Regional Occupational Program Board Room, 26316 Hesperian Blvd., Hayward, CA 94545.

### II. Roll Call

#### Eden Area ROP Governing Board Members Present:

Gary Howard, President	Castro Valley USD
Juan Campos, Vice President	San Lorenzo USD
Evelyn Gonzalez, Member	San Leandro USD
Joe Ramos, Member	Hayward USD

#### Eden Area ROP Superintendent/Clerk of the Board Present:

Blaine Torpey

#### Eden Area ROP Administrators Present:

None

#### Eden Area ROP Staff Present:

Gabriela Juarez	Executive Assistant
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### III. Approval of Agenda

Trustee Juan Campos moved to approve the agenda. Trustee Evelyn Gonzalez seconded the motion. By the following vote, the agenda was approved:

AYES:	4 (Campos, Gonzalez, Howard, Ramos)
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

### IV. Public Comment for Agenda items and matters that are related to the Eden Area ROP

None

### V. Information Items

#### **Adjourn to Board Workshop**

#### **A. Educational Activities**

Superintendent Torpey facilitated an educational activity with the Board.

#### **B. Discuss Draft Governance Handbook**

Superintendent Torpey handed out the Eden Area ROP Governance Handbook draft for the Board to review.

**VI. Adjournment**

The meeting was adjourned at 9:30 p.m.

Approved by the Eden Area ROP Governing Board \_\_\_\_\_.

\_\_\_\_\_  
Blaine Torpey, Superintendent/Clerk to the Eden Area ROP Governing Board



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Sabrina Ubhoff, Accounting Technician  
**SUBJECT:** Request the Governing Board to approve the Bill Warrants

## **CURRENT SITUATION**

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The bill warrants submitted for approval are for the period of April 5, 2023 through April 18, 2023 and include test warrant numbers and voided warrants.

## **CONSENT CALENDAR**

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**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Personnel Action Items

## **CURRENT SITUATION**

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The attached listing of personnel action items are the Eden Area ROP Superintendent's recommendations for approval.

## **CONSENT CALENDAR**

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**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Brigitte Luna, Director of Educational Services  
**SUBJECT:** Request the Governing Board to approve the Contract with American Stage Tours for Sophomore Tour Transportation for Lincoln High School for the 2022-2023 School Year

## **BACKGROUND**

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As part of Eden Area ROP's annual student recruitment efforts, transportation services are obtained to bring students (from our JPA member districts) to the Eden Area ROP Center for sophomore tours.

## **CURRENT SITUATION**

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The contracts with American Stage Tours were approved by the Governing Board on November 2, 2022. Since then, one additional sophomore tour was scheduled for Lincoln High School. The attached is an additional contract between American Stage Tours and the Eden Area ROP for the 2022-2023 school year outlined below:

<b>School</b>	<b>Tour Date</b>	<b>Amount</b>
Lincoln High School	1/31/2023	\$1,460.00
Total		\$1,460.00

## **CONSENT CALENDAR**

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1488 Soccer Court  
Concord, CA 94518-3850  
Phone: 925-687-7705  
Fax: 925-685-5421  
TCP 12504-B US DOT 253482  
Website: www.americanstagetours.com  
Email: info@americanstagetours.com

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## Covid-19 Notice to All Charter Parties

Johanna Lopez  
Eden Area ROP  
26316 Hesperian Blvd.  
Hayward, CA 94545

Wednesday, January 4, 2023

Charter No. : 30598  
Phone: 510-293-2950  
Fax:  
Order Date 01/04/23  
SalesRep: Charles Williams

## COVID-19 WAIVER OF LIABILITY

WAIVER of LIABILITY.--The novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization. COVID-19 is reported to be contagious. The state of medical knowledge is evolving, but the virus is believed to spread from person-to-person contact and possibly by contact with contaminated surfaces and objects or in the air. People reportedly can be infected and show no symptoms and therefore spread the disease. The exact methods of spread and contraction are unknown, and there is no known treatment, cure, or vaccine for COVID-19. Evidence has shown that COVID-19 can cause serious and potentially life threatening illness and even death.


American Stage Tours cannot prevent you [or your child(ren)] from becoming exposed to, contracting, or spreading COVID-19 while utilizing American Stage Tours services or premises. It is not possible to prevent against the presence of the disease. Therefore, if you choose to utilize American Stage Tours services and/or enter onto American Stage Tours premises you may be exposing yourself to and/or increasing your risk of contracting or spreading COVID-19.

ASSUMPTION OF RISK.-- I have read and understood the above warning concerning COVID-19. I hereby choose to accept the risk of contracting COVID-19 for myself and/or my children in order to utilize American Stage Tours services and enter American Stage Tours premises. These services are of such value to me [and/or to my children,] that I accept the risk of being exposed to, contracting, and/or spreading COVID-19 in order to utilize American Stage Tours services and premises in person

WAIVER OF LAWSUIT/LIABILITY.-- I hereby forever release and waive my right to bring suit against American Stage Tours and its owners, officers, directors, managers, officials, trustees, agents, employees, or other representatives in connection with exposure, infection, and/or spread of COVID-19 related to utilizing American Stage Tours services and premises. I understand that this waiver means I give up my right to bring any claims including for personal injuries, death, disease or property losses, or any other loss, including but not limited to claims of negligence and give up any claim I may have to seek damages, whether known or unknown, foreseen or unforeseen.

Eden Area ROP  
(Chartering / Tour Party Print Name)

01/19/2023  
(Date)

  
(Chartering / Tour Party Signed)

**THIS DOCUMENT MUST BE COMPLETED AND RETURNED AT LEAST 72 HOURS PRIOR TO TRIP DEPARTURE DATE.**



**1488 Soccer Court**

**Concord, CA 94518-3850**

Phone: 925-687-7705

Fax: 925-685-5421

TCP 12504-B US DOT 253482

Website: [www.americanstagetours.com](http://www.americanstagetours.com)

Email: [info@americanstagetours.com](mailto:info@americanstagetours.com)

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## **S.P.A.B Terms and Conditions**

**Johanna Lopez**

**Eden Area ROP**

**26316 Hesperian Blvd.**

**Hayward, CA 94545**

**Wednesday, January 4, 2023**

Charter No. : **30598**

Phone: **510-293-2950**

Fax:

Order Date **01/04/23**

SalesRep: **Charles Williams**

The attached Charter 30598 in the amount of \$1,460.00 is forwarded for your review and approval. This charter has been scheduled according to the reflected information. If correct, please sign, date, and return this contract along with the required deposit.

### **RATES:**

The charges for your charter bus is based on the original information. Additional hours not agreed upon at the time of booking can possibly be accommodated for an adjusted price.

### **DEPOSITS:**

A deposit, if listed on your contract, is due within fourteen days of receiving the contract. Failure to send the deposit may result in a cancellation of the charter. The deposit is refundable if your coach is canceled 14 days in advance of your trip.

### **CANCELLATIONS:**

All cancellations must be submitted in writing. A change of departure date will be considered as a cancellation of the present charter. Your deposit is refundable, if listed, if your charter is canceled at least 14 days prior to your Leave Date. Cancellations received less than 14 days prior to the scheduled departure date are liable for a charge equal to 40% of the charter fee. No refunds will be made for cancellations 7 days or less prior to Leave Date.

### **PROHIBITED SUBSTANCES:**

Smoking, drugs, and alcohol are prohibited on all coaches. All animals except guide dogs are prohibited on the coaches.

### **School Pupil Activity Bus (S.P.A.B.) REGULATIONS:**

The Department of Education and the California Highway Patrol has adopted certain regulations for the protection and safety of both the pupils and the driver. Drivers are limited to:

1. 16 consecutive hours on duty in any one day.
2. Of this 16 hours, a maximum of 10 hours may be actual driving hours.
3. Upon reaching a destination and the driver's total driving hours have been used, the driver must have a minimum

of eight (8) hours off duty before local service may be performed or to begin an extended period of driving. American Stage recommends a minimum of ten (10) hours off duty.

### **OVERNIGHT CHARTER TRIPS:**

On all trips requiring driver accommodations, the group is responsible for the driver's hotel room(s). Each driver must have his/her own hotel room. American Stage Tours strongly recommends housing the driver in the same hotel as the group whenever possible.

### **DISCLAIMER:**

American Stage Tours is not liable for damage to or loss of baggage or other property. Baggage and all other property will be handled at the passenger's risk and only in an amount that can be conveniently carried in the storage areas of the charter coach. Any damage to the coach by the charter party will be charged by the carrier to the charter party. American Stage Tours reserves the right to substitute equipment if in our sole discretion a substitution is necessary.

I, the undersigned, do hereby agree to all policies outlined above.

Charter Party Signature

01/19/2023

Date



**1488 Soccer Court**  
**Concord, CA 94518-3850**  
Phone: 925-687-7705  
Fax: 925-685-5421  
TCP 12504-B US DOT 253482  
Website: www.americanstagetours.com  
Email: info@americanstagetours.com

---

## Charter Confirmation

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Confirmed: **01/04/23**  
Charter No. : **30598**

Phone: **510-293-2950**  
Order Date **01/04/23**  
SalesRep: **Charles Williams**

Thank you for selecting **American Stage Tours** for your upcoming trip. We are committed to providing you with the very best service possible. This Confirmation serves as your contract for your transportation needs shown below. We must receive your signed and dated copy of this confirmation by the due dates shown below. Please review the following information to confirm our understanding of the services we will provide.

Group Name: **Eden Area ROP**

Group Leader: **Johanna Lopez**

Destination: **Hayward, CA**

Leave Date: **Tuesday, January 31, 2023**

Spot Time: **8:15 am**

Leave Time: **8:30 am**

Pickup Location: **Lincoln High School**  
**2600 Teagarden St**  
**San Leandro, CA 94577**

# Coaches: **1**

Equipment: **56 passengers**

Requested Driver:

Return Date: **Tuesday, January 31, 2023**

Retn\Drop Time: **1:00 pm**

Destination Details: **Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

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<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>	<b>Transport Charge:</b>	<b>\$1,460.00</b>
<b>01/04/23</b>	<b>Signed Contract</b>			Amount Paid	<b>\$0.00</b>
<b>01/17/23</b>	<b>Final Payment</b>			Balance Due	<b>\$1,460.00</b>

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If you have not already done so, please send us a complete itinerary to insure the success of your trip.

Please call if you have any questions.

01/19/2023

Charter Party Authorized Signature

Date

Charles Williams  
Tour Coordinator



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Brigitte Luna, Director of Educational Services  
**SUBJECT:** Request the Governing Board to approve the Revised Contracts with American Stage Tours for Sophomore Tour Transportation for the 2022-2023 School Year

## **BACKGROUND**

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As part of EAROP's annual student recruitment efforts, transportation services are obtained to bring students (from our JPA) to the EAROP Center for Sophomore Tours.

## **CURRENT SITUATION**

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The contracts with American Stage Tours were approved by the Governing Board on November 2, 2022. Once head counts for each school were finalized the contracts were modified to reflect the revised cost.

<b>School</b>	<b>Tour Date</b>	<b>Cost</b>	<b>Revised Cost</b>
San Leandro High School	11/15/22	\$5,740.00	No Changes
Tennyson High School	11/17/22	\$7,050.00	No Changes
San Lorenzo High School	12/02/22	\$4,430.00	No Changes
Arroyo High School	12/09/22	\$5,740.00	\$6,430.00
Hayward High School	01/20/23	\$8,360.00	\$5,740.00
Castro Valley High School	01/26/23	\$5,817.50	\$8,360.00
Mt. Eden High School	02/03/23	\$8,360.00	No Changes
Total		\$45,497.00	\$20,530.00
Increase			\$613.00

## **CONSENT CALENDAR**

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**1488 Soccer Court**  
**Concord, CA 94518-3850**  
 Phone: 925-687-7705  
 Fax: 925-685-5421  
 TCP 12504-B US DOT 253482  
 Website: [www.americanstagetours.com](http://www.americanstagetours.com)  
 Email: [info@americanstagetours.com](mailto:info@americanstagetours.com)

## Charter Invoice

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Group Name: **Eden Area ROP**  
 Group Leader: **Johanna Lopez**  
 Destination: **Hayward, CA**

Leave Date: **Tuesday, November 15, 2022**  
 Spot Time: **8:15 am**  
 Leave Time: **8:30 am**  
 Pickup Location: **San Leandro High School**  
**2200 Bancroft Ave.**  
**San Leandro**

Invoice Date: **11/19/22**  
 Charter No. : **30177**

Phone: **510-293-2950**

Order Date: **09/26/22**  
 SalesRep: **Charles Williams**

# Coaches: **4**  
 Equipment: **2-56 2-48 passenger**

Return Date: **Tuesday, November 15, 2022**

Retn\Drop Time: **1:00 pm**

Destination Details: **Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>		
<b>09/26/22</b>	<b>Signed Contract</b>		<b>10/24/22</b>	<b>Transport Charge:</b>	<b>\$5,740.00</b>
<b>11/01/22</b>	<b>Final Payment</b>			<b>Amount Paid</b>	<b>\$0.00</b>
				<b>Balance Due</b>	<b>\$5,740.00</b>



1488 Soccer Court  
Concord, CA 94518-3850  
Phone: 925-687-7705  
Fax: 925-685-5421  
TCP 12504-B US DOT 253482  
Website: www.americanstagetours.com  
Email: info@americanstagetours.com

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## Charter Invoice

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Group Name: **Eden Area ROP**  
Group Leader: **Johanna Lopez**  
Destination: **Hayward, CA**

Leave Date: **Thursday, November 17, 2022**  
Spot Time: **8:15 am**  
Leave Time: **8:30 am**

Pickup **Tennyson High School**  
Location: **27035 Whitman St.**  
**Hayward, CA 94544**

Invoice Date: **11/19/22**  
Charter No. : **30175**

Phone: **510-293-2950**

Order Date **09/26/22**  
SalesRep: **Charles Williams**

# Coaches: **5**  
Equipment: **4-56 1-48 passenger**

Return Date: **Thursday, November 17, 2022**

Retn\Drop Time: **1:00 pm**

Destination **10:50 for 11:00 depart Eden Area**  
Details: **ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

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<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>	<b>Transport Charge:</b>	<b>\$7,050.00</b>
<b>10/13/22</b>	<b>Signed Contract</b>			<b>Amount Paid</b>	<b>\$0.00</b>
<b>11/03/22</b>	<b>Final Payment</b>			<b>Balance Due</b>	<b>\$7,050.00</b>



1488 Soccer Court  
Concord, CA 94518-3850  
Phone: 925-687-7705  
Fax: 925-685-5421  
TCP 12504-B US DOT 253482  
Website: www.americanstagetours.com  
Email: info@americanstagetours.com

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## Charter Invoice

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Group Name: **Eden Area ROP**

Group Leader: **Johanna Lopez**

Destination: **Hayward, CA**

Leave Date: **Tuesday, February 7, 2023**

Spot Time: **8:15 am**

Leave Time: **8:45 am**

Pickup **San Lorenzo High School**  
Location: **50 East Lewelling Blvd.**  
**San Lorenzo**

Invoice Date: **02/10/23**

Charter No. : **30178**

Phone: **510-293-2950**

Order Date **09/26/22**

SalesRep: **Charles Williams**

# Coaches: **3**

Equipment: **56 passengers**

Return Date: **Tuesday, February 7, 2023**

Retn\Drop Time: **12:00 pm**

Destination **Eden Area ROP Arrive 10:50,**  
Details: **Depart 11:00**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

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<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>		
<b>09/26/22</b>	<b>Signed Contract</b>		<b>10/25/22</b>	<b>Transport Charge:</b>	<b>\$4,430.00</b>
<b>11/18/22</b>	<b>Final Payment</b>			<b>Amount Paid</b>	<b>\$0.00</b>
				<b>Balance Due</b>	<b>\$4,430.00</b>





1488 Soccer Court  
Concord, CA 94518-3850  
Phone: 925-687-7705  
Fax: 925-685-5421  
TCP 12504-B US DOT 253482  
Website: www.americanstagetours.com  
Email: info@americanstagetours.com

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## Charter Invoice

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Group Name: **Eden Area ROP**  
Group Leader: **Johanna Lopez**  
Destination: **Hayward, CA**

Leave Date: **Friday, December 9, 2022**  
Spot Time: **8:15 am**  
Leave Time: **8:30 am**

Pickup **Arroyo High School**  
Location: **15701 Lorenzo Ave.**  
**San Lorenzo, CA 94580**

Invoice Date: **12/12/22**  
Charter No. : **30179**

Phone: **510-293-2950**

Order Date **09/26/22**  
SalesRep: **Charles Williams**

# Coaches: **4**  
Equipment: **2-56 2-48 passenger**

Return Date: **Friday, December 9, 2022**

Retn\Drop Time: **3:30 pm**

Destination **Eden Area ROP**  
Details: **26316 Hesperian Blvd.**  
**Hayward, CA 94545**

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<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>		
<b>09/28/22</b>	<b>Signed Contract</b>		<b>10/24/22</b>	<b>Transport Charge:</b>	<b>\$6,430.00</b>
<b>11/25/22</b>	<b>Final Payment</b>			<b>Amount Paid</b>	<b>\$0.00</b>
				<b>Balance Due</b>	<b>\$6,430.00</b>



**1488 Soccer Court**  
**Concord, CA 94518-3850**  
 Phone: 925-687-7705  
 Fax: 925-685-5421  
 TCP 12504-B US DOT 253482  
 Website: [www.americanstagetours.com](http://www.americanstagetours.com)  
 Email: [info@americanstagetours.com](mailto:info@americanstagetours.com)

## Charter Invoice

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Group Name: **Eden Area ROP**  
 Group Leader: **Johanna Lopez**  
 Destination: **Hayward, CA**

Leave Date: **Friday, January 20, 2023**  
 Spot Time: **8:15 am**  
 Leave Time: **8:30 am**

Pickup Location: **Hayward High School**  
**1633 East Ave**  
**Hayward, CA 94540**

Invoice Date: **01/28/23**  
 Charter No. : **30181**

Phone: **510-293-2950**

Order Date: **09/26/22**  
 SalesRep: **Charles Williams**

# Coaches: **2**  
 Equipment: **56 passengers**

Return Date: **Friday, January 20, 2023**

Retn\Drop Time: **1:00 pm**

Destination Details: **Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>		
<b>09/28/22</b>	<b>Signed Contract</b>		<b>10/24/22</b>	<b>Transport Charge:</b>	<b>\$5,740.00</b>
<b>01/06/23</b>	<b>Final Payment</b>			<b>Amount Paid</b>	<b>\$0.00</b>
				<b>Balance Due</b>	<b>\$5,740.00</b>



1488 Soccer Court  
Concord, CA 94518-3850  
Phone: 925-687-7705  
Fax: 925-685-5421  
TCP 12504-B US DOT 253482  
Website: www.americanstagetours.com  
Email: info@americanstagetours.com

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## Charter Invoice

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Group Name: **Eden Area ROP**  
Group Leader: **Johanna Lopez**  
Destination: **Hayward, CA**

Leave Date: **Thursday, January 26, 2023**  
Spot Time: **8:15 am**  
Leave Time: **8:30 am**

Pickup Location: **Castro Valley High School**  
**(Pick up in Loop off Mabel)**  
**19400 Santa Maria Avenue**  
**Castro Valley, CA 94546**

Invoice Date: **02/08/23**  
Charter No. : **30182**

Phone: **510-293-2950**

Order Date: **09/26/22**  
SalesRep: **Charles Williams**

# Coaches: **5**  
Equipment: **3-56 3-48 passenger**

Return Date: **Thursday, January 26, 2023**

Retn\Drop Time: **1:00 pm**

Destination Details: **Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

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<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>	<u>Transport Charge:</u>	<u>\$8,360.00</u>
09/28/22	Signed Contract		10/25/22	Amount Paid	\$0.00
01/10/23	Final Payment			Balance Due	\$8,360.00



**1488 Soccer Court**  
**Concord, CA 94518-3850**  
 Phone: 925-687-7705  
 Fax: 925-685-5421  
 TCP 12504-B US DOT 253482  
 Website: [www.americanstagetours.com](http://www.americanstagetours.com)  
 Email: [info@americanstagetours.com](mailto:info@americanstagetours.com)

## Charter Invoice

**Johanna Lopez**  
**Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

Group Name: **Eden Area ROP**  
 Group Leader: **Johanna Lopez**  
 Destination: **Hayward, CA**  
 Leave Date: **Friday, February 3, 2023**  
 Spot Time: **8:00 am**  
 Leave Time: **8:30 am**  
 Pickup Location: **Mt. Eden High School**  
**2300 Panama St**  
**Hayward, CA 94545**  
**Spot on Panama**

Invoice Date: **02/08/23**  
 Charter No. : **30180**  
 Phone: **510-293-2950**  
 Order Date: **09/26/22**  
 SalesRep: **Charles Williams**  
 # Coaches: **5**  
 Equipment: **3-56 & 2-48 passenger**  
 Return Date: **Friday, February 3, 2023**  
 Retn\Drop Time: **1:00 pm**  
 Destination Details: **Eden Area ROP**  
**26316 Hesperian Blvd.**  
**Hayward, CA 94545**

<u>Due Dates</u>	<u>Description</u>	<u>Amount</u>	<u>Date Received</u>	<u>Transport Charge:</u>	<u>\$8,360.00</u>
<b>12/30/22</b>	<b>Signed Contract</b>		<b>10/24/22</b>	<u>Amount Paid</u>	<u>\$0.00</u>
<b>01/13/23</b>	<b>Final Payment</b>			Balance Due	\$8,360.00



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Agreement with Bonnie Wills for Restorative Practices Services and Training for the 2023-2024 School Year

## **BACKGROUND**

---

Restorative Practices are tools, training and skills used in conflict mediation and resolution. They are informed by restorative justice, which is a culturally responsive and appropriate way to address harm in a community. Restorative practices include processes to address harm such as restorative justice circles and more formal victim-offender dialogues, as well as community building, instructional practices and grading systems.

## **CURRENT SITUATION**

---

All organizations experience conflict. It happens between adults, between students and between students and adults. The Eden Area ROP community will benefit from the opportunity to work with Master Restorative Practitioner, Bonnie Wills. Ms. Wills will be able to support staff and students as we work to build a school community of belonging, inclusiveness and equity.

## **CONSENT CALENDAR**

---

## AGREEMENT FOR SERVICE 2023-2024

26316 Hesperian Blvd., Hayward, CA 94545 | P: (510) 293-2901 | F: P: (510) 293-2927 | [www.edenrop.org](http://www.edenrop.org)

---

This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Bonnie Wills (the "Service Provider") between July 1, 2023 through June 30, 2024

### Background:

---

- A. The Customer is of the opinion that the Service Provider has the necessary qualifications, experience, and abilities to provide services to the Customer.
- B. The Service Provider is agreeable to providing such services to the Customer on the terms and conditions set out in this Agreement.

**IN CONSIDERATION OF** the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to this Agreement agree as follows:

### Services Provided

---

- 1. The Customer hereby agrees to engage the Service Provider to provide the Customer with services (the "Services") consisting of
  - a. Restorative Practices Services and Training

### Term of Agreement

---

- 2. The term of this Agreement will begin on July 1, 2023 and will remain in full force and effect until June 30, 2024, not to exceed \$25,000, subject to earlier termination as provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.

### Performance

---

- 3. The parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

## Compensation

---

4. Eden Area ROP will pay a fee to Bonnie Wills for the Services based on \$175.00 per hour. This fee shall be payable monthly, no later than the last day of the month following the period during which the Services were performed.
5. Service Provider must submit an itemized invoice to Business Services which includes: dates, time, and type of work accomplished.

## Confidentiality

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6. The Service Provider agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any confidential information with respect to the business of the Customer, which the Service Provider has obtained, except as may be necessary or desirable to further the business interests of the Customer. This obligation will survive indefinitely upon termination of this Agreement.

## Non-Competition

---

7. Other than with the express written consent of the Customer, which will not be unreasonably withheld, the Service Provider will not, during the continuance of this Agreement, be directly or indirectly involved with a business which is in direct competition with the particular business line of the Customer, divert or attempt to divert from the Customer any business the Customer has enjoyed, solicited, or attempted to solicit, from other individuals or corporations, prior to termination of this Agreement.

## Ownership of Materials

---

8. All materials developed, produced, or in the process of being so under this Agreement will be the property of the Customer. The use of the mentioned materials by the Customer will not be restricted in any manner.
9. The Service Provider may retain use of the said materials and will not be responsible for damages resulting from their use for work other than services contracted for in this Agreement.

## Return of Property

---

10. Upon the expiration or termination of this Agreement, the Service Provider will return to the Customer any property, documentation, records, or confidential information which is the property of the Customer.

## Assignment

---

11. The Service Provider will not voluntarily or by operation of law assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Customer.

## Capacity/Independent Contractor

---

12. It is expressly agreed that the Service Provider is acting as an independent contractor and not as an employee in providing the Services under this Agreement. The Service Provider and the Customer acknowledge that this Agreement does not create a partnership or joint venture between them and is exclusively a contract for service.

## Modification of Agreement

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13. Any amendment or modification of this Agreement or additional obligation assumed by either party in connection with this Agreement will only be binding if evidenced in writing signed by each party or an authorized representative of each party.

## Notice

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14. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the parties of this Agreement.

## Costs and Legal Expenses

---

15. In the event that legal action is brought to enforce or interpret any term of this Agreement, the prevailing party will be entitled to recover, in addition to any other damages or award, all reasonable legal costs and fees associated with the action.

## Time of the Essence

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16. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

## Entire Agreement

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17. It is agreed that there is no representation, warranty, collateral agreement, or condition affecting this Agreement except as expressly provided in this Agreement.



## Limitation of Liability

---

18. It is understood and agreed that the Service Provider will have no liability to the Customer or any other party for any loss or damage (whether direct, indirect, or consequential) which may arise from the provision of the Services.

## Indemnification

---

19. The Service Provider will indemnify and hold the Customer harmless from any claims against the Customer by any other party, arising directly or indirectly out of the provision of the Services by the Service Provider.

## Inurement

---

20. This Agreement will ensure to the benefit of and be binding on the parties and their respective heirs, executors, administrators, successors and permitted assigns.

## Currency

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21. Except as otherwise provided in this Agreement, all monetary amounts referred to in this Agreement are in United States dollars.

## Titles/Headings

---

22. Headings are inserted for the convenience of the parties only and are not to be considered when interpreting this Agreement.

## Gender

---

23. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

## Governing Law

---

24. It is the intention of the parties to this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of California, without regard to the jurisdiction in which any action or special proceeding may be instituted.

## Severability

---

25. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

## Waiver

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26. The waiver by either party of a breach, default, delay, or omission of any of the provisions of this Agreement by the other party will not be construed as a waiver of any subsequent breach of the same or other provisions.

## Additional Provisions

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27. Service Provider is responsible to pay their own taxes. Customer (Eden Area ROP) will issue a 1099 at the end of the year.

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Bonnie Wills, Service Provider

---

Date

---

Blaine C. Torpey, Eden Area ROP  
Superintendent

---

Date



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Agreement with Burnham Benefits Insurance Services for Employer Reporting Services for the 2023-2024 School Year

## **BACKGROUND**

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With the passage of the Affordable Care Act, employers with over 50 employees are required to file annual information returns that provide information about health plan coverage via the completion of a form 1095.

## **CURRENT SITUATION**

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Since the 2018 tax year the Eden Area ROP has met the threshold of at least 50 employees, and therefore, is required to provide health care coverage information to employees for tax purposes. To assist us in adhering to this requirement, we have contracted with Burnham Benefits Insurance Services.

## **CONSENT CALENDAR**

---

# Employer Reporting Services Agreement

---

This Agreement ("Agreement") is between Eden Area ROP ("Client") and Burnham Benefits Insurance Services ("Burnham") and is effective as of April 1, 2023.

Burnham has entered into third party agreement with Greatland Corporation to create and file the appropriate ACA 1095 reporting on behalf of our clients.

## **Scope of Services to be Provided by Burnham**

Burnham will work with both Eden Area ROP and Greatland to facilitate the final coding, filing and distribution of the required 1095-C's. The 2023 Services includes the actual printing and distribution of Form 1095-Cs.

Upon execution of this Agreement, Burnham shall provide Client with a specified timeline to provide the data needed in order for Burnham to guarantee timely performance of the 2023 Services.

Burnham's 2023 Services are not intended to constitute legal or tax advice.

## **Client's Responsibilities**

Client agrees to timely provide Burnham with the necessary data and records that Burnham requires to perform the 2023 Services under the terms of the Agreement. The timeframe for Client to provide the necessary information will be as follows to ensure timely completion of the 2023 Services by Burnham.

- Preliminary submission by December 16
- Final submission no later than January 15

Client is responsible for ensuring data and records are accurate, complete, and timely provided to Burnham and that the Forms generated by the Software Product are true and accurate. Client will promptly review all Forms generated by the Software Product in connection with the 2023 Services and promptly notify Burnham of any errors, omissions, or discrepancies with Client's records. Burnham makes no warranties, express or implied, in fact or in law, that the Forms generated by the Software Product are correct and accurate.

Client, not Burnham, is solely responsible for complying with the requirements of Code Section 6056, including its filing and disclosure deadlines, and any other legal or tax requirements related to this Agreement.

Client is responsible for retaining copies of all documentation received from, or provided to, Burnham in connection with the 2023 Services in accordance with the Client's business practices, and to the extent required by applicable law.

# Employer Reporting Services Agreement

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## **Term**

This Agreement becomes effective as of the date of the signing of the Agreement by Client and terminates upon the completion of the 2023 Services hereunder.

## **Confidentiality**

All sensitive information received from Client to perform the 2023 Services under this Agreement is agreed to be handled in a manner in the strictest confidence and consistent with State of California and Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") guidelines.

## **Disputes / Arbitration**

In the event of a dispute between the parties arising out of, respecting, caused by, concerning, or relating to this Agreement, or the breach thereof, or the relationship or activities of the parties to this Agreement (the "Dispute"), and if the Dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the Dispute by mediation administered by the American Arbitration Association under its Commercial Mediation Rules before resorting to arbitration. Any such mediation shall be completed within sixty (60) days of the time notice of a Dispute is given by one party, unless the parties agree to extend the time limits.

If mediation does not resolve the Dispute, the parties shall arbitrate the Dispute. The arbitration shall be administered by the American Arbitration Association under its Commercial Arbitration Rules (except as modified herein), and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof within the State of California. Arbitration shall take place in the State of California, County of Orange. The arbitrator shall provide a decision in writing stating his/her reason and rationale for the decision. Prior to the arbitration, the parties shall have the right to demand from one another the disclosure of relevant and discoverable documents, as well as a list of witnesses the other party intends to call at the arbitration, and a summary of the issues to be raised, which information shall be provided two (2) weeks in advance of the arbitration date. Arbitration shall be the parties' exclusive remedy.

## **Miscellaneous**

Under no circumstances shall failure by either party to insist upon compliance with any provision of this Agreement, or either party's delay or failure to exercise of any right or remedy under this Agreement, operate to waive or modify any such provision, right or remedy or render it unenforceable as to any other time or occurrence.

Neither party may assign all or a portion of its rights or duties hereunder without the prior written consent of the other party.

In the event of any Dispute between the parties arising out of, respecting, caused by, concerning, or relating to this Agreement, or the breach thereof, or the relationship or activities of the parties to this

## Employer Reporting Services Agreement

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Agreement, to the extent such Dispute is resolved through arbitration or litigation, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

This Agreement shall inure to the benefit of the respective successor and permitted assigns of each party and shall be binding upon the successors and permitted assigns of each party.

Nothing in this Agreement is intended to confer upon any other party any rights or remedies hereunder, and no third party may claim to be a beneficiary of this Agreement.

The validity and interpretation of the provisions of this Agreement will be governed by the laws of California without regard to any provisions governing conflict of laws, and both parties agree that, subject to the provision entitled "Disputes/Arbitration," the exclusive jurisdiction and the proper venue for any action brought hereunder will be the court of California or the federal courts in California.

In WITNESS WHEREOF, the parties, by their duly authorized representatives, have entered into this Agreement, effective April 1, 2023.

**Total Project Fee: \$4,100** Billed in-full at start of project

### Client

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

### Burnham Benefits Insurance Services

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Agreement with Evan Goldberg for Consulting Services for the 2023-2024 School Year

## **BACKGROUND**

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The Eden Area ROP Educational Services Department is responsible for providing support and outreach to all member districts' students, parents, business partners, CTE teachers, case managers, counselors and administrators. This support involves coordinating job-like events, professional development and outreach activities. Evan Goldberg is a retired Eden Area ROP employee who served as an administrator for the organization prior to his retirement.

## **CURRENT SITUATION**

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Significant funding opportunities for CTE via competitive grants and an emphasis on work-based learning services continue to be a priority for our ROP center and partner districts. Evan's expertise is a valuable resource for the organization this year.

The attached is a copy of the agreement between Evan Goldberg and the Eden Area ROP to provide consulting services for the 2023-2024 school year.

## **CONSENT CALENDAR**

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## AGREEMENT FOR SERVICE 2023-2024

26316 Hesperian Blvd., Hayward, CA 94545 | P: (510) 293-2900 | F: P: (510) 293-2927 | [www.edenrop.org](http://www.edenrop.org)

This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Evan Goldberg (the "Service Provider") for the 2023-2024 school year.

### BACKGROUND:

- A. The Customer is of the opinion that the Service Provider has the necessary qualifications, experience and abilities to provide services to the Customer.
- B. The Service Provider is agreeable to providing such services to the Customer on the terms and conditions set out in this Agreement.

**IN CONSIDERATION OF** the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to this Agreement agree as follows:

### Services Provided

1. The Customer hereby agrees to engage the Service Provider to provide the Customer with services (the "Services") consisting of:
  - Shape the advisor relationships upon a high level of professional ethics, appropriate confidentiality, competence and trust
  - Provide extensive, contextualized one-on-one support to members of Educational Services Department
  - Provide unlimited phone and email contact to address any specific issues or concerns
  - Provide support in writing grants on behalf of the organization
  - Provide training to ensure smooth transition in management of existing grant programs

### Term of Agreement

2. The term of this Agreement will begin as needed throughout the 2023-2024 school year not to exceed \$25,000, subject to earlier termination as provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.



## Performance

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3. The parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

## Compensation

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4. The service provider will be paid \$125 per hour worked for a maximum of 500 hours. Days worked will be mutually agreed upon by both parties.
5. This compensation will be payable upon completion of the agreed to services on a monthly basis.
6. The Customer is entitled to deduct from the Service Provider's compensation any applicable deductions and remittances as required by law.

## Confidentiality

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7. The Service Provider agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any confidential information with respect to the business of the Customer, which the Service Provider has obtained, except as may be necessary or desirable to further the business interests of the Customer. This obligation will survive indefinitely upon termination of this Agreement.

## Non-Competition

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8. Other than with the express written consent of the Customer, which will not be unreasonably withheld, the Service Provider will not, during the continuance of this Agreement, be directly or indirectly involved with a business which is indirect competition with the particular business line of the Customer, divert or attempt to divert from the Customer any business the Customer has enjoyed, solicited, or attempted to solicit, from other individuals or corporations, prior to termination of this Agreement.

## Ownership of Materials

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9. All materials developed, produced, or in the process of being so under this Agreement will be the property of the Customer. The use of the mentioned materials by the Customer will not be restricted in any manner.
10. The Service Provider may retain use of the said materials and will not be responsible for damages resulting from their use for work other than services contracted for in this Agreement.

## Return of Property

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11. Upon the expiration or termination of this Agreement, the Service Provider will turn to the Customer any property, documentation, records, or confidential information which is the property of the Customer.

## Assignment

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12. The Service Provider will not voluntarily or by operation of law assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Customer.

## Capacity/Independent Contractor

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13. It is expressly agreed that the Service Provider is acting as an independent contractor and not as an employee in providing the Services under this Agreement. The Service Provider and the Customer acknowledge that this Agreement does not create a partnership or joint venture between them, and is exclusively a contract for service.

## Modification of Agreement

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14. Any amendment or modification of this Agreement or additional obligation assumed by either party in connection with this Agreement will only be binding if evidenced in writing signed by each party or an authorized representative of each party.

## Notice

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15. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the parties of this Agreement.

## Costs and Legal Expenses

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16. In the event that legal action is brought to enforce or interpret any term of this Agreement, the prevailing party will be entitled to recover, in addition to any other damages or award, all reasonable legal costs and fees associated with the action.

## Time of the Essence

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17. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

## Entire Agreement

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18. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement except as expressly provided in this Agreement.

## Limitation of Liability

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19. It is understood and agreed that the Service Provider will have no liability to the Customer or any other party for any loss or damage (whether direct, indirect, or consequential) which may arise from the provision of the Services.

## Indemnification

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20. The Service Provider will indemnify and hold the Customer harmless from any claims against the Customer by any other party, arising directly or indirectly out of the provision of the Services by the Service Provider.

## Inurement

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21. This Agreement will ensure to the benefit of and be binding on the parties and their respective heirs, executors, administrators, successors and permitted assigns

## Titles/Headings

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22. Headings are inserted for the convenience of the parties only and are not to be considered when interpreting this Agreement.

## Gender

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23. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

## Governing Law

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24. It is the intention of the parties to this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings

under this Agreement, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of California, without regard to the jurisdiction in which any action or special proceeding may be instituted.

## Severability

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25. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

## Waiver

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26. The waiver by either party of a breach, default, delay or omission of any of the provisions of this Agreement by the other party will not be construed as a waiver of any subsequent breach of the same or other provisions.

## Additional Provisions

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27. Service Provider is responsible to pay their own taxes. Customer (Eden Area ROP) will issue a 1099 at the end of the year.

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Evan Goldberg

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Date

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Blaine Torpey, Superintendent  
Eden Area ROP

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Date



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Agreement with ESI Employee Assistance Group for Participation in their Employee Assistance Program from June 1, 2023 through May 31, 2024

## **BACKGROUND**

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ESI has been providing an employee support program to companies for over 35 years. The services provided range from counseling to personal finance and online professional development for staff.

## **CURRENT SITUATION**

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The Eden Area ROP employees, like so many, have had a lot of additional responsibilities due to the impact of the pandemic. This agreement will enable the Eden Area ROP to further support our employees and their families in navigating all of the potential changes in their personal and work life.

## **CONSENT CALENDAR**

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TotalCare EAP  
Public Safety EAP  
Educators' EAP  
Higher Ed EAP  
HealthCare EAP  
Union AP

## Employee Assistance Program (EAP) | AGREEMENT

This Employee Assistance Program (EAP) Agreement ("Agreement") is between **Eden Area Regional Occupational Program** ("Client") and **EMPLOYEE SERVICES LLC dba ESI EMPLOYEE ASSISTANCE GROUP**, a New York corporation, 55 Chamberlain Street, Wellsville, New York 14895 ("ESI") for ESI to provide the benefits described herein for employees of Client effective **6/1/23-5/31/24**.

### I. Productivity Solutions

*With employees losing an average of over 3 weeks of productivity each year, addressing productivity losses is critical. Our entire focus is on providing the most comprehensive benefits to make the largest possible impact on improving employee lives and reducing lost productivity cost. We offer more than twice the benefits of other EAPs. Employees of Client and their household members including children up to age 26 who do not reside with employee are referred to herein as Members.*

- **Unlimited Telephonic Counseling:** Members speak directly with our professional staff counselors 24 hours a day via a toll-free number. Every counselor has a Master's or Ph.D. degree. Staff counselors provide direct in-the-moment counseling when a Member calls and act as case managers when referrals are made to local counselors or other work-life or wellness resources, overseeing each case to its ultimate closure – regardless of the amount of time involved in assisting the Member.
- **Face-to-face Counseling Sessions per Issue:** Up to 3  
Members are eligible for telephonic counseling and short-term, in-person counseling.
- **Work/life Benefits:** Benefits offered to assist Members with a wide variety of issues including Legal, Financial, Caregiver, Adoption, Special Needs, Personal Assistant, Tools for Tough Times and Pet Help.
- **Lifestyle Benefits:** Menu of value-added wellness services designed to enhance a Member's quality of life – discounts vary by season and location.
- **Wellness Resource Center:** Includes the latest, most reliable articles, videos and self-assessments for dealing with stress, diet, fitness and smoking.

### II. Engagement Solutions - Peak Performance Benefits

*ESI is the only EAP to offer Peak Performance Benefits - an entire menu of coaching programs, self-help resources and training to stimulate employee engagement. These benefits are designed to improve the performance of not just some but all of your employees. ESI also provides Hiring, Onboarding and Employee Engagement Resource Centers for HR, managers and supervisors. The result: Employees report improved personal and professional performance at work and at home; and overall employee engagement is improved.*

- **Personal and Professional Coaching:** One-on-one telephonic coaching from Certified Coaches combined with structured, online trainings. Coaching is delivered by Masters or Ph.D. level Coaches in scheduled telephonic coaching sessions to review key concepts of the trainings and implementation of skills. Coaches use a solution-focused approach to improve current and future performance.
- **Wellness Coaching:** Unlimited coaching assistance from an integrated team of Certified Wellness Coaches and Behavioral Health Clinicians for the mental and emotional challenges each employee must overcome to improve their physical health.
- **Information Resource Benefits:** Extensive Self-Help Resources (website) – Tools, Assessments, Financial Calculators, Video Library, and Articles for thousands of topics.
- **Online Training and Personal Development:** Includes a comprehensive online personal and professional development trainings to help employees balance their work and personal life.
- **Recruiting, Hiring, Interviewing, Onboarding, and Employee Engagement Resource Centers:** Extensive array of articles and Web resources from leading experts.

### III. EAP Administration - Orientation and Engagement

*An employee assistance program that is not used is not useful. Utilization begins with employee awareness. A well-planned installation and continued awareness campaigns will have a direct impact on the level of engagement. ESI provides comprehensive employee orientation and communications.*

- **Automated Digital Communication (ADC):** Proprietary Automated Digital Communications (ADC) system allows ESI EAP to engage in periodic email communications with Members. Utilization is the key to maximizing the effectiveness of your EAP by helping employees to resolve issues and distractions that hinder productivity.
- **EAP Mobile App:** Members have the convenience and privacy of 24/7 access to all EAP benefits and services at their fingertips wherever they go via the EAP smartphone app.
- **EAP Ongoing Communication & Engagement:** ESI provides a wide variety of high-quality video, hardcopy and electronic materials to promote continued awareness and maximize engagement of the program. The continued awareness campaign includes Brochures, Wallet Cards, Posters, Monthly Newsletters, Table Top Displays, Topical Flyers, Video Presentations, and New Benefit Announcements.
- **EAP Member/Employee & Supervisor Orientation:** ESI provides comprehensive employee and supervisor orientations via group web conference meetings and online orientation videos.



TotalCare EAP  
Public Safety EAP  
Educators' EAP  
Higher Ed EAP  
HealthCare EAP  
Union AP

## IV. Manager, Supervisor and Human Resources Services

*ESI offers an entire menu of management-focused employee assistance services to help deal with important compliance and liability issues.*

- **Trauma Response & Resources:** Provides consultation with our counselors and grief and loss resources for managers and Members. Responses include on-scene deployment, telephonic counseling and private counseling as well as group debriefings.
- **Unlimited Administrative (Mandatory) Referrals:** Formal process to address employee policy violations and unacceptable job performance that could be improved through Coaching and Training.
- **Unlimited HR Consultations w/ SPHR's:** Managers may contact our clinical staff or our certified SPHRs (Senior Professionals in Human Resources) for counsel on human resource and complex employee issues.
- **Supervisor Resource Center:** Forms, policies, articles and other tools designed to help develop people management best practices. Key topics include Recruiting, Hiring, Interviewing, Onboarding, Employee Engagement, FMLA, Workplace Violence and Harassment Prevention.
- **HR Web Café:** Workplace blog about employment issues, people matters and work trends.

## V. ESI Accountability

- **Activity Reports:** ESI generates detailed EAP statistical reports on a monthly basis. Due to confidentiality, clients with less than 25 employees will not have access to an activity report.
- **Quality Assurance Program:** ESI maintains a rigorous Quality Assurance Program. Key elements include Proprietary Network, Provider Review, Member Satisfaction Research, Peer Review, Weekly Clinical Staff Meetings, Clinical Supervision and Immediate Problem Resolution.
- **Confidentiality:** Confidentiality is always maintained except in cases where there is a legal obligation to intervene, such as in the case of child or elder abuse, a serious threat of harm to self or others, or threats of workplace violence.

## VI. Optional Services

- **GCN Compliance Training: No**  
ESI has partnered with Global Compliance Network (GCN) to offer online compliance training to our Member organizations at a **discounted rate**.

## VII. Term

- A. Either party may terminate this Agreement for breach upon 60 day's prior written notice to the other party; provided, however, that the notice shall identify the specific breach; and provided, further that the other party shall have the right to cure any alleged breach within 30 days following receipt of such notice.





TotalCare EAP  
Public Safety EAP  
Educators' EAP  
Higher Ed EAP  
HealthCare EAP  
Union AP

## VIII. Fees and Payment

- A.** Client agrees to pay ESI the fees set forth in Exhibit A for the services described in this Agreement ("Service Charges"). Service Charges shall be paid in accordance with the terms and conditions set forth in Exhibit A.
- B.** Interest may be imposed on overdue Service Charges. In addition, ESI shall have the right, in its sole discretion, to take one or more of the following actions without further notice to Client in the event of untimely payments for fees due to ESI under Exhibit A: (i) immediately suspend services described in this Agreement, or (ii) terminate the Agreement in accordance with Section VII.
- C.** The Service Charges set forth in Exhibit A may be changed by ESI on each renewal date, with prior written notice to Client.

## IX. Indemnification and Limitation of Liability

- A.** ESI shall indemnify and hold Client and its successors, parents, subsidiaries, officers, directors, employees (the "Client Parties") harmless against any and all liabilities, loss, costs or expenses of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Client Parties at any time to the extent such liability, loss or expense results from ESI's gross negligence or willful misconduct under this Agreement.
- B.** Client shall indemnify and hold ESI and its successors, parents, subsidiaries, officers, directors, employees (the "ESI Parties") harmless against any and all liabilities, loss, costs or expenses of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the ESI Parties at any time to the extent such liability, loss or expense results from Client's gross negligence, willful misconduct, or Client's noncompliance with any state or federal laws related to this services provided for under this Agreement.
- C.** Whenever a party becomes aware of a claim that may be subject to the provisions of this Section, the party shall notify the other party as soon as practicable and both parties shall reasonably cooperate in the resolution of such matter.
- D.** IN NO EVENT SHALL EITHER PARTY'S LIABILITY FOR ANY CLAIM ARISING OUT OF OR RELATING TO THIS AGREEMENT EXCEED THE TOTAL AMOUNTS PAID AND PAYABLE TO ESI UNDER THIS AGREEMENT IN THE MOST RECENT TWELVE (12) MONTH PERIOD PRECEDING THE EVENT GIVING RISE TO SUCH CLAIM. NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, OR PUNITIVE DAMAGES.

## X. Force Majeure

ESI's inability to perform any of the obligations provided in this Agreement due to (i) an act of God, such as earthquake, hurricane, tornado, flooding or other natural disaster; (ii) unavailability or interruption or delay of transportation, telecommunications, internet, cable, or third-party services; (iii) failure of software; (iv) inability to obtain supplies or power used in or equipment needed for provision of the services; (v) labor strikes, riots, insurrection, war; or (vi) other significant factors that are beyond ESI's reasonable control ("Force Majeure Event(s)") shall not be deemed a breach of this Agreement. In the event of Force Majeure Event(s), ESI shall make every reasonable effort to minimize delay of performance.



TotalCare EAP  
Public Safety EAP  
Educators' EAP  
Higher Ed EAP  
HealthCare EAP  
Union AP

## **XI. Execution of Documents**

This Agreement and all related documents may be executed by the parties in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. The exchange of executed copies of this Agreement and related documents and of signature pages by facsimile transmission and/or by electronic mail in Portable Document Format ("PDF") or similar format shall constitute effective execution and delivery and may be used in lieu of the original documents for all purposes. Signatures of the parties transmitted by facsimile and/or by electronic mail in PDF or similar format shall be deemed to be their original signatures for all purposes.

## **XII. Entire Agreement**

This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter of this Agreement, and supersedes any prior understandings or written or oral agreements between the parties with respect to the subject matter of this Agreement.

**EMPLOYEE SERVICES LLC**

**Eden Area Regional  
Occupational Program**

\_\_\_\_\_  
Gordon G. Bell, President

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



TotalCare EAP  
Public Safety EAP  
Educators' EAP  
Higher Ed EAP  
HealthCare EAP  
Union AP

## Employee Assistance Program (EAP) | EXHIBIT A

Eden Area Regional Occupational Program ("Client") 6/1/23-5/31/24

### Service Charges and Payment

- A.** The total number of employees covered under this Agreement is **59**.
- B.** Client agrees to pay ESI the sum of **\$3,500.00** annually.
- C.** The annual fee includes all employees and their household members, as well as children up to age 26 who do not reside with the employee.
- D.** Payment of the **Annual** premium is due upon receipt of the invoice.
- E.** Flat Rate listed above covers a census of **51** to **100**. Contract rate may be modified at renewal and/or if census moves outside of this range.
- F.** Trauma Responses available at **\$250.00** per hour plus travel time.
- G.** DOT required Substance Abuse Evaluations - **\$850.00** each.



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Ongoing Agreement with Teacher's Pension for Retirement and Financial Literacy Education

## **BACKGROUND**

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The mission of Teacher's Pension is to help every individual receive a dignified and financially sound retirement. They serve all school district employees which includes classified support staff, teacher, or administrator.

## **CURRENT SITUATION**

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Teacher's Pension is a company that provides free financial literacy and advising to school employees. They are experts at evaluating STRS, PERS and Social Security, the intersection of which is particularly relevant for our staff. Teacher's Pension provides staff training and one-on-one meetings for those interested in learning more. There is not financial commitment to maintain the relationship. The agreement outlines how we our organizations are going to work together but there is there is no exchange of funds, nor fees for services.

Many districts in California and in the Bay Area work with Teacher's Pension, including many neighboring districts in Alameda County.

## **CONSENT CALENDAR**

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**SERVICE AGREEMENT**  
between Teacher's Pension  
and Eden Area Regional Occupational Program

Teacher's Pension and Eden Area Regional Occupational Program enter into this Service Agreement to provide all employees with retirement and financial literacy education.

Under this Service Agreement, Teacher's Pension will:

**Retirement Education**

- Deliver quarterly educational e-newsletters for the District to share with staff;
- Annually provide appropriate, relevant, and timely in-person education for all employees including certificated, classified, and administrative, both full and part-time;
- Determine the content of the education with input from the District;
- Present the education in formats including, but not limited to, staff meetings, department meetings, before-school/lunch-time/after-school site meetings, new teacher/employee orientations, benefits fairs, and staff development/professional development days. Teacher's Pension and the District may mutually agree upon additional formats for the education;
- Provide virtual education formats when appropriate and with the District's input;
- Work to increase participation in the District's 403(b) and 457(b) plans; and
- Provide retirement and financial literacy education at no cost to the District or the individual employee.

Under this Service Agreement, Eden Area Regional Occupational Program will:

- Affirm Teacher's Pension holds on-campus exclusivity for the delivery of retirement and financial literacy education;
- Provide appropriate venues and times conducive to educational presentations, including necessary audio-visual equipment;
- Provide opportunities to meet with certificated, classified, and administrative employees, both full and part-time;
- Provide appropriate and timely notices to employees regarding upcoming educational presentations;
- Share relevant employee data for the distribution of educational e-newsletters. As an alternative, transmit the e-newsletters on behalf of Teacher's Pension; and
- Permit Teacher's Pension to communicate and schedule education directly with sites.



While there is no cost to the District or employee for the education, there may be individual investment fees depending upon the type of product selected by the employee. These fees are assessed by the District's approved vendors/investment providers, not Teacher's Pension.

This Service Agreement will automatically renew annually unless terminated by either party with a 60-day written notice.

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Signature for Eden Area Regional  
Occupational Program

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Signature for Teacher's Pension

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Name/Title

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Name/Title

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Date

---

Date

# INFORMATION ITEMS

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**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** SkillsUSA Update

## BACKGROUND

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SkillsUSA was created to raise the quality of education for students in trade, industrial, and technical programs. As one of more than 245,000 members, students become part of a national organization that serves trade, industrial, and technical students in public schools, occupational centers, and community colleges.

In all states and territorial associations, students are part of successful partnerships that link students, educators, businesses, labor, and government. As a member of one of nearly 14,000 local chapters nationwide, students learn to work as part of a team and develop management skills.

## CURRENT SITUATION

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Sixty-two Eden Area ROP students competed in the State SkillsUSA competition, held in Ontario, CA, on April 13-16, 2023. Below are the ten students who won Medals.

Student	Contest	Rank	Home School
Nicholas Rodrigues	Collision Repair Technology	Gold	Arroyo High
Nestor Mendez	Automotive Refinishing Technology	Gold	Mt. Eden High
Anthony Osegueda	Collision Damage Appraisal	Gold	Arroyo High
Dalene Chen	Collision Repair Technology	Silver	Arroyo High
Brittany Quiroz	First Aid-CPR	Silver	Mt. Eden High
Natasha Schneider	Automotive Refinishing Technology	Bronze	East Bay Arts
Andrew Hernandez	Collision Damage Appraisal	Bronze	Arroyo High
Cesar Benitez	Collision Repair Technology	Bronze	San Leandro High
Richard Arroyo	Welding Sculpture	Bronze	Tennyson High
Maryam Din	Employment Application Process	Bronze	San Lorenzo High

## RECOMMENDATION

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Information only



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Career Counselor Report

## **BACKGROUND**

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The goal of the career counselor is to provide support to the students of the Eden Area ROP through a variety of services. The career counselor serves as a liaison with home high school counselors and case managers to ensure students are receiving the necessary support. The career counselor provides students with social and emotional as well as college and career counseling. In alignment with the mission of the Eden Area ROP, the career counselor supports students with their exploration of post-secondary options by way of the implementation of a school wide career exploration activity, as well as the continued partnership with Chabot College through the participation in SOAR Early Decision program and the CACC (Chabot Area Counselor Collaboration).

## **CURRENT SITUATION**

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The career counselor will provide an update on the Eden Area ROP efforts to provide support and career guidance to students and our efforts to work collaboratively with partner districts.

## **RECOMMENDATION**

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Information only

# ACTION ITEMS

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**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, and Board Bylaws

## BACKGROUND

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By law, districts are mandated to adopt policies and administrative regulations to help ensure that districts are legally compliant. New laws are passed by the legislature and congress every year and our policies can quickly become out-of-date

The Eden Area ROP's policy development process includes a first reading at a public Governing Board meeting and a subsequent second reading and adoption for Board approval at a public Governing Board meeting.

## CURRENT SITUATION

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The board policies, administrative regulations, and board bylaws listed below have been updated based on the feedback and discussion at the April 13, 2023 Governing Board meeting.

What follows is the second reading of updated board policies, administrative regulations, and board bylaws to reflect current law and regulations.

NUMBER	TYPE	TITLE	STATUS
4030	BP	Nondiscrimination in Employment	Revise
4218	BP	Dismissal/Suspension/Disciplinary Action	Revise
4218	AR	Dismissal/Suspension/Disciplinary Action	Revise
5113	AR	Absences and Excuses	Revise
5131.41	AR	Use of Seclusion and Restraint	Revise
5144	AR	Discipline	Revise
5144.1	AR	Suspension and Expulsion/Due Process	Revise
5144.2	AR	Suspension and Expulsion/Due Process (Students with Disabilities)	Revise
6115	AR	Ceremonies and Observances	Revise
9270	BB	Conflict of Interest	Revise
9320	BB	Meetings and Notices	Revise

## RECOMMENDATION

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It is recommended that the Governing Board approve the second reading and adoption of Governing board policies, administrative regulations, and board bylaws.

**Policy 4030: Nondiscrimination In Employment**

**Status:** DRAFT

**Original Adopted Date:** 05/07/2020 | **Last Revised Date:** 06/16/2022 | **Last Reviewed Date:** 06/16/2022

The Governing Board is determined to provide a safe, positive environment where all Eden Area Regional Occupational Program (Eden Area ROP) employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the Eden Area ROP to provide services, as applicable.

No Eden Area ROP employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The Eden Area ROP shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the Eden Area ROP is required to do so in order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions, such as termination or the denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
  - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the Eden Area ROP's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
  - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
  - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee
  - e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any Eden Area ROP employee who opposes any discriminatory

employment practice by the Eden Area ROP or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the Eden Area ROP's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign release of the employee's claim or right to file a claim against the Eden Area ROP or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated Eden Area ROP Superintendent or designee as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall use all appropriate means to reinforce the Eden Area ROP's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the Eden Area ROP's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the Eden Area ROP's employment practices and, as necessary, shall take action to ensure Eden Area ROP compliance with the nondiscrimination laws.

Any Eden Area ROP employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The Eden Area ROP shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the Eden Area ROP is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

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

**Status:** DRAFT

**Original Adopted Date:** 05/07/2020 | **Last Revised Date:** 02/02/2023 | **Last Reviewed Date:** 02/02/2023

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law, 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. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely 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 without pay, reduction of pay step in class, compulsory leave, and dismissal.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

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

**Procedures for 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 a classified 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.

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.

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 a 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 allegation 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 disciplinary action recommended by the Superintendent or designee. 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)

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

**Status:** DRAFT

**Original Adopted Date:** 05/07/2020 | **Last Revised Date:** 02/02/2023 | **Last Reviewed Date:** 02/02/2023

**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 Eden Area ROP procedure
5. Falsification of any information supplied to the Eden Area ROP, including, but not limited to, information supplied on application forms, employment records, or any other Eden Area ROP 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 Eden Area ROP 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 Eden Area ROP or the employee's position

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which 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 Eden Area ROP. (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 recommendation for a disciplinary action in writing with the 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 Eden Area ROP 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 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 a 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 Eden Area ROP. 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 Eden Area ROP'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 Eden Area ROP 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 by law enforcement 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:

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 tetrahydrocannabinols.

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.

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**Regulation 5113: Absences And Excuses**

**Status:** DRAFT

**Original Adopted Date:** 06/05/2020 | **Last Revised Date:** 06/16/2022 | **Last Reviewed Date:** 06/16/2022

**Excused Absences**

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

1. Personal illness, including absence for the benefit of the student's mental or behavioral health. (Education Code 48205)
2. Quarantine under the direction of a county or city health officer. (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic service or appointment. (Education Code 48205)
4. Attendance at funeral services for a member of the student's immediate family. (Education Code 48205)

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

5. Jury duty in the manner provided by law. (Education Code 48205)
6. Illness or medical appointment of a student to whom the student is the custodial parent. (Education Code 48205)
7. Upon advance written request by the parent/guardian and the approval of the Superintendent or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
  - a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observance of a religious holiday or ceremony
  - d. Attendance at religious retreats for no more than four hours per semester
  - e. Attendance at an employment conference
  - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization

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

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

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

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

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

12. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence per school year. (Education Code 48205)

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

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

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

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

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

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

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

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

#### **Method of Verification**

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

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

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

The following methods may be used to verify high school student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student
  - b. Name of parent/guardian or parent representative
  - c. Name of verifying employee
  - d. Date(s) of absence
  - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in #2 above.
4. Physician's verification.
  - a. When excusing students for confidential medical services or verifying such appointments, Eden Area ROP staff shall not ask the purpose of such appointments but may request a note from the medical

office to confirm the time of the appointment.

b. If a student shows a pattern of chronic absenteeism due to illness, Eden Area ROP staff may require physician verification of any further student absences.

### **Parental Notifications**

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

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination. (Education Code 46014, 48980)
  2. Notify students in grades 9-12 and the parents/guardians of all students enrolled in the Eden Area ROP that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)
  3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)
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**Regulation 5131.41: Use Of Seclusion And Restraint**

Status: DRAFT

Original Adopted Date: 06/05/2020

Eden Area Regional Occupational Program (Eden Area ROP) staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus, but are prohibited from using seclusion and behavioral restraint to control student behavior except as authorized by law when the behavior poses a clear and present danger of serious physical harm to the student, other students, or others on campus, and that cannot be immediately prevented by a less restrictive response.

**Definitions**

*Behavioral restraint* includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement. (Education Code 49005.1)

*Mechanical restraint* means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

*Physical restraint* means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint also does not include the use of force by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

*Prone restraint* means the application of a behavioral restraint on a student in a facedown position. (Education Code 49005.1)

*Seclusion* means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student. (Education Code 49005.1)

**Prohibitions**

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation. (Education Code 49005.8)

In addition, staff shall not take any of the following actions: (Education Code 49005.2, 49005.8)

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement
2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room
3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places the staff member's body weight against the student's torso or back
4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face
5. Place a student in a facedown position with the student's hands held or restrained behind the student's back
6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

### **Limited Use of Seclusion or Restraint**

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be immediately prevented by a response that is less restrictive. (Education Code 49005.4, 49005.6, 49005.8)

When used, seclusion or restraint shall not be applied for longer than is necessary to contain the dangerous behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek the assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television. (Education Code 49005.8)

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others. (Education Code 49005.8)

If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student. (Education Code 49005.8)

Seclusion or restraint may only be applied to a student with disabilities in accordance with rules specified in AR 6159.4 Behavioral Interventions For Special Education Students. Staff may not apply seclusion or restraint to students with disabilities based on assumptions or stereotypes about disabilities or students with disabilities or for behavior that would not result in restraint or seclusion for students without disabilities.

The superintendent or designee shall provide training to staff in the safe and effective use of seclusion and restraint as appropriate.

### **Documentation of Seclusion and Restraint**

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs. (Education Code 56521.1)

A behavior emergency report shall be completed and forwarded to the Superintendent or designee for review. This report shall include: (Education Code 56521.1)

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavior intervention plan
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

### **Reports**

The Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to Government Code 6250-6270. (Education Code 49006)

**Regulation 5144: Discipline**

**Status:** DRAFT

**Original Adopted Date:** 06/05/2020

**Disciplinary Strategies**

To the extent possible, staff shall use disciplinary strategies that keep high school students in school and participating in the instructional program. Except when a student's 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 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. Participation in a restorative justice program
5. A positive behavior support approach with tiered interventions that occur during the school day on campus
6. 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
7. 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
8. 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
9. Community service as provided in the section below entitled "Community Service"
10. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
11. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or Eden Area Regional Occupational Program (Eden Area ROP) 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)

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the Eden Area ROP'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 Eden Area ROP suspects the behavior that resulted in discipline may be based in an unidentified disability, the Eden Area ROP shall notify the student's resident district/school of the concern. (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, or Superintendent'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 Eden Area ROP rules related to discipline. (Education Code 35291, 48980)

The Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment at the Eden Area ROP.

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**Regulation 5144.1: Suspension And Expulsion/Due Process**

**Status:** DRAFT

**Original Adopted Date:** 02/03/2022

**Definitions**

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910, so long as removal from a particular class does not occur more than once every five school days.

*Expulsion* means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

**Notice of Regulations**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

**Grounds for Suspension and Expulsion: Grades K-12**

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 9-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the same as a controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing prescription products (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, 289, or former 288a, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

*Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student(s) in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

*Bullying* includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in the section "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

*Bullying* also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

*Electronic act* means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of the student's age, or for a person of the student's age and disability. (Education Code 48900(r))

*Burn page* means an internet web site created for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

*Credible impersonation* means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated. (Education Code 48900(r))

*False profile* means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile. (Education Code 48900(r))

An electronic act is not considered pervasive conduct solely on the basis that it has been transmitted to the internet or is currently posted on the internet. (Education Code 48900(r))

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying out the crime. (Education Code 48900.7)

#### **Additional Grounds for Suspension and Expulsion: Grades 4-12**

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

*Sexual harassment* means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

3. Intentionally engaged in harassment, threats, or intimidation against Eden Area Regional Occupational Program (Eden Area ROP) personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

#### **Additional Grounds for Suspension and Expulsion: Grades 9-12**

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

### **Suspension from Class by a Teacher**

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as Items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended. (Education Code 48910)

A teacher may also refer a student, for any of the acts specified above in Education Code 48900, to the principal or designee for consideration of a suspension from school. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

### **Suspension by Superintendent, Principal or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity away from school to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of Items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension upon a student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

### **Length of Suspension**

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The Eden Area ROP may count suspensions that occur while a student is enrolled in another school district toward the

maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

### **Due Process Procedures for Suspension**

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against the student, and shall be given the opportunity to present the student's version and evidence in the student's defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, the student, the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, shall be notified of the student's right to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school for the conference. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, and, if applicable, the county social worker, in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian, or, if applicable, the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker, shall also be notified in writing of the suspension. (Education Code 48911)

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

4. In addition, the notice may state the date and time when the student may return to school.
5. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may conduct a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, the notice may state that the law requires such individuals to respond to the request without delay. However, the student shall not be penalized for the failure of the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, to attend such a conference. The student may not be denied reinstatement solely because such individuals failed to attend the conference. (Education Code 48911)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

### **Notification to Law Enforcement Authorities**

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

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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

#### **Maintenance of Records**

The Eden Area ROP shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

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

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**Regulation 5144.2: Suspension And Expulsion/Due Process (Students With Disabilities)**

**Status:** DRAFT

**Original Adopted Date:** 04/07/2022 | **Last Reviewed Date:** 04/07/2022

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

Suspension or expulsion of a student with disabilities shall be in accordance with Board Policy 5144.1 – Suspension and Expulsion/Due Process and this administrative regulation.

When a student with disabilities exhibits behavior which impedes the student's own learning or that of others, the student's individualized education program (IEP) team shall consider positive behavioral interventions and supports, and other strategies, to address the behavior. (Education Code 56521.2; 20 USC 1414)

**Suspension**

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 cumulative school days in a school year, as long as the pattern of suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from the student's current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year
  - b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another

If a student's removal is determined to be a change of placement as specified in Items #1-2 above, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in the student's IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the Eden Area ROP to provide the student with transportation, the Eden Area ROP shall provide the student with an alternative form of transportation at no cost to the student or the student's parent/guardian when, as a result of a suspension, the student is excluded from school bus transportation. (Education Code 48915.5)

The principal or designee shall monitor the number of days, including portions of days, in which a student with an IEM has been suspended during the school year.

**Interim Alternative Educational Placement Due to Dangerous Behavior**

The Eden Area ROP may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930



2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from the student's current placement because of dangerous behavior shall be referred to the student's resident district/school.

#### **Notification to Law Enforcement Authorities**

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the Superintendent or designee shall require the law enforcement official to certify in writing that the student's information or records will not be disclosed to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

#### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been determined to be eligible for special education and related services and who has violated the Eden Area ROP's code of student conduct may nevertheless assert any of the protections under IDEA, if the Eden Area ROP had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

*Knowledge* means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to Eden Area ROP supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311
3. The teacher of the student or other Eden Area ROP personnel has expressed specific concerns directly to the Eden Area ROP's director of special education or other supervisory Eden Area ROP personnel about a pattern of behavior demonstrated by the student

However, the Eden Area ROP shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed the student to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the Eden Area ROP determined that the student was not an individual with a disability. (20 USC 1415(k)(5); 34 CFR 300.534)

When the Eden Area ROP is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

**Regulation 6115: Ceremonies And Observances**

**Status:** DRAFT

**Original Adopted Date:** 06/05/2020 | **Last Revised Date:** 11/04/2021 | **Last Reviewed Date:** 11/04/2021

**Holidays**

The Eden Area Regional Occupational (Eden Area ROP) 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, the Eden Area ROP will be closed on the day after Thanksgiving and December 24th.

In addition, the Eden Area ROP 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, and any
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. (Education Code 37220)

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 occurs under federal law on a date different from that indicated above, the Governing Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

**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 the Eden Area ROP. 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 or a member of the Armed Forces from the state who has died while serving on active duty
  8. On other occasions by order of the President and in accordance with presidential instructions or orders
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**Bylaw 9270: Conflict Of Interest**

**Status:** DRAFT

**Original Adopted Date:** 06/05/2020

The Governing Board commits to maintaining the highest ethical standards and help ensure that decisions are made in the best interest of the Eden Area Regional Occupational Program (Eden Area ROP) and the public. Accordingly, no Board member, Eden Area ROP employee, or other person in a designated position shall participate in the making of any decision for the Eden Area ROP when the decision will or may be affected by the Board member's, Eden Area ROP employee's, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the Eden Area ROP a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the Eden Area ROP's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the Eden Area ROP's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the Eden Area ROP's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the Eden Area ROP's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the Eden Area ROP's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the Eden Area ROP's conflict of interest code. A Board member who leaves office or a designated employee who leaves Eden Area ROP employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or Eden Area ROP employment. (Government Code 87302, 87302.6)

**Conflict of Interest under the Political Reform Act**

A district official, including a Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the Eden Area ROP official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Eden Area ROP official, the Eden Area ROP official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A Eden Area ROP official makes a governmental decision when, within the authority of the office or position, the Eden Area ROP official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before another Eden Area ROP official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, an Eden Area ROP official shall participate in the making of a contract in which the Eden Area ROP official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

## **Additional Requirements for Boards that Manage Public Investments**

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Not discuss or vote on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. The Board member may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

## **Conflict of Interest under Government Code 1090 - Financial Interest in a Contract**

Board members, employees, or Eden Area ROP consultants shall not be financially interested in any contract made by the Board on behalf of the Eden Area ROP, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or Eden Area ROP official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been an Eden Area ROP employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

## **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which the Board member's private or personal interest may conflict with official duties.

## **Incompatible Offices and Activities**

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the Eden Area ROP. (Government Code 1099, 1126)

## **Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in

Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the Eden Area ROP for Board members and designated employees. (Government Code 89506)

### **Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
  2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the Eden Area ROP for donation into the general fund without being claimed as a deduction from income for tax purposes
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**Bylaw 9320: Meetings And Notices**

**Status:** DRAFT

**Original Adopted Date:** 06/05/2020 | **Last Revised Date:** 04/07/2022 | **Last Reviewed Date:** 04/07/2022

Meetings of the Governing Board are conducted for the purpose of accomplishing Eden Area Regional Occupational Program (Eden Area ROP) business. In accordance with state 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 opportunities for questions and comments by members of the public. 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)

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, an employee or Eden Area ROP official 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 Eden Area ROP 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. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Notice of the procedure for receiving and resolving requests for accommodation described above 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)

**Regular Meetings**

The Board shall hold 1 regular meeting(s) each month. Regular meetings shall be held at 5:45 p.m. on the first Thursday (day) at the Eden Area ROP Board Room.

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 Eden Area ROP's web site. (Government Code 54954.2)

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 or on the Eden Area ROP web site, consistent with Government Code 54957.5, at the time the materials are distributed to all or a majority of the Board. (Government Code 54957.5)

**Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the 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)

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 Eden Area ROP's web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before 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. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An *emergency situation* means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as 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
2. A dire emergency, which shall be defined as 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

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 about the meeting. (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)

### **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 such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and place and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may occasionally 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.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within Eden Area ROP boundaries. Action items shall not be included on the agenda for these meetings.

### **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 Eden Area ROP 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 Eden Area ROP to address a topic of local community concern
3. An open and noticed meeting of another body of the Eden Area ROP
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, 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 are not subject to the Brown Act. (Government Code 54952.2)

### **Location of Meetings**

Meetings shall not 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. In addition, meetings shall not be held in a facility 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)

Meetings shall be held within Eden Area ROP 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 Eden Area ROP is a party
2. Inspect real or personal property which cannot conveniently be brought into the Eden Area ROP, 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 Eden Area ROP has no meeting facility within its boundaries or if its principal office is located outside the Eden Area ROP
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 Eden Area ROP over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the Eden Area ROP but located outside the Eden Area ROP, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the Eden Area ROP'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 Eden Area ROP
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in Items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the

meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

### **Traditional Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within Eden Area ROP boundaries. (Government Code 54953)

Unless a Board member participates by teleconference pursuant to the provisions described in the sections "Teleconferencing During a Personal Emergency," "Teleconferencing For 'Just Cause'" or 252 "Teleconferencing During a Proclaimed State of Emergency" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere.

All teleconference locations shall be accessible to the public and the public shall have the right to address the Board directly at each teleconference location. Additional teleconference locations may be provided to the public. (Government Code 54953)

### **Teleconferencing During a Personal Emergency**

Until January 1, 2026, with approval from the majority of the Board, a Board member may be permitted to participate in a meeting remotely when a physical or family medical emergency prevents the Board member from attending in person. The Board member requesting to appear remotely shall notify the Board of the emergency situation as soon as possible, and provide a concise general description of the circumstances relating to the Board member's need to appear remotely. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

A Board member may not appear remotely under emergency circumstances 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 under emergency circumstances for more than two meetings. (Government Code 54953)

When a Board member is approved to participate remotely due to emergency circumstances, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If permitted to participate remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

The Eden Area ROP shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items

until public access to the meeting is restored. (Government Code 54953)

#### **Teleconferencing for “Just Cause”**

A Board member may be permitted to appear remotely, pursuant to the provisions below, for just cause for no more than two meetings per calendar year. A Board member appearing for just cause shall notify the Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting. (Government Code 54953)

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

When a Board member participates remotely for just cause, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If the Board member participates remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

The Eden Area ROP shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

#### **Teleconferencing During a Proclaimed State of Emergency**

Until January 1, 2024, the Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within Eden Area ROP boundaries, during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. State or local officials have imposed or recommended measures to promote social distancing
2. For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person would present imminent risks to the health or safety of attendees
3. When it has been determined, by majority vote as described in Item #2 above, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees

To conduct a teleconference meeting for these purposes the following requirements shall be satisfied: (Government Code 54953)

1. The notice and agenda shall be given and posted as otherwise required by the Brown Act

2. The notice and agenda of the meeting shall specify the means by which members of the public may access the meeting and offer public comments, including via a call-in or internet-based service option. Members of the public may be required to register to log in to a meeting when making public comments through an internet web site or other online platform that is operated by a third-party and not under the control of the Board.

3. Members of the public shall be allowed to access the meeting, and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code 54954.3

4. Members of the public shall not be required to submit public comments in advance of a Board meeting and shall be provided an opportunity to address the Board and offer comments in real time

5. Public comment periods shall not be closed until the timed public comment period, if such is offered by the Board, has elapsed or, if not timed, until a reasonable amount of time per agenda item has been allowed

6. If during a Board meeting a disruption occurs which prevents the Eden Area ROP from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the district's control that prevents members of the public from offering public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet-based service option to the meeting is restored

The Eden Area ROP may, in its discretion, provide a physical location from which the public may attend or comment. (Government Code 54953) The Board may continue to conduct meetings by teleconference, as specified above for teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days after teleconferencing for the first time, and every 30 days thereafter, that either: (Government Code 54953)

1. The state of emergency continues to directly impact the ability of the Board to meet safely in person

2. State or local officials continue to impose or recommend measures to promote social distancing

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**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 12-22/23: Day of the Teacher

### **CURRENT SITUATION:**

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Day of the Teacher is observed on May 10, 2023 by schools in the State of California. Attached Resolution 12-22/23 officially recognizes the contributions of the instructional staff of the Eden Area ROP to the students of our school and the community.

Quality education depends on a quality teaching staff. The Eden Area ROP is extremely fortunate in their teaching staff and their ability to educate, mentor and develop a relationship with their students.

### **RECOMMENDATION**

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It is recommended that the Governing Board approve the adoption of Resolution 12-22/23: Day of the Teacher.

# EdenAreaROP RESOLUTION NO. 12-22/23

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Day of the Teacher: May 10, 2023

**WHEREAS**, providing quality education to our young people continues to be our greatest challenge in education, as well as our most vital responsibility; and

**WHEREAS**, we rely on our teachers to ensure proper instruction in a wide variety of subjects, and

**WHEREAS**, the Eden Area Regional Occupational Program (Eden Area ROP) Governing Board recognizes the unique and highly specialized skills that are required to meet the needs of the students served by Eden Area ROP instructional programs, and are proud of the success that these programs have experienced in the past and in the present; and

**WHEREAS**, the members of the Eden Area ROP Governing Board wish to express their appreciation and respect for the teachers who are part of the Eden Area ROP instructional programs for the outstanding and meaningful contributions they are making to our students; and

**WHEREAS**, May 10, 2023 has been established as the Day of the Teacher by the State of California;

**NOW, THEREFORE, BE IT RESOLVED**, that the members of the Eden Area ROP Governing Board do hereby declare their support for the celebration of the Day of the Teacher, May 10, 2023

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 4<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 13-22/23: Classified Employees' Week

## **CURRENT SITUATION**

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Annually in the state of California, the third full week in May is designated as Classified Employees' Week. This year Classified Employees' Week will be May 21-27. School districts throughout California recognize the contributions made to the education of our students by these valuable employees.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the adoption of Resolution 13-22/23: Classified Employees' Week.

# EdenAreaROP

## RESOLUTION NO. 13-22/23

Classified Employees' Week: May 21-27, 2023

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**WHEREAS**, classified school employees contribute to the establishment and promotion of a positive learning environment; and

**WHEREAS**, classified school employees provide valuable services to the schools and students of the Eden Area Regional Occupational Program (Eden Area ROP); and

**WHEREAS**, classified school employees play a vital role in providing for the welfare and safety of the students of the Eden Area ROP; and

**WHEREAS**, classified school employees employed by the Eden Area ROP strive for excellence in all areas relative to the educational community; and

**WHEREAS**, May 21-27, 2023 has been established as Classified School Employees' Week by the State of California;

**NOW, THEREFORE, BE IT RESOLVED**, that the members of the Eden Area ROP Governing Board do hereby thank and commend the classified staff of the Eden Area ROP for the outstanding and meaningful contributions they make to all Eden Area ROP students and declare the week of May 21-27, 2023 as Classified Employees' Week at the Eden Area ROP.

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 4<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California





**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 14-22/23: Temporary Borrowing Between Funds

## **BACKGROUND**

---

Per Education Code 42603, it states that "Amounts apportioned to school districts pursuant to this article shall supplement, and not supplant, apportionments received pursuant to any other provision of law." It provides the Governing Board with the authority to borrow between funds temporarily to address cash flow shortages.

## **CURRENT SITUATION**

---

Education Code 42603 permits the Governing Board authority to delegate duties to an officer of the District. This action item authorizes the Superintendent of Eden Area ROP to borrow between funds temporarily to address cash flow shortages and to permit the payment of obligations and expenditures that the District will incur for Fiscal Year 2023-2024.

The limitations associated with this type of borrowing allows that no more that 75% of money held in any fund during the current fiscal year may be transferred. Additionally, funds shall be repaid in the same fiscal year (i.e., by June 30) if the transfer is completed prior to the last 120 days of the fiscal year. If funds are transferred within the last 120 days of the fiscal year, repayment of the funds shall be made prior to June 30 in the subsequent year.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the adoption of Resolution 14-22/23: Temporary Borrowing Between Funds.

# EdenAreaROP

## RESOLUTION NO. 14-22/23

---

### Temporary Borrowing Between Funds

**WHEREAS**, the Governing Board of the Eden Area Regional Occupational Program (Eden Area ROP) has determined that there may be insufficient cash to meet current obligations; and

**WHEREAS**, Education Code Section 42603 permits the Governing Board of any school district to direct that monies held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations. The transfer shall be accounted for as temporary borrowing between funds and shall not be available for appropriation or be considered income to the borrowing fund.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with Education Code Section 42603, monies may be transferred between funds of the district and repaid in accordance with Education Code Section 42603.

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 4<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California

**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 15-22/23: Year End Budget Transfers of Funds

## **BACKGROUND**

---

Per Education Code 42600, it states that "Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications at any time by written resolution of the board of education of any school district governed by a board of education... A resolution providing for the transfers specified in this section shall be approved by a majority vote of the members of the governing board." Education Code 42601 continues on by stating that "At the close of any school year a school district may, with the approval of the governing board, identify and request the county superintendent of schools to make the transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification or classifications, or balance any expenditure classifications of the budget of the district for that school year as necessary to permit the payment of obligations of the district incurred during that school year." Furthermore, Education Code 42602 states that "the governing board of any school district may, by a majority vote of its membership, and with the approval of the county superintendent of schools, budget and use any unbudgeted income provided during the fiscal year from any source." Education Code 42610 concludes by saying that "the governing board of the school district shall, by formal action of the board, pass a resolution setting forth the need according to major classification of school district expenditures to be met from any portion of the general reserve derived from assured income in excess of the total amount anticipated in the budget."

## **CURRENT SITUATION**

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Education Codes cited above permits the Governing Board authority to delegate duties to an officer of the District. Therefore, this action item authorizes the Superintendent of Eden Area ROP to make budget transfers as may be needed between classifications or between undistributed reserves and the various revenue/expenditure classifications in order to permit the payment of obligations of the District incurred in Fiscal Year 2023-2024.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the adoption of Resolution 15-22/23: Year End Budget Transfers of Funds.

# EdenAreaROP

## RESOLUTION NO. 15-22/23

---

### Year End Budget Transfers of Funds

**WHEREAS**, the Governing Board on June 16, 2022, adopted its budget for Fiscal Year 2022-2023; and

**WHEREAS**, revenues will be received which were unanticipated at the time of budget adoption or will be received in amounts greater or less than the amount anticipated and budgeted; and

**WHEREAS**, expenditures in certain classifications will be required in excess of amounts budgeted; and

**WHEREAS**, amounts budgeted in certain other classifications will not be required for expenditure in those classifications; and

**WHEREAS**, Education Code Section 42602 provides the Governing Board with the authority to budget and use any unbudgeted income provided during the year from any source; and

**WHEREAS**, Education Code Sections 42600, 42601, 42602, and 42610 provide the Governing Board with the authority to transfer budgets between major expenditure classifications or from undistributed reserves; and

**WHEREAS**, Education Code Section 5161 permits the Governing Board authority to delegate duties to an officer of the District.

**NOW, THEREFORE, BE IT RESOLVED** that the Superintendent of Eden Area Regional Occupational Program (Eden Area ROP) is hereby authorized and directed to make such budget transfers as may be needed between classifications or between the undistributed reserves and the various revenue/expenditure classifications to permit the payment of obligations of the District incurred in Fiscal Year 2022-2023 under the provisions of Education Code Sections 35161, 42600, 42601, 42602, and 42610.

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 4<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 16-22/23: Authority to Sign Contracts for Fiscal Year 2023-2024

## **BACKGROUND**

---

The Governing Board can delegate to the Superintendent and/or designee(s) the authority to sign contracts on behalf of Eden Area ROP.

## **CURRENT SITUATION**

---

By adopting Resolution 16-22/23, the Governing Board authorizes the named positions to sign contracts on behalf of the Governing Board for Fiscal Year 2023-2024. Driven by Public Contract Code 20118, all contracts signed by the individuals listed in Resolution 16-22/23 are ultimately ratified by the Board either by way of personnel appointments, approval of warrants, or other methods, in relation to purchasing, by limiting the authority to sign to correspond with bidding limitation.

This resolution is for Fiscal Year 2023-2024 and will be brought back to the Board each fiscal year for review.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the adoption of Resolution 16-22/23: Authority to Sign Contracts for Fiscal Year 2023-2024.

# EdenAreaROP

## RESOLUTION NO. 16-22/23

### Authority to Sign Contracts for Fiscal Year 2023-2024

---

**WHEREAS**, the Governing Board hereby delegates to the Administrators listed below the power to enter into contracts on behalf of the Eden Area Regional Occupational Program (Eden Area ROP) for current fiscal year, pursuant to Public Contract Code 20118.

**WHEREAS**, such power is limited to the subject matters and monetary limits set forth in Public Contract Code 20111 and 20112.

**WHEREAS**, such delegated power shall be exercised in accordance with the provisions of Public Contract Codes 20111, 20112, and 20118.

**NOW, THEREFORE, BE IT RESOLVED**, the officers to whom such power to enter into contracts is delegated are: Superintendent, Chief Operating Officer, Director of Adult Programs, Director of Educational Services, Principal, Fiscal Services Administrator and Human Resources Administrator.

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 4<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California

**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 17-22/23: Delegation of Powers to Agents for Fiscal Year 2023-2024

## **BACKGROUND**

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Per Education Code 17604, it states that “Wherever in this code the power to contract is invested in the governing board of the school district ... may by a majority of the board be delegated to its superintendent, or to any persons that he or she may designate, or if there be no district superintendent then to any other officer or employee of the district that the board may designate. The delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct. However, no contract made pursuant to the delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board...” Education Code 17605 further states that the “governing board by majority vote may adopt a rule, delegating to any officer or employee of the district as the board may designate, the authority to purchase supplies, materials, apparatus, equipment, and services. No rule shall authorize any officer or employee to make any purchases involving an expenditure by the district in excess of the amount specified by Section 20111 of the Public Contract Code.”

## **CURRENT SITUATION**

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By adopting Resolution 17-22/23, per Education Codes 17604 and 17605, the Governing Board delegates authority to the Superintendent and/or designee(s) and to proceed with all the necessary steps as to calling for bids and awarding those bids prior to the Governing Board approval, with those actions being brought back to the Governing Board for ratification at the appropriate meeting. Such power to contract will conform in all instances with the legal requirement of Public Contract Code 20111, 20112, 20114 and 20118.4.

By proceeding in this fashion, we have found that we are able to cut between 3-8 weeks from the normal time period for making commitments for various items within budget.

This resolution is for Fiscal Year 2023-2024 and will be brought back to the Governing Board each fiscal year for review.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the adoption of Resolution 17-22/23: Delegation of Powers to Agents for Fiscal Year 2023-2024.

# EdenAreaROP

## RESOLUTION NO. 17-22/23

### Delegation of Powers to Agents for Fiscal Year 2023-2024

---

**WHEREAS**, the Governing Board desires to streamline the procurement of goods, and services for the Eden Area Regional Occupational Program (Eden Area ROP); and

**WHEREAS**, delays in contracting and purchasing may cause increase cost and decreased services to the district, and

**WHEREAS**, Education Codes 17604 and 17605 allows the Governing Board of a school district may delegate the authority to enter into contracts, purchase of supplies, materials, apparatus, equipment and services with a blanket authorization.

**NOW, THEREFORE, BE IT RESOLVED** that the Eden Area ROP Governing Board hereby delegates the authority contained in Education Codes 17604 and 17605 to the Superintendent and/or designee(s); and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this delegation is for contracts, change orders, purchase of supplies, materials, apparatus, equipment and services for current fiscal year, if they are in the approved budget, and must be ratified by the Governing Board within sixty (60) days of incurring the expenses; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that all contracts and purchases will conform in all instances with the legal requirements of Public Code 20111, 20112, 20114 and 20118.4, equipment and services for Fiscal Year 2023-2024.

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 4<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California





**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 18-22/23: Retirement: Tammey Brown

## **CURRENT SITUATION**

---

The attached Resolution 18-22/23 recognizes Tammey Brown on the occasion of her retirement for dedicated and compassionate service to the Eden Area ROP students and extends appreciation for her service.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the Adoption of Resolution 18-22/23: Retirement: Tammey Brown.

# EdenAreaROP RESOLUTION NO. 18-23/24

## Retirement: Tammey Brown

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**WHEREAS,** Tammey Brown has worked in public education for 39 years; and

**WHEREAS,** Tammey Brown supported and implemented the Eden Area ROP's mission to build a foundation for students that prepare them academically, technically, and professionally to meet challenging opportunities of the 21st Century with confidence and purpose; and

**WHEREAS,** Tammey Brown has been instrumental in providing career technical education and academic support to the students of the four participating school districts of the Joint Powers Agreement (JPA): Castro Valley, Hayward, San Leandro and San Lorenzo School Districts; and

**WHEREAS,** Tammey Brown has served with great distinction; and

**WHEREAS,** Tammey Brown has been a warm, thoughtful, honorable and dedicated employee and friend with a compassionate heart for the students and staff of the Eden Area ROP; and

**WHEREAS,** Tammey Brown has decided to retire from Public Education on June 30, 2023;

**NOW, THEREFORE, BE IT RESOLVED,** that the members of the Eden Area ROP Governing Board do hereby commend Tammey Brown and express their sincere appreciation for her significant service to the Eden Area ROP; and

**BE IT FURTHER RESOLVED,** that the ROP Governing Board extends the very best wishes and congratulations to Tammey Brown and that a copy of this resolution be presented to her as an expression of great esteem and gratitude.

**PASSED AND ADOPTED** this 4<sup>th</sup> day of May 2023.

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

---

Gary Howard, Board President  
Eden Area ROP Governing Board



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 18-22/23: Retirement: Tammey Brown

## **CURRENT SITUATION**

---

The attached Resolution 18-22/23 recognizes Tammey Brown on the occasion of her retirement for dedicated and compassionate service to the Eden Area ROP students and extends appreciation for her service.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the Adoption of Resolution 18-22/23: Retirement: Tammey Brown.

# EdenAreaROP RESOLUTION NO. 19-23/24

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## Retirement: Cheryl Gixti

**WHEREAS**, Cheryl Gixti has worked in public education for 21 years; and

**WHEREAS**, Cheryl Gixti supported and implemented the Eden Area ROP's mission to build a foundation for students that prepare them academically, technically, and professionally to meet challenging opportunities of the 21st Century with confidence and purpose; and

**WHEREAS**, Cheryl Gixti has been instrumental in providing career technical education and academic support to the students of the four participating school districts of the Joint Powers Agreement (JPA): Castro Valley, Hayward, San Leandro and San Lorenzo School Districts; and

**WHEREAS**, Cheryl Gixti has served with great distinction; and

**WHEREAS**, Cheryl Gixti has been a warm, thoughtful, honorable and dedicated employee and friend with a compassionate heart for the students and staff of the Eden Area ROP; and

**WHEREAS**, Cheryl Gixti has decided to retire from Public Education on June 30, 2023;

**NOW, THEREFORE, BE IT RESOLVED**, that the members of the Eden Area ROP Governing Board do hereby commend Cheryl Gixti and express their sincere appreciation for her significant service to the Eden Area ROP; and

**BE IT FURTHER RESOLVED**, that the ROP Governing Board extends the very best wishes and congratulations to Cheryl Gixti and that a copy of this resolution be presented to her as an expression of great esteem and gratitude.

**PASSED AND ADOPTED** this 4<sup>th</sup> day of May 2023.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Gary Howard, Board President  
Eden Area ROP Governing Board



**DATE:** May 4, 2023  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Adoption  
of Resolution 20-22/23: Retirement: William Deslaurier

## **CURRENT SITUATION**

---

The attached Resolution 20-22/23 recognizes William Deslaurier on the occasion of his retirement for dedicated and compassionate service to the Eden Area ROP students and extends appreciation for his service.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the Adoption of Resolution 20- 22/23: Retirement: William Deslaurier.

# EdenAreaROP RESOLUTION NO. 20-23/24

---

## Retirement: William Deslaurier

**WHEREAS**, William Deslaurier has worked in public education for 11 years; and

**WHEREAS**, William Deslaurier supported and implemented the Eden Area ROP's mission to build a foundation for students that prepare them academically, technically, and professionally to meet challenging opportunities of the 21st Century with confidence and purpose; and

**WHEREAS**, William Deslaurier has been instrumental in providing career technical education and academic support to the students of the four participating school districts of the Joint Powers Agreement (JPA): Castro Valley, Hayward, San Leandro and San Lorenzo School Districts; and

**WHEREAS**, William Deslaurier has served with great distinction; and

**WHEREAS**, William Deslaurier has been a warm, thoughtful, honorable and dedicated employee and friend with a compassionate heart for the students and staff of the Eden Area ROP; and

**WHEREAS**, William Deslaurier has decided to retire from Public Education on June 30, 2023;

**NOW, THEREFORE, BE IT RESOLVED**, that the members of the Eden Area ROP Governing Board do hereby commend William Deslaurier and express their sincere appreciation for his significant service to the Eden Area ROP; and

**BE IT FURTHER RESOLVED**, that the ROP Governing Board extends the very best wishes and congratulations to William Deslaurier and that a copy of this resolution be presented to him as an expression of great esteem and gratitude.

**PASSED AND ADOPTED** this 4<sup>th</sup> day of May 2023.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Gary Howard, Board President  
Eden Area ROP Governing Board



**DATE:** May 4, 2023  
**TO:** EAROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Reclassification Panel Recommendation

## **BACKGROUND**

---

Classified employees perform their duties based on job descriptions that are aligned with the salary schedule and built into a structure of job families and classifications. There are times when a classified employee requests a review of their job description, the classification, or their salary.

## **CURRENT SITUATION**

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The Eden Area ROP Reclassification Panel recommends that the position of Office Support Technician and Registrar have the 5% Confidential Stipend rolled into their respective salary schedules. In review, the Confidential Stipend did not meet government code requirements for these positions.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the adoption of the Reclassification Panel Recommendation.

# COMMUNICATION

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April 17, 2023

Blaine Torpey, Superintendent  
Members of the Governing Board  
Eden Area ROP (EAROP)  
26316 Hesperian Blvd.  
Hayward, CA 94545

RE: 2022-23 Second Interim Budget Report

Dear Superintendent and Members of the Board,

EAROP filed a POSITIVE certification of the ROP's 2022-23 Second Interim Budget Report. This report, which covers the period from July 01, 2022, to January 31, 2023, was approved by EAROP's Board on March 02, 2023. *Education Code (EC) Section 42131 requires ACOE to review the Second Interim Budget Report and to approve or disapprove the certification after we determine...*

- *that it complies with standards and criteria for fiscal stability adopted by the State Board of Education pursuant to EC Section 33127 and identify any technical corrections needed to comply with these standards,*
- *whether the projected budget will allow the agency to meet its financial obligations during the current fiscal year and two subsequent fiscal years.*

**Based on our review, the EAROP Second Interim Budget Report accurately reflects the financial status of the ROP and we concur with the ROP's POSITIVE certification. There remain a few areas to monitor to ensure continued positive fiscal health:**

**Table of Contents**

- Multiyear Projections (MYP), Deficit Spending & Reserves
- ROP Revenue & Member Districts

### **Multiyear Projections (MYP), Deficit Spending & Reserves**

The ROP's MYP submitted with the Second Interim Budget Report indicates a surplus of \$920,693 in the current year, deficit spending of \$904,538 in 2023-24, and a surplus of \$10,691 in 2024-25.

In 2024-25, the ROP projects \$452,214 in ongoing reductions to certificated salaries, \$492,364 reduction to classified salaries, as well as reductions to Books & Supplies, and Services and Other Operating Expenditures due to the expiration of grant funds.

Eden Area ROP - Deficit Spending, Budget Reductions, Fund Balances and REU

2nd Interim

	2022-23	2023-24	2024-25
Reductions to Certificated and Classified Salaries due to expiration of Grant Funds	\$0	\$(944,578)	\$0
General Fund Surplus (Deficit) (Unrestricted/Restricted)	\$920,693	\$(904,538)	\$10,691
General Fund Ending Balance (Unrestricted/Restricted)	\$6,555,043	\$5,650,505	\$5,661,196
REU (Reserve for Economic Uncertainties) Requirement	Met	Met	Met

The EAROP is able to maintain the required Reserve for Economic Uncertainties (REU) of five percent (5%) in all three years, and we remain confident the ROP will continue to make the necessary decisions concerning ongoing revenues and expenditures to ensure it is able to meet its financial obligations and maintain long-term fiscal health.

### **ROP Revenue & Member Districts**

The ROP, like many LEAs across the state, will need to remain conservative as it focuses on an effective multi-year strategy. ROPs need to stay informed of their participating districts' ability to disperse ROP funds. We appreciate EAROP's partnership and communication with their member districts as this helps to assess any possible reduction or delay to the ROP's revenue stream.

We want to acknowledge and express our appreciation to the ROP staff, the Board, and the community for their continued diligence and hard work. If you have any questions or concerns regarding our review process, please feel free to contact my office at (510) 670-4140.

In community,



Alysse Castro

Alameda County Superintendent of Schools

cc: Anthony Oum, Fiscal Services Administrator, Eden Area ROP  
Shirene Moreira, Chief of District Business & Advisory Services, ACOE  
Joan Laursen, Director III, District Business & Advisory Services, ACOE  
Julia Xu, Director II, District Advisory Services, ACOE