



EdenAreaROP

GOVERNING BOARD MEETING AGENDA

26316 Hesperian Blvd. Hayward, CA 94545 • (510) 293-2971 • www.edenrop.org

Thursday, April 13, 2023
5:45 pm

GOVERNING BOARD MEMBERS

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

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, April 13, 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. Student of the Month

- A. Presentation of ROP Student of the Month Awards (page 4)

VIII. 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 March 2, 2023 (pages 5-10)
- B. Request the Governing Board to approve the Bill Warrants (pages 11-20)
- C. Request the Governing Board to approve the Personnel Action Items (pages 21-22)
- D. Request the Governing Board to approve the Listed Donation- Diablo Valley Industrial Claims Association (DVICA) (page 23)

- E. Request the Governing Board to approve the Listed Donation-Leslie and Tricia Svenningsen (page 24)
- F. Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions (pages 25-26)
- G. Request the Governing Board to approve the Receipt of the Career Technical Education Incentive Grant (CTEIG) Funds (pages 27-28)
- H. Request the Governing Board approve the Subaward Agreement Amendment with California State University East Bay for the South Hayward Promise Neighborhoods Program (HPN) for the 2022-2023 School Year (pages 29-31)
- 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 (pages 32-40)
- J. Request the Governing Board to approve the Agreement with Premier Commercial Cleaning Solutions, Inc. (PCCS) for Janitorial Services for the 2023-2024 School Year (pages 41-43)
- K. Request the Governing Board to approve the Agreement with Cabrillo Community College for the Strong Workforce Program from January 2023 through June 2025 (pages 44-54)

IX. Information Items

- A. Adult Programs Update (pages 55-56)
- B. First Reading of Governing Board Policies, Administrative Regulations, and Board Bylaws (pages 57-140)

X. Superintendent's Report

XI. Governing Board Reports

XII. Recess to Closed Session

- 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 Action Taken in Closed Session

- 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

XIV. Adjournment



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Presentation of ROP Student of the Month Awards

BACKGROUND

The Eden Area ROP has developed a student recognition program to acknowledge outstanding efforts and achievements of our students.

CURRENT SITUATION

The student recognition program has proven to be a successful, motivational tool in the classroom, among the staff and the students of the Eden Area ROP.

The following students were selected as ROP students of the month for April:

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

RECOMMENDATION

Information only

CONSENT CALENDAR

CONSENT CALENDAR



Minutes of the Regular Meeting of the ROP Governing Board March 2, 2023

I. Call to Order

Gary Howard, Board President, called the meeting to order at 5:45 p.m. on Thursday, March 2, 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
Brigitte Luna	Director of Educational Services
Manuschka Michaud	Principal
Anthony Oum	Fiscal Services Administrator

Eden Area ROP Staff Present:

Jessica Fagundes	Career Counselor
Rowena Gamboa	Medical Careers Instructor
Cheryl Gixti	Merchandising Instructor
Barbara Juarez	Welding Technology Instructor
Gabriela Juarez	Executive Assistant
Amanda Rose	Culinary Science Instructor

Others Present:

Students of the Month and their families	
Roman Muñoz	Lozano Smith

III. Pledge of Allegiance

Bryce Walz led the Pledge of Allegiance.

IV. Mission Statement

Abigail Velasquez read the Eden Area ROP mission statement.

V. Approval of Agenda

Trustee Gary Howard, Board President, asked if there were any amendments to the agenda. Superintendent Blaine Torpey asked that the Board table Information Item B, Adult Programs Update as the staff member presenting was unable to present due to unforeseen circumstances.

Trustee Juan Campos moved to approve the revised agenda, tabling Information item B, and Trustee Eveyln Gonzalez, seconded the motion. By the following vote the agenda was approved as amended.

AYES: 3 (Campos, Gonzalez, Howard)
NOES: 0
ABSTENTIONS: 1 (Ramos voted "Present")
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 March 2023:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Dayris Solano	San Lorenzo	Culinary Science II P	Rose
Evelia Loera Solis	San Lorenzo	Merchandising Occupations I P	Gixti
Bryce Walz	Castro Valley	Welding Technology II P	Juarez
Abigail Velasquez	Arroyo	Medical Careers I P	Gamboa

Jessica Fagundes, Career Counselor, 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 Eveyln Gonzalez moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of February 2, 2023
- B. Bill Warrants
- C. Personnel Action Items
- D. Listed Donation-H & J Diaz Family Foundation
- E. Statement of Facts Registry of Public Agencies Filing

Trustee Juan Campos seconded the motion.

AYES: 3 (Campos, Gonzalez, Howard)
NOES: 0
ABSTENTIONS: 1 (Ramos voted "Present")
ABSENT: 0

IX. Information Items

A. ROP Pathway Review- Food Service and Hospitality

Manuschka Michaud, Principal, introduced the Food Service and Hospitality Pathway Review. She shared that the Eden Area ROP offers two programs in this pathway, Culinary Science I and Culinary Science II. She highlighted that the Culinary Science II program is an honors designated course. Students enrolled in the program can enter

into various industries such as hospitality, catering, management, and tourism and recreation. Ms. Michaud introduced, Amanda Rose, instructor to present.

Ms. Rose shared that students in Culinary Science learn workplace skills, safety and sanitation, international cuisines, and nutrition. This course allows students to learn and experience what it is like to work in the industry. Students cater for staff and events on campus. Second year students learn about business operations and hospitality managements, through leadership roles and event planning.

Culinary Science is a University of California a-g approved course and is designed to give students the theory and hands-on experience in food preparation, hospitality and restaurant management. Culinary Science counts towards students' "G" requirement as a College-Preparatory elective. Second year Culinary Science is Honors Designation.

Ms. Rose shared that students earn their California State Food Handlers' card in this course, an important industry certification. Students learn about food production and farm to table seasonal cooking through the use of the Eden Area ROP garden. Students have the opportunity to earn college credit by completing a full year of the first year culinary course and taking the college final exam. Ms. Rose also noted that currently 18 students are SkillsUSA members who have the opportunity to participate in competitions.

Ms. Rose concluded her presentation with reviewing work-based learning experiences the students are exposed to through guest speakers, competitions, and catering activities.

B. Adult Programs Update

The Adult Programs Update was tabled and will be presented at the April 13, 2023 Board meeting.

X. Action Items

A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations and Board Bylaw

Upon review of and a motion by Trustee Eveyln Gonzalez and a second by Trustee Juan Campos the Governing Board approved the second reading and adoption of governing board policies, administrative regulations, and board bylaw.

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

B. Request the Governing Board to approve the Annual Independent Auditor's Report for the Fiscal Year Ending June 30, 2022

Upon review of and a motion by Trustee Juan Campos and a second by Trustee Eveyln Gonzalez the Governing Board approved the Annual Independent Auditor's Report for the fiscal year ending June 30, 2022.

AYES: 3 (Campos, Gonzalez, Howard)
NOES: 0
ABSTENTIONS: 1 (Ramos voted "Present")
ABSENT: 0

C. Request the Governing Board to approve the 2022-2023 Second Interim Report

Upon review of and a motion by Trustee Eveyln Gonzalez and a second by Trustee Juan Campos the Governing Board approved the 2022-2023 Second Interim Report.

AYES: 3 (Campos, Gonzalez, Howard)
NOES: 0
ABSTENTIONS: 1 (Ramos voted "Present")
ABSENT: 0

D. Request the Governing Board to approve the Adoption of Resolution 11-22/23: Mid-Year Additions/Changes-Revised Signature Card

Upon review of and a motion by Trustee Juan Campos and a second by Trustee Eveyln Gonzalez the Governing Board approved the adoption of Resolution 11-22/23: Mid-Year Additions/Changes-Revised Signature Card.

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

E. Request the Governing Board to approve the Operational Transfer of Banking Services for Adult Education Programs from Wells Fargo Bank to Fremont Bank

Upon review of and a motion by Trustee Eveyln Gonzalez and a second by Trustee Juan Campos the Governing Board approved the operational transfer of banking services for Adult Education Programs from Wells Fargo Bank to Fremont Bank.

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

F. Request the Governing Board to approve the Agreement with ConvergeOne, Inc. for VoIP Telephone Migration Services from AT&T to RingCentral Inc. for the 2022-2023 School Year

Upon review of and a motion by Trustee Juan Campos and a second by Trustee Eveyln Gonzalez the Governing Board approved the agreement with ConvergeOne, Inc. for VoIP telephone migration services from AT&T to RingCentral Inc. for the 2022-2023 school year.

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

G. Request the Governing Board to approve the Agreement with RingCentral Inc. for VoIP Telephone Services from March 2023 through March 2026

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Joe Ramos the Governing Board approved the agreement with RingCentral Inc. for VoIP telephone services from March 2023 through March 2026.

AYES: 4 (Campos, Gonzalez, Howard, Ramos)

NOES: 0
ABSTAIN: 0
ABSENT: 0

XI. Superintendent's Report

Blaine Torpey, Superintendent, was proud to report that sixty-one Eden Area ROP students qualified for the SkillsUSA state level competition.

He shared that the Eden Area ROP held its annual Virtual Family Information Night in February. It was an excellent presentation by the Eden Area ROP Principal, Manuschka Michaud, and Career Counselor, Jessica Fagundes. Families in attendance got to learn about Eden Area ROP programs and their defined pathways. The event is a precursor to the Eden Area ROP Showcase in March. The Showcase is an in-person event that allows students and families to tour the Center and see current students doing demonstrations of their skills.

He noted that the Eden Area ROP is always eager to build new connections and new relationships to better serve our communities. Adult Programs Director, Craig Lang, met with representatives of the Alameda County Health Consortium to maximize internship opportunities for students. Staff also met with the HUSD Family Engagement Team to support their efforts to share career resources with adults.

Eden Area ROP students Bryce Walz and Eugenie Basilly joined Superintendent Torpey for the annual presentation to the Castro Valley USD Board of Education. The students did an amazing job explaining how Eden Area ROP has helped them connect to their passion. Eugenie even stepped up to answer a Board member's question.

The Eden Area ROP Culinary team visited the Tennyson High School Farm to Fork Agricultural Science Program. The team is looking for ways to connect the pathways, the farms, and efforts to enhance students' experiences and outcomes.

Staff continue to enjoy an excellent partnership with Chabot College. Dean Abigail Patton and Dean Tracey Coleman have been amazing partners for the Eden Area ROP as we work towards increased dual enrollment opportunities and development of a Middle College.

As a part of the Eden Area ROP's efforts to enhance opportunities for individuals with disabilities, our close business partners have been invited to apply for EmployABILITY grants. The Eden Area ROP has offered to support their application and implementation to expand employment opportunities for individuals with disabilities.

The Eden Area ROP Dream Team is composed of partner district CTE leaders and Eden Area ROP staff that meet monthly to coordinate planning, application of grants, implementation of grants, grant reporting and so much more.

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

Goal 1: Reinforce EAROP Organizational Infrastructure and Communication

- Stakeholder Input: Collaboration with partner districts on addressing transportation plans for next year and beyond.

Goal 2: Maintain and Refine High Quality CTE Programming

- Student Outcomes: Chabot College CCAP agreement for dual enrollment credit for Spring 2023 approved by both Boards. Planned field trip to Las Positas/Tri-Valley ROP Middle College with both Eden Area ROP and Chabot staff. SkillsUSA regional competitions continue.

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

- Anti-Bias and Anti-Racism: Preparing for March 31 Professional Development Day with a full day equity training with Race Work and Dr. Lori Watson.

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

- Business: Exploring partnership with AC Transit to support future transportation needs. Posted Audits and Financials on the Eden Area ROP website. Working on 2023-2024 budget development.

XII. Governing Board Reports

Trustee Gary Howard, Castro Valley USD representative, shared he was pleased to have Superintendent Torpey and the students present at the CVUSD Governing Board meeting.

XIII. Recess to Closed Session

The meeting was called into closed session at 7:05 p.m.

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

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

The meeting resumed to open session at 7:22 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.

XV. Adjournment

The Governing Board meeting was adjourned in memory of:

- Carl Henderson, uncle of the Human Resources Administrator, Mercedes Henderson

The meeting was adjourned at 7:25 p.m.

Approved by the Eden Area ROP Governing Board _____.

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



DATE: April 13, 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

The bill warrants submitted for approval are for the period of February 16, 2023 through March 28, 2023 and include test warrant numbers and voided warrants.

CONSENT CALENDAR



DATE: April 13, 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

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

CONSENT CALENDAR



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Request the Governing Board to approve the Listed Donation-
Diablo Valley Industrial Claims Association (DVICA)

BACKGROUND

Occasionally, gifts or monetary items are donated to the Eden Area ROP.

CURRENT SITUATION

On March 11, 2023, Diablo Valley Industrial Claims Association (DVICA) made a monetary donation of \$564.00 to the Culinary Science program at the Eden Area ROP.

A letter of acceptance will be sent to the donor.

CONSENT CALENDAR



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Request the Governing Board to approve the Listed Donations-
Leslie and Tricia Svenningsen

BACKGROUND

Occasionally, gifts or monetary items are donated to the Eden Area ROP.

CURRENT SITUATION

On March 3, 2023, Leslie and Tricia Svenningsen donated a 2001 Mercury Grand Marquis to the Automotive Technology program.

A letter of acceptance will be sent to the donor.

CONSENT CALENDAR



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions

BACKGROUND

Education Code 35186 (d) requires the following:

A school district shall report summarized data on the nature and resolution of all complaints concerning deficiencies related to instructional materials, emergency or urgent facilities conditions and teacher vacancy or misassignment on a quarterly basis to the county superintendent of schools and the Governing Board of the school district. The summaries shall be publicly reported at a regularly scheduled meeting of the Governing Board of the school district. The report shall include the number of complaints with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

CURRENT SITUATION

Attached is a report for the complaints and resolutions through April 1, 2023 as specified by Education Code 35186 (d).

CONSENT CALENDAR



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QUARTERLY REPORT ON WILLIAMS ACT COMPLAINTS

[Education Code 35186 (d)]

Report through: April 1, 2023

District: Eden Area Regional Occupational Program
Person completing this form: Gabriela Juarez
Title: Superintendent's Executive Assistant

Quarterly Report Submission (check one) →
Date: April 1, 2023

- ☐ January
☒ April
☐ July
☐ October

Date for information to be reported publicly at the Governing Board meeting: April 13, 2023

Please check the box that applies:

- ☒ No complaints were filed with any school in the district during the quarter indicated above.
- ☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Number of Complaints	Number of Resolved Complaints	Number of Unresolved Complaints
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Mis-assignment	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Publicly reported at the Governing Board meeting on: April 13, 2023

Blaine Torpey, Superintendent



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Linda Granger, Chief Operating Officer
SUBJECT: Request the Governing Board to approve the Receipt of the Career Technical Education Incentive Grant (CTEIG) Funds

BACKGROUND

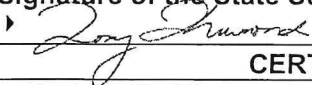

The Career Technical Education Incentive Grant (CTEIG) was developed by the State of California to support the maintenance, improvement, and expansion of Career Technical Education. \$300 million is allocated in the state budget for this purpose that is distributed via a competitive grant process each year. While funds are allocated annually to successful applicants, the timeline to spend the funds spans multiple fiscal years.

CURRENT SITUATION

The California Department of Education has approved the Eden Area ROP's Career Technical Education Incentive Grant (CTEIG) application for the 2022-2023 school year. The Eden Area ROP applies on behalf of our member districts each year for this funding that supports the maintenance and improvement of Career Technical Education. Funds received by The Eden Area ROP are allocated to our member districts based on grades 7-12 ADA less 6.48% which remains with the ROP. This year, our consortium was awarded \$2,836,800.

CONSENT CALENDAR

Grant Award Notification

GRANTEE NAME AND ADDRESS Linda Granger, Superintendent Eden Area ROP JPA 26316 Hesperian Boulevard Hayward, CA 94545				CDE GRANT NUMBER			
FY		PCA		Vendor Number	Suffix		
22		25437		40428	00		
Attention Linda Granger				STANDARDIZED ACCOUNT CODE STRUCTURE		COUNTY	
Program Office Program Office				Resource Code	Revenue Object Code	01	
Telephone 510-293-2906				6387	8590	INDEX	
Name of Grant Program Career Technical Education Incentive Grant						0615	
GRANT DETAILS	Original/Prior Amendments	Amendment Amount	Total	Amend. No.	Award Starting Date	Award Ending Date	
	0	0	\$2,836,800	0	July 1, 2022	December 31, 2024	
CFDA Number	Federal Grant Number	Federal Grant Name			Federal Agency		
N/A	N/A	N/A			N/A		
I am pleased to inform you that you have been funded for the Career Technical Education Incentive Grant. This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, then this award will be amended accordingly. Please return the original, signed Grant Award Notification (AO-400) to: <div style="text-align: center;"> Sarah Ann Chambers, Associate Governmental Program Analyst Career and College Transition Division, Career Technical Education Leadership Support Office California Department of Education 1430 N Street, Suite 4202 Sacramento, CA 95814-5901 </div>							
California Department of Education Contact Tara Neilson				Job Title Education Programs Consultant			
E-mail Address tneilson@cde.ca.gov					Telephone 916-445-5568		
Signature of the State Superintendent of Public Instruction or Designee 					Date February 8, 2023		
CERTIFICATION OF ACCEPTANCE OF GRANT REQUIREMENTS <i>On behalf of the grantee named above, I accept this grant award. I have read the applicable certifications, assurances, terms, and conditions identified on the grant application (for grants with an application process) or in this document or both; and I agree to comply with all requirements as a condition of funding.</i>							
Printed Name of Authorized Agent				Title			
E-mail Address					Telephone		
Signature 					Date		



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Linda Granger, Chief Operating Officer
SUBJECT: Request the Governing Board approve the Subaward Agreement Amendment with California State University East Bay for the South Hayward Promise Neighborhoods Program (HPN) for the 2022-2023 School Year

BACKGROUND

The Hayward Promise Neighborhoods program (HPN) is a cradle-to-career federal grant program aimed at transforming a specific neighborhood. The HPN collaborative has successfully applied for two rounds of this five-year grant program. California State University East Bay serves as the fiscal lead for this grant collective in which there are 11 partner organizations.

CURRENT SITUATION

Hayward Promise Neighborhood (HPN) is designed to address the educational disparities and high dropout and low graduation rates at the focal schools in South Hayward. Eden Area ROP as a partner in this project provides career technical programs and assist in dropout prevention for identified students.

This subaward amendment increases funding to the Eden Area ROP by \$3,885.37.

CONSENT CALENDAR

Subaward Amendment			
Amendment No 08		Subaward No W1183-304	
Pass-Through Entity (PTE)		Subrecipient	
California State University, East Bay Foundation, Inc.		Eden Area ROP	
carolyn.nelson@csueastbay.edu		lgranger@edenrop.org	
Carolyn Nelson, Principal Investigator		Linda Granger	
Project Title South Hayward Promise Neighborhood			
PTE/Prime Award No. U215N170023		Awarding Agency U.S. Department of Education	
Cumulative Budget Period(s) <small>(Agreement Start Date) (End Date of Latest Budget Period)</small> Start Date: 01/01/2018 End Date: 12/31/2022		Amount Funded This Action \$ 3,885.37	
		Total Amount of Funds Obligated to Date \$ 1,278,090.37	
Subrecipient Cost Share <input type="checkbox"/>		Subject to FFATA <input type="checkbox"/>	
		Subrecipient UEI <small>(Unique Entity Identifier - May leave blank if unchanged from prior Agreement)</small> 	
Amendment(s) to Original Terms and Conditions This Amendment revises the above-referenced Subaward Agreement as follows:			
<div style="margin-bottom: 10px;"><input type="checkbox"/> Additional Budget Period</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> No Cost Extension</div> <div style="margin-bottom: 10px;"> <input checked="" type="checkbox"/> Additional Funding Additional funding in the amount of \$ 3,885.37 is hereby obligated to this Subaward. </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Deobligation</div> <div style="margin-bottom: 10px;"> Carryover is Not Applicable </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Carryover Authorized</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Detailed Budget/Scope of Work/Notice of Award Attached <small>(Specify if the Budget and Scope of Work are "New", "Revised", or "Supplemental" in dropdown or "Other")</small></div> <div> <input checked="" type="checkbox"/> Other (See Below) <div style="border: 1px solid black; height: 100px; width: 100%; margin-top: 5px;"></div> </div>			
<i>For clarity: all amounts stated in this amendment are in United States Dollars.</i>			
All other terms and conditions of this Subaward Agreement remain in full force and effect.			
By an Authorized Official of PTE:		By an Authorized Official of Subrecipient:	
 <small>Maureen Pasag (Mar 17, 2023 18:49 PDT)</small>		 <small>Linda Granger</small>	
Date Mar 17, 2023		Date Mar 17, 2023	
Name Maureen Pasag		Name Linda Granger	
Title Associate Vice-President, Financial Services		Title Chief Operating Officer	

Eden Area ROP 2022 BUDGET	Total Request
	Invoice Status
Personnel	
Work Based Learning Specialist	40,037.00
Entrepreneurship Instructor THS	76,252.00
Subtotal Personnel	116,289.00
Fringe Benefits:	
Fringe/Benefits @ 33%	42,260.74
Subtotal Fringe Benefits:	42,260.74
Total Personnel and Benefits	158,549.74
Travel	
Subtotal Travel	-
Supplies	
Adult Program Supplies/scholarships	61,235.00
Supplies THS entrepreneurship program	
Subtotal Supplies	61,235.00
Contractual	
Credit Recovery and Case Management	73,000.00
Subtotal Contractual	73,000.00
Other	
Subtotal Other	-
Training Stipends	
Subtotal Training Stipends	-
Total Direct Costs (TDC)	292,784.74
Total Indirect Costs (IDC) - Insert Rate if applicable	-
Total Request	292,784.74

*increased \$3,885.37



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with Del Conte's Landscaping, Inc. for Landscape Maintenance Services for the 2023-2024 School Year

BACKGROUND

Each year, the Eden Area ROP contracts with Del Conte's Landscaping, Inc. to provide landscape maintenance services.

CURRENT SITUATION

The attached is the agreement renewal with Del Conte's Landscaping, Inc., effective July 1, 2023 through June 30, 2024.

CONSENT CALENDAR



LANDSCAPE MAINTENANCE SERVICES AGREEMENT FOR

Eden Area ROP

("Client")

This is an agreement for landscape maintenance services ("Agreement") between the above-named Client and Del Conte's Landscaping, Inc. with principal place of business at 41900 Boscell Road, Fremont, California 94538, CSLB: 672485 ("Contractor").

A. SUBJECT PROPERTY

Eden Area ROP
26316 Hesperian Blvd, Hayward, CA 94545

("JOB SITE")

Eden Area Rop
Attn: Anthony Oum
26316 Hesperian Blvd, Hayward, CA 94545

("Management Office")

B. SCOPE OF SERVICES

1. Lawn Care

DCL Initial



Client Initial

- i. **Mowing Frequency:** Lawns will be mowed at the following frequency:
 - 1. April 1 – October 30: Lawns will be mowed weekly to ensure uniform height and a neat appearance.
 - 2. November 1 – March 31: Lawns will be mowed as reasonably needed to ensure uniform height and neat appearance
 - ii. **Mowing Process:** Contractor uses a mulching lawn-mowing process, eliminating the need to remove grass clippings, while enhancing lawn health and improving water retention. Mowing shall not remove more than one and one-half inches (1½") of the above ground grass.
 - iii. **Trimming and Edging:** Turf shall be trimmed next to walks, header-boards, around plants, around drains, utility boxes, tree wells, and adjacent to fences and buildings on a regular basis to ensure containment and a neat appearance.
 - iv. **Weed Control:** A weed removal and control program, which will ultimately lead to control of crabgrass and broad-leaved herbaceous weeds, shall be employed with the use of proper water management, and select herbicides.
 - v. **Fertilization:** Fertilization will be scheduled on a regular basis as necessary to keep the lawn in a healthy, green, and vigorous condition. Contractor will fertilize to the limited extent of reasonable sustenance of plant health. Any and all soil tests performed by Contractor shall be charged to Client.
2. Shrubbery and Groundcover
- i. **Routine Pruning:** A regular pruning routine will be followed for all "Formal" trimmed shrubs or hedges. "Informal" shrubs or hedges will be trimmed as needed to maintain neat appearance, balanced growth habit and to prevent encroachment on walks, driveways, buildings, and windows. "Formal" and "Informal" hedges are defined per industry standard in the State of California.
 - ii. **Shrub Wells:** Contractor will trim around shrubs and perennials as needed to prevent over-run by ground cover. Shrubs shall be kept free of vines at all times.
 - iii. **Routine Edging:** Edging of groundcover will be as needed to prevent encroachment on lawn areas, pavement areas, and buildings. Generally, groundcover and plant material will be trimmed 6"-10" inside containment to allow space for fresh growth.
 - iv. **Weed Control:** Shrub beds will be maintained reasonably weed-free, using appropriate chemicals and manual weeding on a weekly basis. Chemicals will be in compliance with DPR Regulations for the State of California.



- v. **Fertilization:** Fertilization will take place on a regular basis during the growing season, recognizing the variable growing needs of differing plant material soil temperature. Schedule of program to be adjusted seasonally. Fertilization application shall be coordinated with operation of the automatic irrigation system to assure watering the day of application. Contractor will fertilize to the limited extent of reasonable sustenance of plant health. Contractor shall not modify and/or change the pH level of the soil and/or modify in any way the nutrient levels of the soil. Any and all soil tests performed by Contractor shall be charged to Client.

3. Trees

- i. **Routine Pruning:** Contractor will prune trees regularly to remove sucker growth, and as needed to maintain clearance from structures and eight-foot clearance above walkways and twelve-foot clearance above roads. Trees shall be kept free of vines at all times.
- ii. **Tree Stakes:** For trees less than fifteen feet in height, stakes, ties and guides will receive periodic checks and adjustments to ensure they are functioning properly, and/or removed when they are no longer required to support any individual tree. Damaged or broken stakes and ties will be replaced (as necessary) and billed as an extra.
- iii. **Pest Control:** Contractor may monitor the general well-being, such as insect/disease infestation, vehicle damage and general condition of these trees and advise when service or treatment is recommended.
- iv. **Fertilization.** Contractor will fertilize to the limited extent of reasonable sustenance of plant health. Contractor shall not modify and/or change the pH level of the soil and/or modify in any way the nutrient levels of the soil. Any and all soil tests performed by Contractor shall be charged to Client.
- v. **Tree Exceptions:** Trimming trees in excess of 15 ft. in height or 6 inches diameter shall not be part of this Agreement.

4. General Care

- i. Contractor will maintain a weed-controlled environment through cultivation, spraying, pulling, etc. of all landscape common areas on site, including parking area perimeters and paving joints. Contractor will spray all plant material (excluding trees above 15 feet in height or 6 inches in diameter) as needed with fungicides, insecticides and other appropriate solutions to control diseases and pests (anything detrimental to the general health) of the landscape plant material, excluding vertebrate pests.
- ii. Contractor will remove general litter, debris, and yard waste from landscape at completion of every service visit. This does not include large deposits or



piles of disposal which shall be removed at additional charge to client. Available details for client to potentially subrogate will be provided to client. All debris resulting from any/all landscape work by Contractor shall be removed before leaving the Job Site.

- iii. During November through March, leaves will be raked during the normal service visits to regularly achieve a neat appearance.
- iv. This Agreement does not include control of vertebrate pests, which are considered an extraordinary condition. Contractor will monitor for damage from vertebrate pests and advise when service or treatment is recommended.
- v. Hand watering of pots and non-irrigated areas are expressly excluded from this Agreement.
- vi. The warranty for newly installed plants is 90 days if we are under a service contract and currently maintaining the property.

5. Irrigation

- i. **General:** Contractor will comply with mandated water restrictions. Regulate automatic sprinkler systems (including drip systems) to optimize plant health, aesthetics, and water cost control, within limitation of system hardware and client-defined priorities. Routine inspections of irrigation systems shall be completed to report any breaks, recommended replacements and to adjust sprinkler heads for maximum coverage.
- ii. **Watering Schedule:** Contractor will maintain dynamic ET-Based (Evapo-Transpiration) irrigation timer schedules for each month of the watering season. Ten-year data averages from C.I.M.I.S. (California Irrigation Management Information System) will be utilized to establish monthly Programs. Additional programming will be implemented as needed to compensate for extreme weather fluctuations. While this information is maintained and implemented for the benefit of our clients, it is proprietary to Contractor.
- iii. **Remote-Control Harness:** If required a remote-control harness will be installed on all irrigation timers to facilitate Contractor's remote-control irrigation inspection device during the term of this contract. The harness will be removed, and the system returned to original its original condition, upon cancellation of contract by either party. There is no cost-to-client associated with installation or removal of the wire harness.
- iv. **Site-Maps:** Contractor will maintain detailed site maps including, but not limited to, the following: timer locations; backflow locations; water meter locations; station zoning; crop type; application hardware; water meter service areas. While this information is maintained for the benefit of



servicing the property, the development of such information is done at no charge and it is the proprietary work product of Contractor. All such information is available for client viewing at our office in Fremont, but is subject to Contractor's copyright and other intellectual property rights.

- v. **Maintenance Repairs:** Labor and materials required for repairs associated with the maintenance of the sprinkler system shall be billed as an extra. Typically, maintenance repairs are the result of malfunctions found during system checks (performed two (2) per year), or work order requests originating from client entities and Contractor site management staff.

IRRIGATION REPAIR PRE-AUTHORIZATION

This Contract includes a pre-authorization for necessary repairs up to \$500.00 per month, which will enable minor irrigation breaks to be completed during routine irrigation system inspections preventing damage to the landscape and waste of water. Details of all repairs made are well documented in the invoice.

- i. **Non-Routine Maintenance Repairs:** Non-routine maintenance irrigation repairs and consulting shall be billed on a labor time plus materials ("T&M") basis. When the cost of T&M repair exceeds clients-defined pre-authorized limits as set forth in Section v above, a proposal will be submitted for authorization prior to commencement of work. By default, mainline repair, valve replacement, timer replacement, wire tracking, and other items requiring significant use of billable labor will be submitted for approval by authorized agent prior to commencement. Upgrades, which by definition are optional enhancements to the systems, will always be submitted for written approval prior to commencement. Non-emergency labor rate is currently **\$75.00 hour**.
- ii. **Emergency Irrigation Repairs:** Irrigation is the life blood of landscapes in California during much of the year. In such event that non-routine irrigation repairs ordinarily submitted for written authorization are needed immediately in order to avoid damage to the landscape, Contractor will make every reasonable effort to contact authorized agent for approval, which shall be by telephone and e-mail, to proceed (i.e. rupture of mainline has rendered irrigation inoperative, the landscape is already dry, and plant material will be significantly damaged and/or lost if water is not restored immediately).

6. Miscellaneous

- i. Contractor shall provide all equipment, tools, labor, and materials required to accomplish the Scope of Work outlined by this Agreement, unless otherwise indicated.



- ii. Response to emergency calls during non-production hours will be billed at a charge of \$225.00 for the first hour. Any additional time over 1 hour will be billed as T&M at the applicable overtime rate. Production hours are 7:00 a.m. – 3:30 p.m., Monday through Friday, excluding holidays.
- iii. Account Manager to attend monthly walk-through with board and/or manager, as requested.
- iv. Contractor agrees to respond to all work or service orders within one week or as arranged, except emergencies which are to be attended to as soon as commercially reasonably possible.
- v. Four (4) sets of keys to applicable property gates, necessary access boxes, etc., must be supplied to Contractor prior to beginning of service period.

PAYMENT TERMS

1. Base monthly fee for maintenance service as outlined above, for existing landscape, excluding option addendum(s):

\$1,787.10

("Base Monthly Maintenance Service Fee")

2. Payment to be received before the first day of month following the month of service.
3. Invoice must be paid within 30 days of the invoice date.
4. Client's billing address is as follows:

Eden Area ROP
Attn: Anthony Oum
26316 Hesperian Blvd, Hayward, CA 94545

B. TERM AND TERMINATION

1. **Effective Date:** The effective commencement date of this Agreement shall be as follows:

7-1-2023
("Effective Date")

2. **Term:** This Agreement shall endure for a term of one (1) year and shall be automatically renewed for the next year with a cost of living adjustment applied to the contract pricing at each contract anniversary. The pricing adjustment shall be



equal to the Annual Adjustment of the CPI Index for the SF Bay Area, if not otherwise terminated.

3. **Termination:** To terminate this Agreement, either party can serve a 30-day written notice to the other.

C. DEFAULT & COLLECTIONS

1. In the event Contractor shall pursue collections against Client, Client shall be liable for collection fees, court costs, expenses, reasonable attorney's fees, and all incidental and consequential damages arising from the default.

CI. GENERAL INDEMNIFICATION

1. Client hereby agrees to indemnify and hold harmless Contractor against loss or threatened loss or expense by reason of the liability or potential liability of Contractor for or arising out of any claims for damages, including payment and compensation for reasonably incurred attorney's fees and other related professional fees.
2. Contractor shall not be held liable for damage caused by irrigation malfunctions that Contractor was not aware of and/or did not cause.
3. Contractor shall not be held liable for structural or landscape damage associated with written directives from an authorized agent from Client when such directives are contrary to Contractor's professional recommendation.

CII. CONTRACT TERMS


1. **No Waiver or Cumulative Remedies.** No failure or delay on the part of any undersigned party to this Agreement in exercising any right, power or remedy hereunder shall operate as a waiver thereof; nor shall any single or partial exercise of any such right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. The remedies herein provided are cumulative and not exclusive of any remedies provided by law.
2. **Inurement.** This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
3. **Merger and Integration.** This Agreement and the schedules attached hereto contain the entire agreement of the parties with respect to the subject matter of this Agreement, and supersede all prior negotiations, agreements and understandings with respect thereto. This Agreement may only be amended by a written document duly executed by the undersigned parties.
4. **Force Majeure.** In the event of unforeseen disasters, events, or conditions that the parties were not able to contemplate at the execution of this Agreement, such as sabotage, riots, terrorism, political or governmental complications, market conditions, or natural occurrences such as hurricanes, floods, earthquakes, etc. or



- other Acts of God, either party may cite force majeure as a cause to terminate the Agreement effective immediately.
5. **Severability.** If any term or provision of this Agreement shall to any extent be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
 6. **Descriptive Headings.** The headings in this Agreement are for convenience of reference only and shall not limit or otherwise affect the meaning of terms contained herein. Unless the context of this Agreement otherwise requires, references to "hereof," "herein," "hereby," "hereunder" and similar terms shall refer to this entire Agreement.
 7. **Authority and Authorization.** The undersigned parties hereby represent and warrant that he or she has been duly authorized by its corporate entity or principal to enter into this Agreement and to bind that corporate entity or principal to the terms hereof.

IN WITNESS WHEREOF, the undersigned parties cause this Agreement to be duly signed and executed this 13th day of the month of April and year 2023 in the City of Hayward, State of California.

CONTRACTOR:	
X	

CLIENT:	
X	

Company:	Del Conte's Landscaping, Inc.
Signor's Name:	Tom Del Conte
Position/Title:	President
Date Signed:	
Location:	41900 Boscell Common Fremont, CA 94538

Company:	Eden Area ROP
Signor's Name:	Anthony Oum
Position/Title:	Fiscal Services Administrator
Date Signed:	04/13/2023
Location:	Hayward, CA



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with Premier Commercial Cleaning Solutions, Inc (PCCS) for Janitorial Services for the 2023-2024 School Year

BACKGROUND

For FY 2022-2023, the Eden Area ROP contracted with Premier Commercial Cleaning Solutions, Inc (PCCS) to provide campuswide janitorial services.

CURRENT SITUATION

The attached is the agreement renewal with PCCS, effective July 1, 2023 through June 30, 2024.

CONSENT CALENDAR



SERVICE CONTRACT

This agreement is made between Premier Commercial Cleaning Solutions, Inc (service provider), and Eden Area ROP (client) 26316 Hesperian Blvd, Hayward, CA 94545

1. PCCS will provide janitorial services from **July 1, 2023, to June 30, 2024**, with month-to-month terms. If the client is unsatisfied with services, the client must provide a 30-day written notice. Said notice must demonstrate clear proof of breach of janitorial service per this agreement. If the client has any grievances in connection with the service, the client will provide written notification of the grievance and permit PCCS to resolve it within ten days.

2. PCCS will perform service as per our proposal. As consideration for these services, the client will pay the amount listed below for the period above.

\$101,760.00

An invoice will be issued in advance on the 1st day of each month and is **due 30 days** after completing services. If payment is not received within 70 days, PCCS reserves the right to suspend service until the account is brought current. PCCS bills separately for special services such as carpet cleaning, window cleaning, stripping, waxing, buffing, COVID protocol, labor charges, etc. All additional service invoices are **due 30 days** after the service has been completed. The above fee is based on current labor and material costs. If such costs change or the job requirements change, PCCS reserves the right to amend the fee accordingly. The client may either agree to the adjusted price or may elect to cancel the service.

3. PCCS carries liability insurance and is bonded.

4. The undersigned who has executed this agreement on behalf of the client warrants and represents that he/she has full authority to enter into this agreement on the client's behalf. This agreement will bind the parties hereto their respective successors and assigns.

The parties hereto, intending to be legally bound, have signed this Agreement on the day and year written below.

BY  Date 04/13/2023
Eden Area ROP

BY *Cristi Alonso* Date *February 22, 2023*
Cristi Alonso
Premier Commercial Cleaning Solutions, Inc

Eden Area ROP Janitorial Cleaning Schedule

Service Areas

- Campus Areas A, B, C, F, G, H

Scope Of Work

Each Service	
<ul style="list-style-type: none"> Remove trash and spot clean trash receptacles Clean and disinfect desktops, countertops, and tabletops Clean and disinfect drinking fountains Vacuum all carpeted floors and runners Mop and disinfect all hard surface floors and mats Clean glass entrance doors and partitions 	<ul style="list-style-type: none"> Clean and disinfect toilets, urinals, sinks and dispensers, and restroom mirrors Spot clean chairs, cabinets, and vending machines Clean and disinfect breakroom surfaces and breakroom appliance exteriors Restock restrooms/breakrooms soap and paper product dispensers with customer's supplies, including menstrual hygiene products. breakroom surfaces and breakroom appliance exteriors
Weekly Service	
<ul style="list-style-type: none"> Dust horizontal surfaces such as file cabinets, copy machines, bookshelves, and tables (excluding walls) Dust desktop and accessories such as calculators, calendars, letter trays, etc. 	<ul style="list-style-type: none"> Clean carpet stains equivalent to the size of a quarter or smaller, and no more than a total of 8 spots Clean and disinfect restroom mirrors Spot clean bathroom walls, partition walls and doors
Monthly Service	
<ul style="list-style-type: none"> Clean and disinfect partition walls and doors in restrooms Low dusting of chair rails and legs, desk and table legs, baseboard, ledges, vents, etc. Vacuum upholstered furniture 	<ul style="list-style-type: none"> Vertical dusting of sides or desks, cabinets, files, bookshelves, etc. High dusting of ledges, picture frames, door frames, wall vents, etc. Dust windowsills



DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Linda Granger, Chief Executive Officer
SUBJECT: Request the Governing Board to approve the Agreement with
Cabrillo Community College for the Strong Workforce Program from
January 2023 through June 2025

BACKGROUND

The Bay Area Community College Consortium has contracted with Cabrillo Community College as the fiscal agent for the K12 Strong Workforce Program (SWP). Cabrillo Community College is responsible for distributing funds to grantees within their region. The agreement with Cabrillo Community College is for the period of January 1, 2023 and expire on June 30, 2025.

CURRENT SITUATION

The Eden Area ROP in conjunction with our district partners successfully submitted a SWP grant application for \$2,000,000 focused on providing middle and high school students Career Technical Education (CTE) opportunities. Middle school students will be offered the option of exploring CTE programs at the Eden Area ROP Center over the summer and high school students will be provided the opportunity to enroll in college level courses during the summer session.

CONSENT CALENDAR

**BAY AREA COMMUNITY COLLEGE CONSORTIUM
K12 STRONG WORKFORCE PROGRAM AGREEMENT
BETWEEN
CABRILLO COMMUNITY COLLEGE DISTRICT
and
Eden Area ROP**

This agreement is entered into between Cabrillo Community College District (hereinafter referred to as “Fiscal Agent”) and Eden Area ROP (hereinafter referred to as “Grantee”), collectively referred to as “Parties” and individually as “Party.”

1. RECITALS

WHEREAS, the Cabrillo Community College District has been designated as the fiscal agent for the K12 Strong Workforce Program (hereinafter referred to as “K12 SWP”) for the Bay Area Community College Consortium (hereinafter referred to as “Regional Consortium”) and is responsible for distributing funds to each grantee within the region, following certification in NOVA by the Regional Signing Authority.

WHEREAS, the Fiscal Agent is authorized to receive funding from the California Community Colleges Chancellor’s Office (hereinafter referred to as “Chancellor’s Office”), in partnership with the California Department of Education (CDE) and as appropriated under Education Code¹ §88827, for the K12 SWP to create, support, and/or expand high-quality career technical education programs at the K12 level that are aligned with the workforce development efforts occurring through the Strong Workforce Program.

WHEREAS, the Grantee is entering into this agreement to set the terms and conditions for their agency’s award of the K12 Strong Workforce Program, and to be accountable for all deliverables identified in Exhibit B: K12 SWP CTE Pathway/Program Work Plan.

NOW, THEREFORE, in consideration of these mutual promises, the Parties agree as follows:

2. AWARD AMOUNT

The total amount for this Agreement is **\$2,000,000** for the project titled Connections (**NOVA ID 20136**) and payment to Grantee shall be made in accordance with the terms and conditions of this Agreement and as determined by the amount approved by the region’s K12 SWP Selection Committee and entered into the California Community Colleges’ NOVA system (hereinafter referred to as NOVA).

Grantee certifies that grant funds received and the matching funds contributed by the Grantee and its partners shall be used solely for the purpose of supporting the program or programs for which the grant is awarded.

Whereas the region is collectively responsible for fully expending the regional allocation within the specified timeline, and whereas failure to do so can result in the return of the funds to the State, it is

¹ Unless otherwise noted, all statutory references herein shall be to the California Education Code.

imperative to have a process for reallocating funds when Grantees are unable to fully spend their allocation. In order to ensure the region is able to fully expend its allocation, Grantee should regularly monitor its rate of expenditures and contact BACCC to discuss reallocation of funds as soon as possible if it becomes evident that Grantee may be unable to fully expend Award. BACCC may initiate a discussion about possible reallocation if the expenditures reported at the end of fiscal year 2023-24 indicate that full and timely expenditure may be difficult to achieve.

3. PERIOD OF PERFORMANCE

The period of performance for this Agreement shall commence on January 1, 2023 and shall expire on June 30, 2025, unless terminated earlier in accordance with the termination provisions of this Agreement.

4. SCOPE OF WORK

Grantee shall carry out the activities and achieve the performance outcomes as presented in the Grantee's certified plan in NOVA.

5. MODIFICATIONS

Grantee may request modifications to the work to be performed. All such requests must be submitted in writing to the Fiscal Agent prior to the modification being made. The Fiscal Agent may require that a Grant Amendment be processed if the Fiscal Agent determines that a change would materially affect the project outcomes as described in the Pathway/Program Work Plan of the certified plan in NOVA, the terms of this Agreement, or the terms included in the K12 Strong Workforce Program RFA - Appendix A: Program-Specific Legal Terms and Conditions available at k12swpRFAr5.baccc.net

Grantee may make changes to any budget category amounts up to 10% of the total award amount per object code as listed in the Summary Budget in Exhibit A without the approval of the Fiscal Agent so long as budget categories are not added or deleted, the total dollar amount of the Agreement is not affected, and the outcomes of the Agreement will not be materially affected. Grantee may add or delete budget categories subject to the prior approval of the Fiscal Agent. Amendments are required for budget changes when there are changes in the total dollar amount of the Agreement.

The process for requesting and approving amendments is determined by the Fiscal Agent. Budget changes or amendments are subject to applicable program limitations and require approval of the Fiscal Agent. No extensions to the performance period will be granted.

The process for requesting and approving changes to grant budget categories and/or amounts as well as grant amendments are posted on the Regional Consortium's K12 SWP website at k12swp.baccc.net.

6. INVOICING AND PAYMENT

Advance payment of 70% of the total amount of this Agreement will be paid to Grantee within 45 days following full execution of the Agreement.

Grantee may request payment for reimbursable expenditures for the remaining 30% of the total amount of this Agreement when actual expenditures and NOVA reported expenditures exceed the 70% advance payment. Payment(s) will be made upon receipt of an invoice. Invoices shall be submitted on a form provided by Fiscal Agent and must be supported by financial detail reports that itemize costs. Fiscal Agent may request back-up documentation for expenditures if required to adhere to compliance terms and standards. Payment of invoices is contingent upon completion and approval by Fiscal Agent of any reports due on or before the date of the submitted invoice. Final invoices for all performance under this Agreement are due no later than August 30, 2025.

The Grantee is obligated to provide proportional dollar match according to the terms set forth in the K12 Strong Workforce Program RFA (k12swpRFAR5.baccc.net), and as indicated in the Grantee's certified plan in NOVA. Grantees will be required to submit documentation of the match in the fiscal reports submitted through NOVA.

7. REPORTING

K12 SWP funding is project-based with project submissions and reporting of expenditures and match taking place in NOVA. The Grantee agrees to adhere to the reporting schedule as posted on the BACCC K12 SWP website, k12swp.baccc.net. Grantee will be provided 30 days notice of report due dates and any changes to the reporting schedule. Fiscal and narrative reports of project progress may be requested by the Fiscal Agent at other times. It is the responsibility of the lead LEA to ensure that all required Progress, Fiscal and Cal-PASS Plus reports are submitted by or on behalf of all K–12 Partner Agencies.

Grantee shall prepare and submit outcomes data as required by California Education Code §88828 (d) (8) (D). Grantee and partnering local educational agencies shall enter into and maintain a data sharing MOU with Cal-PASS Plus until an MOU is executed between CDE and CCCCCO for information sharing on K12 data. It is the responsibility of Grantee to ensure that all participating K–12 Partner Agencies with data required to be reported have an MOU with Cal-PASS Plus. By November 1 immediately following the fiscal year for which data are being reported, Grantee and partnering local educational agencies shall provide student-level data necessary to evaluate K12 SWP to CDE; beginning in 2021-22, submit all end-of-year data files, as applicable and required by K12SWP legislation, into the Cal-PASS Plus system; and notify their K-14 Technical Assistance Provider that data has been reported. As per the legislation, failure to provide this data may result in termination of the grant.

8. SUBGRANTING AND SUBCONTRACTING

The Grantee is responsible for distributing funds to partnering agencies identified in the application as subgrantees. The Grantee is responsible for the performance of any services provided using funds awarded under this grant by partners, consultants, or other organizations. The Grantee must have an invoice process for all K-12 Partner Agencies (subgrantees) that enables the Grantee to provide the necessary backup documentation for all invoices submitted to the Fiscal Agent for expenses made by subgrantees. The Grantee is responsible for sharing relevant communication and information with all partners.

The Grantee shall obtain approval from the Fiscal Agent for additions or deletions to the subgrantees named in Exhibit A: Objective and Financials or for changes in the amount of funds awarded each subgrantee greater than 10% of the total grant.

The Grantee is to be fully responsible to the Fiscal Agent for the acts and omissions of its partnering subgrantees, subcontractors, and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly employed by the Grantee. Grantee's obligation to pay its subgrantees and subcontractors is independent from the obligation of the Fiscal Agent to make payment to the Grantee. As a result, the Fiscal Agent shall have no obligation to pay or enforce the payment of any money to a subgrantee or subcontractor.

9. RECORDS AND AUDITS

- A. The State Controller will include the audit instructions necessary to enforce the requirements pertaining to the K12 component of the Strong Workforce Program in the audit guide required by Ed Code Section 14502.1.
- B. Grantee must maintain records regarding use of program funds and progress made towards completing the performance outcomes listed in the certified project plan and budget in NOVA .
- C. Grantee shall maintain and make available expenditure data for the purposes of verifying that the matching funds requirements as specified in the K12 Strong Workforce Program RFA (k12swpRFAr5.baccc.net) have been met.
- D. Parties agree that the Fiscal Agent, the Chancellor's Office, the Bureau of State Audits, and any other appropriate state or federal oversight agency, or their designated representative(s), shall have the right to review and copy any records and supporting documentation pertaining to the performance of this Agreement. Grantee agrees to maintain such records for possible audit for a minimum of three (3) years after the final payment or until any audit findings have been resolved, unless a longer period of records retention is stipulated. Grantee agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Grantee agrees to include a similar right of the Fiscal Agent, the Chancellor's Office, the Bureau of State Audits, any other appropriate state or federal oversight agency, or their designated representative(s) to audit records and interview staff in any subcontract related to performance of this Agreement.

10. TERMINATION

Either Party may terminate this Agreement, with or without cause upon thirty (30) days written notice served upon the other Party. Notice shall be deemed served on the date of mailing. Upon termination, or notice thereof, the Parties agree to cooperate with one another in the orderly transfer of contract responsibilities, records, and pertinent documents.

11. DISPUTES

All claims, disputes, and other matters in question between the Parties arising out of or relating to this Agreement or the breach thereof shall be addressed in the following manner. The Parties shall enter into

good faith negotiations to reach an equitable settlement. Except as otherwise provided in this Agreement, any dispute concerning any question arising under this Agreement shall be decided by the Fiscal Agent or the Chancellor's Office, based on prior written mutual agreement as to which of these two entities will resolve the dispute. If the Parties do not agree as to the dispute resolution entity, the Fiscal Agent will solely select the final arbiter and such selection will be binding on the Grantee. The final arbiter's decision shall be reduced to writing and a copy thereof shall be mailed or otherwise furnished to the Grantee. The decision shall be final and conclusive unless within thirty (30) calendar days from the mailing or delivery of such copy, the final arbiter receives from Grantee a written request to appeal said decision. Pending the final decision of the appeal, Grantee shall act in accordance with the written decision of the Fiscal Agent or the Chancellor's Office, whichever is the final arbiter of the dispute. The handling of non-criminal complaints, including discrimination complaints, and complaints and reports of criminal fraud, waste and abuse shall be as prescribed by the State of California, and/or the Prime Sponsor, whichever is applicable, in accordance with applicable provisions of the Code of Federal Regulations.

12. INDEMNIFICATION

Each Party to this Agreement agrees to defend, indemnify, and hold harmless the other Parties, their officers, agents, employees and volunteers, from and against all loss, cost, and expense arising out of any liability or claim of liability, sustained or claimed to have been sustained, arising out of activities, or its performance or nonperformance of obligations under this Agreement, of the indemnifying authority, or those of any of its officers, agents, employees, or volunteers. The provisions of this Article do not apply to any damage or losses caused solely by the negligence or willful misconduct of the Parties seeking indemnification or any of its agents or employees.

13. INSURANCE

Acceptance of this Agreement constitutes that Grantee is not covered under Fiscal Agent's general liability insurance and that Grantee agrees, during the term of this Agreement, to maintain, at the Grantee's sole expense, all necessary insurance for its officers, agents, and employees, including but not limited to worker's compensation (if required by law), liability, disability, and unemployment insurance. Certificates of insurance shall be provided to Fiscal Agent. Specifically, during the term of this agreement, Grantee shall maintain in full force and effect the kinds of insurance, containing the limits of liability set forth below:

- A. **Workers' Compensation:** Grantee shall comply with the workers' compensation law of the state wherein the services are to be rendered. Such policy shall provide coverage for all persons engaged in the activities described in this Agreement under the employ, supervision or control of the Grantee, and is exempt from the requirement of naming the Fiscal Agent as Additionally Insured.
- B. **General Liability:** The policy shall contain a combined single limit of liability of not less than \$2,000,000 per occurrence and not less than \$5,000,000 in the aggregate.
- C. **Automobile Liability:** If automotive vehicles are operated by Grantee in Grantee's performance of Grantee's obligations under this agreement, Grantee shall maintain an automobile liability policy

which shall include coverage on all owned, non-owned and hired vehicles and shall have a minimum limit of liability of not less than \$1,000,000 per occurrence.

Coverage shall be placed with an insurer having a Best's Key Rating of "A-" or better, unless Grantee is self-insured or insured under a Joint Powers Authority, in which case Fiscal Agent will review coverage and indicate in writing if coverage is acceptable. Grantee shall furnish Fiscal Agent with Certificates of Insurance evidencing such coverage. Such Certificate shall name Fiscal Agent as additional insureds, and provide that it can be canceled only with thirty (30) days prior written notice to Fiscal Agent. If any of the foregoing coverages expire, change, or are canceled, Grantee shall notify Fiscal Agent within thirty (30) days prior to the effective date of such expiration, change or cancellation.

The following sentence shall be included in the additional insured endorsements:

"Cabrillo Community College District, its Governing Board, as individuals and as an entity, its officers, directors, employees, and volunteers, are hereby named as additional insured, with respect to all work performed by or on behalf of the named insured under its contract with the Certificate Holder."

14. INDEPENDENT CONTRACTORS

For the purpose of this Agreement and all work and services specified herein, the parties shall be, and shall be deemed to be independent contractors and not agents or employees of the other party.

Grantee, in the performance of this Agreement, shall be and act as an independent contractor and not as an employee of the Fiscal Agent. The Grantee understands and agrees that it and all of its employees shall not be considered officers, employees or agents of the Fiscal Agent, and are not entitled to benefits of any kind or nature normally provided to employees of the Fiscal Agent and/or to which Fiscal Agent's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Workers' Compensation. The Grantee assumes full responsibility for its acts and/or liabilities including those of its employees or agents as they relate to the services provided under this Agreement. The Grantee shall assume full responsibility for withholding and payment of all: Federal, State, Local and applicable income taxes; workers' compensation; contributions, including but not limited to, unemployment insurance and social security with respect to the Grantee's employees. The Fiscal Agent will not withhold taxes, unemployment insurance or social security for the Grantee's employees or independent subcontractors. The Grantee agrees to indemnify and hold the Fiscal Agent harmless from and against any and all liability arising from any failure of the Grantee to withhold or pay any applicable tax, unemployment insurance or social security when due.

15. ASSURANCES

By signing this Agreement the Parties certify they will comply with the terms and conditions outlined in the Strong Workforce Program established by Education Code §§88827-88833, and with the guidance documents provided by the California Community College Chancellor's Office, K12 Strong Workforce Program RFA (k12swpRFAr5.baccc.net), and other guidance published by the California Community College Chancellor's Office, currently posted on Strong Workforce Program websites and the Regional Consortium's website:

<https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Workforce-and-Economic-Development/K12-Strong-Workforce>.

K12swp.baccc.net

By signing this Agreement the Grantee certifies that it complies with state and federal requirements for standards of conduct, workers' compensation insurance, participation in grant-funded activities, non-discrimination, accessibility for persons with disabilities, drug-free workplace certification, intellectual property, and debarment and suspension, and will adhere to these legal standards and requirements in the performance of work related to this Agreement.

16. FEDERAL, STATE, AND LOCAL TAXES

Except as may be otherwise provided in this Agreement, the Grantee's award amount includes all applicable Federal, State, and local taxes and duties, and therefore, Grantee shall be responsible for paying all such costs.

17. EQUAL OPPORTUNITY/NON-DISCRIMINATION

- A. During the performance of this Agreement, Grantee shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religion, creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer and genetic characteristics), age (over 40), marital status, denial of family care leave, sexual orientation, gender, gender expression, political affiliation, position in a labor dispute, or any characteristic listed or defined in §11135 of the Government Code or any characteristic that is contained in the prohibition of hate crimes set forth in subdivision (1) of §422.6 of the California Penal Code, or any other status protected by law is strictly prohibited. Grantee shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- B. Grantee shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, §§12900 et seq.) and the applicable regulations promulgated thereunder (Cal. Code Regs., tit. 2, §§7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code §12990 (a-f), set forth in chapter 5 of division 4 of title 2 of the California Code of Regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full.
- C. Grantee shall also comply with the provisions of Government Code §§11135- 11139.8 regarding discrimination, and the regulations promulgated thereunder by the Board of Governors of the California Community Colleges (Cal. Code of Regulations, title 5, §§59300 et seq.)

18. UNENFORCEABLE PROVISION

In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement remain in full force and effect and shall not be affected thereby.

19. WAIVER

Any waiver by Fiscal Agent of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term. Failure on the part of the Fiscal Agent to require full, exact, and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms of this Agreement, or stopping the Fiscal Agent from enforcing the terms of this Agreement.

20. COMPLIANCE WITH APPLICABLE LAWS

It is understood and agreed that this Agreement shall be governed by the laws of the State of California both as to the interpretation and performance; venue of any action brought with regard to this Agreement shall be in Santa Cruz County, State of California.

Grantee shall be subject to and shall comply with all Federal, State and local laws and regulations applicable with respect to its performance of services under this Agreement.

21. INTELLECTUAL PROPERTY

Any work product resulting from this Agreement falls under the Chancellor's Office Creative Commons Attribution license, which gives permission to the public to reproduce, distribute, perform, display or adapt the licensed materials for any purpose, so long as the user gives attribution to the author.

22. ORDER OF PRECEDENCE

Any inconsistency or conflict between provisions in this Agreement shall be resolved by giving precedence in the following order:

- 1) Process for requesting/approving budget/contract changes as posted on k12swp.baccc.net website
- 2) The Agreement,
- 3) K12 Strong Workforce Program RFA k12swpRFAr5.baccc.net),
- 4) Certified project plan and budget in NOVA

23. NOTICES/CONTACTS

All notices required or permitted under this Agreement shall be in writing and may be delivered in the following ways with preference given to email. A Party to this Agreement may give notice to the other Party by sending an email and receiving explicit acknowledgement of its receipt from the other party. Notice may also be sent by certified mail, return receipt requested; by reputable overnight courier services, with package tracking capability to the other party's address as specified below. Such notice shall be effective when received, as indicated by courier or post office.

Each Party has the responsibility of keeping notice contact information accurate and current.

For Fiscal Agent:

Name of CCD: BACCC % Cabrillo Community College District
Address: 6500 Soquel Drive
City, State, Zip: Aptos, CA, 95003

Attention Name: Rock Pfothenhauer
Title: BACCC Chair
E-mail: rock@baccc.net
Telephone: 831-479-6482

For Grantee:

Name of Lead LEA: Eden Area ROP
Address: 26316 Hesperian Blvd
City, State, Zip: Hayward, CA 94545

For project/program related matters:

Attention Name: Linda Granger
Title: Chief Operating Officer
E-mail: lgranger@edenrop.org
Telephone: 510-295-5484

For fiscal related matters:

Attention Name: Linda Granger
Title: Chief Operating Officer
E-mail: lgranger@edenrop.org
Telephone: 510-295-5484

Each Party agrees to notify the other, in writing, within 30 days of changes to project contacts.

24. SIGNATURES

By signing below, the Parties agree to the terms and conditions set forth in this Agreement, which terms and conditions, upon such signatures, shall be incorporated into and become a part of the Agreement between Cabrillo Community College District and Eden Area ROP, and are binding upon the Parties without any further action by the Parties.

FISCAL AGENT

Cabrillo Community College District

Alex Strudley

Director, Procurement and General Services

(signature)

(date)

GRANTEE

Eden Area ROP

Blaine Torpey

Superintendent

(signature)

(date)

INFORMATION ITEMS

DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Craig Lang, Director of Adult Programs
SUBJECT: Adult Programs Update

BACKGROUND

The Adult Program started in the 2014-2015 school year. The focus of the of Adult Program is to provide short-term quality training to assist adults with increasing their current skill-set and/or transitioning into new careers.

CURRENT SITUATION

The Director of Adult Programs, Craig Lang, will give an update on current adult program offerings and describe plans for expanding classes in the future.

RECOMMENDATION

Information only

EdenAreaROP

Adult Program Summaries

All Programs

Program	Cost	Number of Students	Income	Length of Class	Cohorts
Dental Infection Control	\$2,200 \$295	32 per year	\$70,400	14 weeks 8 hours	2 cohorts, 9 each 2 cohorts a year
Electrical Day	\$5,850	60 per year	\$351,000	6.5 months	2 cohorts during the day, 16 each
Medical	\$2,800	25 per year	\$70,000	20 weeks	1 cohort per year
Welding	\$1,800	22 per year	\$39,600	12 weeks	2 cohorts per year
Electrical Evening	In Person \$525 Online \$75, \$275	900 per year	\$472,500	12 weeks 8 hr., 32 hr.	3 trimesters a year
Apprenticeship	LEA receives 20% of submitted hours	63,262 hours	\$111,594	n/a	n/a
DSP (Direct Service Providers)	\$200	800 per year	\$160,000	4-7 days	
Resources	ETPL – Eligible Trainer Provider List CA Dept of Labor CalJOBS CalWORKs				
Partners	HPN, Koshland, Rubicon/One Stop, Live in Peace, Patricia Salazar Vocational Counseling, Ortega Counseling Center, Patricia Posada Vocational Services Inc., Department of Rehabilitation, Employment Development Department, Workers Compensation, International Rescue Committee (Refugee Services), Workforce Innovation and Opportunity Act				

DATE: April 13, 2023
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: First Reading of Governing Board Policies, Administrative Regulations, and Board Bylaws

BACKGROUND

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 last thorough review of all of the Eden Area ROP Governing Board policies and administrative regulations occurred in the 2019-2020 school year.

Since then, 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 regularly review these updates and bring relevant changes to the board for their consideration throughout the year.

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

What follows is the first reading of updated board policies, administrative regulations, and board bylaws to reflect current law and regulations provided in CSBA's quarterly update.

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

Information only



EdenAreaROP SUPERINTENDENT'S MEMO

To: Eden Area ROP Governing Board
From: Blaine Torpey, Superintendent
Date: April 13, 2023
Re: First Reading of Board Policies, Administrative Regulations, and Board Bylaws

Listed below is a summary of the changes being recommended to Board Policies (BP), Administrative Regulations (AR), and Board Bylaws (BB) for the consideration of the Board.

Number	Type	Title	Explanation of Change	Status
4030	BP	Nondiscrimination in Employment	Policy updated to reflect NEW LAW (SB 523, 2022) which adds reproductive health decisionmaking as a form of prohibited discrimination, and prohibits an employer from requiring an applicant or employee to disclose information relating to an employee's reproductive health decisionmaking.	Revise
4218	BP	Dismissal/Suspension/Disciplinary Action	Policy updated to reflect NEW LAW (AB 2413, 2022) which prohibits a district from suspending, demoting, or dismissing a permanent classified employee who timely requests a hearing pending the outcome of that hearing.	Revise
4218	AR	Dismissal/Suspension/Disciplinary Action	Regulation updated to clarify that 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. Regulation also updated to reflect NEW LAW (AB 2413, 2022) which prohibits a district from suspending without pay, suspending or demoting with a reduction in pay, or dismissing a permanent classified employee who timely requests a hearing unless it is found by a preponderance of the evidence at the time discipline was imposed that the employee (1) engaged in criminal misconduct, (2) engaged in misconduct that presents a risk of harm to students, staff, or property, or (3) committed habitual violations of the district's policies or regulations. Additionally, regulation updated to provide that a district may cease paying an employee if a decision has not been rendered within 30 days of the date the hearing was requested.	Revise

5113	AR	Absences and Excuses	Regulation updated to reflect NEW LAW (SB 955, 2022) which includes, as another type of required excused absence, the absence of a middle school or high school student for the purpose of participating in a civic or political event, as defined, provided that the student notifies the school ahead of the absence, and NEW LAW (AB 181, 2022) which no longer requires the State Board of Education to update its illness verification regulations as necessary to account for including, as a personal illness excused absence, a student's absence for the benefit of the student's mental or behavioral health. Regulation also updated to clarify that absences for participation in religious exercise or to receive moral and religious instruction are excused, but that in order for districts to receive average daily attendance funding for such absences, the Governing Board is required to first adopt a resolution permitting an excused absence for such purposes.	Revise
5131.41	AR	Use of Seclusion and Restraint	Regulation updated to clarify the limited exception when seclusion and/or behavioral constraint may be used, and to reflect that it cannot be applied for longer than necessary to contain the dangerous behavior. Regulation also updated to include, as appropriate, concepts from the December 2022 Davis Joint Unified School District Resolution Agreement with the U.S. Department of Education, Office for Civil Rights, regarding the use of seclusion and restraint as it relates to a free appropriate public education for students with disabilities. Regulation also updated to add a new section "Documentation of Seclusion and Restraint."	Revise
5144	AR	Discipline	Regulation updated to incorporate NEW GUIDANCE from the U.S. Department of Education, Office for Civil Rights, issued to help districts support students with disabilities and avoid discriminatory discipline practices.	Revise
5144.1	AR	Suspension and Expulsion/Due Process	Regulation updated to provide that "suspension" does not include removal from class, as specified, so long as removal from a particular class does	Revise

			not occur more than once every five school days, add definitions related to electronic acts as a mode of bullying, include that a teacher may, in addition to suspending a student from class, refer a student for specified acts to the Principal or designee for consideration of a suspension from school, and clarify that immediate suspension is required for any student found at school or a school activity away from school who committed any of the enumerated acts for which a recommendation of expulsion is required. Regulation also updated to reflect NEW LAW (AB 740, 2022) which provides for additional due process procedures for suspension of foster youth and Indian children.	
5144.2	AR	Suspension and Expulsion/Due Process (Students with Disabilities)	Regulation updated to reflect NEW GUIDANCE from the U.S. Department of Education's Office of Special Education and Rehabilitative Services, which recommends that districts identify ways to significantly reduce the use of exclusionary discipline and its disproportionate effect on student with disabilities, and the U.S. Department of Education's Office for Civil Rights, which provides that, for a student with a disability under Section 504, schools are required to conduct a manifestation determination before implementing a disciplinary removal that will significantly change the placement of the student due to discipline for (1) removal from class or school for more than 10 consecutive school days, or (2) a series of removals from class or school that together total more than 10 school days in a school year and constitute a pattern of removal. Regulation also updated to emphasize that suspension or expulsion of a student with disabilities be in accordance with Board Policy 5144.1 - Suspension and Expulsion/Due Process, and that 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 consider positive behavioral interventions and supports, and other strategies, to address the behavior. Additionally, regulation updated, for conceptual alignment, to move material regarding the monitoring of the number of days of a suspension of	Revise

			student with an IEP, and reflect NEW LAW (AB 740, 2022) which provides that a foster youth's educational rights holder, attorney, and county social worker, and an Indian child's tribal social worker and, if applicable, county social worker, have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation determination notice and invitation to the manifestation determination meeting, involuntary transfer notice, and other documents and related information.	
6115	AR	Ceremonies and Observances	Regulation updated to reflect NEW LAW (AB 1655, 2022) which adds June 19, "Juneteenth National Independence Day," to the list of holidays on which public schools must be closed and NEW LAW (AB 1801, 2022) that adds Genocide Remembrance Day to the list of days districts are authorized to close. Regulation also updated to clarify language regarding days on which schools are required to be closed based on appointment by the Governor or President, and to encourage districts to observe a moment of silence on September 11th Remembrance Day, as authorized by law.	Revise
9270	BB	Conflict of Interest	Bylaw updated to reflect NEW LAW (SB 1439, 2022) which makes applicable to elected district officers the prohibition against accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, and from participating in making, or in any way attempting to use the official position to influence the Board's decision when a district officer received a contribution of more than \$250 from a party or participant in the preceding 12 months, as specified. Bylaw also updated to clarify, for a Board member who manages public investments, that when an item on the consent calendar is one in which the Board member has	Revise

			a financial interest, the Board member is required to either make a motion to remove the item from the consent calendar or abstain from voting on the consent calendar.	
9320	BB	Meetings and Notices	<p>Bylaw updated to reflect NEW LAW (AB 2449, 2022) which (1) requires Boards to maintain and implement a procedure for receiving and resolving requests for reasonable accommodation for individuals with disabilities, to resolve any doubt in favor of accessibility, and to give notice of the procedure for receiving and resolving requests for accommodation in each instance in which notice of the time of a meeting is otherwise given or the agenda is otherwise posted, and (2) adds procedures for "Teleconferencing During a Personal Emergency" and "Teleconferencing for 'Just Cause'".</p> <p>Bylaw also updated to reflect NEW LAW (AB 2647, 2022) which provides a procedure for complying with the Brown Act when distributing materials to the Board less than 72 hours before a regular meeting and outside of regular business hours. Additionally, bylaw updated to reference the expiration of the California COVID-19 State of Emergency on February 28, 2023 and to clarify that a Board may utilize "Teleconferencing During a Proclaimed State of Emergency," if all terms are met pursuant to Government Code 54953, until January 1, 2024.</p>	Revise

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.

(cf. 1240 – Volunteer Assistance)

(cf. 3312 – Contracts)

(cf. 3600 – Consultants)

(cf. 4111/4211/4311 – Recruitment and Selection)

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.

(cf. 0410 – Nondiscrimination in District Programs and Activities)

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

(cf. 4151/4251/4351 – Employee Compensation)

(cf. 4154/4254/4354 – Health and Welfare Benefits)

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

(cf. 4033 – Lactation Accommodation)

(cf. 4119.11/4219.11/4319.11 – Sexual Harassment)

- 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

~~(cf. 4119.22/4219.22/4319.22 – Dress and Grooming)~~

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

~~(cf. 4119.41/4219.41/4319.41 – Employees with Infectious Disease)~~

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

~~(cf. 4032 – Reasonable Accommodation)~~

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.

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

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)

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

State References

	Description
2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11027-11028	National origin and ancestry discrimination - https://simbli.eboardsolutions.com/SU/SYk7u9LttH4epGWfUlfjdg==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12952	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Pen. Code 422.56	Definitions; hate crimes

Federal References

	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964

42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	"Know Your Rights: Workplace Discrimination is Illegal" poster
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

CA Civil Rights Department Publication
CA Civil Rights Department Publication
CA Civil Rights Department Publication
CA Civil Rights Department Publication
CA Civil Rights Department Publication
Court Decision
Court Decision
Court Decision
U.S. DOE Office for Civil Rights Publication
U.S. Equal Employment Opportunity Comm Publication
U.S. Equal Employment Opportunity Comm Publication
U.S. Equal Employment Opportunity Comm Publication

Description

Family Care and Medical Leave and Pregnancy Disability Leave
California Law Prohibits Workplace Discrimination and Harassment
The Rights of Employees Who Are Transgender or Gender Nonconforming
Harassment Prevention Guide for California Employers
Your Rights and Obligations as a Pregnant Employee
Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Shephard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837
Thomson v. North American Stainless LP (2011) 62 U.S. 170
Notice of Non-Discrimination, August 2010
Know Your Rights: Workplace Discrimination is Illegal, October 2022
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
EEOC Compliance Manual
U.S. Department of Labor, Office of Federal Contract Compliance Program - <https://simbli.eboardsolutions.com/SU/PH97sURpCaw0yTclBzHxZA==>
CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>
California Civil Rights Department - <https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==>
U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>
U.S. Equal Employment Opportunity Commission - <https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Website

Website

Website

Website

Website

Cross References

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0470
1113
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1114
1240

Description

Nondiscrimination In District Programs And Activities - <https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==>
COVID-19 Mitigation Plan - <https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==>
District And School Web Sites - <https://simbli.eboardsolutions.com/SU/6eqaGlrNiZIWJNVmplusi2A==>
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District-Sponsored Social Media - <https://simbli.eboardsolutions.com/SU/DrRYIAkWzbu02sJcWkya9Q==>
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Volunteer Assistance - <https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==>

1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/YCbehdu5XHV0vJxUuUnGiw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==
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1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NCIO1x8xFCdtQRniKVFEQQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==
1313	Civility - https://simbli.eboardsolutions.com/SU/BxJMQDuDpEErhDnhTU2k1g==
3312	Contracts - https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==
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3600	Consultants - https://simbli.eboardsolutions.com/SU/coKmpzWaJpl8LkLTNHNi5g==
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4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/Z6TjO5plus5g5iA3RBPebCWjw==
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4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/n53qzOBCEGohWSgWOFoNzA==
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4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/l6qk8RhplusplusAmmLHt6ym6Jw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/PvfT8K5PSplus0tb6PTidzaBw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/uP83U93Ls7bxBnKbH0uyyg==
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9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==

9321-E PDF(1)

Closed Session -

<https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyaslsplusvhQ==>

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, ~~Governing~~ Board policy, or administrative regulation.

~~{cf. 1312.1 – Complaints Concerning District Employees}~~

~~{cf. 4000 – Concepts and Roles}~~

~~{cf. 4112.5/4212.5/4312.5 – Criminal Record Check}~~

~~{cf. 4119.11/4219.11/4319.11 – Sexual Harassment}~~

~~{cf. 4119.21/4219.21/4319.21 – Professional Standards}~~

~~{cf. 4141/4241 – Collective Bargaining Agreement}~~

~~{cf. 4200 – Classified Personnel}~~

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.

~~{cf. 4030 – Nondiscrimination in Employment}~~

~~{cf. 4112.6/4212.6/4312.6 – Personnel Files}~~

~~{cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights}~~

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

~~{cf. 4216 – Probationary/Permanent Status}~~

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 ~~hearing~~ 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)

(cf. 9321 – Closed Session)

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)

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

State References

CA Constitution Article 1, Section 1

Ed. Code 35161

Ed. Code 44009

Description

Inalienable rights

Board delegation of any powers or duties

Conviction of specified crimes

Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

42 USC 12101-12213
U.S. Constitution

Description

Americans with Disabilities Act
Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Website
Website
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Kennedy v. Bremerton (2022) 142 S.Ct. 2407
California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
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CSBA District and County Office of Education Legal Services -
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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

(cf. 4112.5/4212.5/4312.5 – Criminal Record Check)

(cf. 4119.24/4219.24/4319.24 – Maintaining Appropriate Adult-Student Interactions)

(cf. 5141.4 – Child Abuse Prevention and Reporting)

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

(cf. 4119.11/4219.11/4319.11 – Sexual Harassment)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

4. Violation of or refusal to obey state or federal law or regulation, **Governing** 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

(cf. 4020 – Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 – Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 – Drug and Alcohol Testing for School Bus Drivers)

(cf. 4159/4259/4359 – Employee Assistance Program)

12. Destruction or misuse of Eden Area ROP property

(cf. 4040 – Employee Use of Technology)

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

(cf. 4112.4/4212.4/4312.4 – Health Examinations)

~~(cf. 4212 – Appointment and Conditions of Employment)~~

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

~~(cf. 4030 – Nondiscrimination in Employment)~~

~~(cf. 4032 – Reasonable Accommodation)~~

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

~~(cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)~~

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)

~~(cf. 4216 – Probationary/Permanent Status)~~

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 ~~Governing~~ Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the 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)

~~(cf. 4112.9/4212.9/4312.9 – Employee Notifications)~~

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 **Hearing**Disciplinary Hearing

A classified employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status pending any hearing on the charges, unless the Superintendent or designee determines that the employee's continuance in active duty would present an unreasonable risk of harm to students, staff, or property. The Superintendent or designee may, in writing, order the employee immediately suspended from duty without pay and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

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 **Governing** 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.

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

State References

CA Constitution Article 1, Section 1
Ed. Code 35161

Description

Inalienable rights
Board delegation of any powers or duties

Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

42 USC 12101-12213
U.S. Constitution

Description

Americans with Disabilities Act
Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision

Website

Website

Website

Website

Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
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Skelly v. California Personnel Board (1975) 15 Cal.3d 194
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Cross References

1114

1114

1312.1

1312.1

1312.3

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<https://simbli.eboardsolutions.com/SU/DrRYIAkWzbu02sJcWkya9Q==>
District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/4rkxjWrEmtNQNDmUslsho2o2A==>
Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbmYVcdcJw==>
Complaints Concerning District Employees -
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1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/v3LgWNrJV4M7aMue9vIREQ==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/ZE3BkJ3FTPLYugS2BVI7QA==
3512	Equipment - https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGCd7JOQ==
3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAHzMbORG1k62wZkQ2Aw==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==
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3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/L0Fr5np1DVqYr6TJPe2slshWQ==
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4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/9Pyvflsh2ubiT9xmfmH2QpeQ==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/ngQJZKSdGA5gKKvWvRNxEa==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/10ZbnsLBD4kFslsh0MNykuzaA==
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4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==
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4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
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4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ZDpcR4FbgeFJfnThO6Tcvw==

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4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/iUoZfku8qplusL9A2pCKzS3dQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/BnwnWmUC86HO6A1Pv8TC5Q==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/l6qk8RhplusplusAmmLHt6ym6Jw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/UuMG2NhTrJXQxGxhlLamCQ==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/SKcZRAfchzUtahOLWjY0eQ==
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4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/l17lzdumHMKo8put7kPOplusplusQ==
4136-E PDF(1)	Nonschool Employment - https://simbli.eboardsolutions.com/SU/Cwab2RbcOnwuOXGouFmluw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslsghppplusNU8Ha2g==
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4157	Employee Safety - https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcmNsVozQ==
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4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/VcQ6GPJq0bw3mpPvkXF2slshg==
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9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/7ycRID3oKqdPgEslshplus6tolGQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNVOKslshg==

9321-E PDF(1)

Closed Session -

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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)

(cf. 5112.2 – Exclusions from Attendance)

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)

(cf. 5146 – Married/Pregnant/Parenting Students)

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)

(cf. 6142.3 – Civic Education)

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)

(cf. 6173.2 – Education of Children of Military Families)

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)

1213. 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)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

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)

(cf. 6112 - School Day)

1314. 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)

1415. 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)

1516. 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

(cf. 5113.11 – Attendance Supervision)

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.

(cf. 5113.1 – Chronic Absence and Truancy)

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)

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

(cf. 5145.6 – Parental Notifications)

(cf. 6154 – Homework/Makeup Work)

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

State References

Description

5 CCR 306	Explanation of absence
5 CCR 420-421	Record of verification of absence due to illness and other causes
Ed. Code 1740	Employment of personnel to supervise attendance
Ed. Code 37201	School month
Ed. Code 37223	Weekend classes
Ed. Code 41601	Reports of average daily attendance
Ed. Code 42238-42250.1	Apportionments
Ed. Code 46000	Attendance records
Ed. Code 46010-46015	Absences

Ed. Code 46110-46120	Attendance in kindergarten and elementary schools
Ed. Code 46140-46148	Attendance in junior high and high schools
Ed. Code 48200-48208	Children ages 6-18; compulsory full-time attendance
Ed. Code 48210-48216	Exclusions from attendance
Ed. Code 48225.5	Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization
Ed. Code 48240-48246	Supervisors of attendance
Ed. Code 48260-48273	Truants
Ed. Code 48292	Filing complaint against parent
Ed. Code 48320-48324	School attendance review boards
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Elec. Code 12302	Student participation on precinct boards
Fam. Code 6920-6930	Consent by minor for medical treatment
W&I Code 11253.5	Compulsory school attendance
W&I Code 601-601.5	Habitually truant minors

Management Resources References

Attorney General Opinion	66 Ops.Cal.Atty.Gen. 244 (1983)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 168 (2004)
Court Decision	American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
CSBA Publication	Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/lkd0OQyrdn0CMAAnaMO7MAw==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/PvfT8K5PSplus0tb6PTidzaBw==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==

4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABEic3h6Q==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==
5112.5	Open/Closed Campus - https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQW67K9A==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/KbUEoIJnKiq98MgNJ6xBEQ==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/ZY58nuoqDXjh1J4aDDpjQQ==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKeq3o9g==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/5qDvfdjs200Bw2Z3MqwYTW==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/Gr58lq3NnAplusCGO8p8eXslshmg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/QbJVAQdmFtsJCaENTJI98g==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/xPPv1Cal1UnoZR0xeUtuGw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/fsBunrwmpsHHnBCn2muQplusw==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/euTjsH5FkRHgS9FlabDM2g==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/4Sc4OplusYjRnrF0boRrslshnizw==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==
6112	School Day - https://simbli.eboardsolutions.com/SU/Frt7PpkAhxpluscoaSxpfRxAA==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/pFrhfyqBslshh5MTFxiXDoOw==

6164.2

Guidance/Counseling Services -

<https://simbli.eboardsolutions.com/SU/HwQlx5GRslshCG44LkplusIEykGQ==>

6177

Summer Learning Programs -

<https://simbli.eboardsolutions.com/SU/oc3wFaQ5LHaVE9Uqdwg7lg==>

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 to the limited extent authorized by law, 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.

(cf. 5131 – Conduct)

(cf. 5131.1 – Bus Conduct)

(cf. 6159.4 – Behavioral Interventions for Special Education Students)

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)

(cf. 3515.3 – District Police/Security Department)

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)

(cf. 5144 – Discipline)

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 his/her 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)

(cf. 5131.4 – Student Disturbances)

(cf. 5131.7 – Weapons and Dangerous Instruments)

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)

{cf. 1340 – Access to District Records}

{cf. 3580 – District Records}

{cf. 6159 – Individualized Education Program}

{cf. 6164.6 – Identification and Education Under Section 504}

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

State References

	Description
Ed. Code 49001	Prohibition of corporal punishment
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 56520-56524	Behavioral interventions
Ed. Code 56521.1	Emergency interventions when behavior poses threat to student or others
Ed. Code 56521.2	Prohibited interventions
Gov. Code 7920.000-7930.215	California Public Records Act

Federal References

	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504

Management Resources References

	Description
U.S. Department of Education Publication	Restraint and Seclusion: Resource Document, May 2012
U.S. Dept of Education, Office of Civil Rights	Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References

	Description
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==

5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/5RGJt92O2eFDmyZOV7rCJg==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/WTizELpYMyzwStvslshhuMpNg==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==

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 and student's parents/guardians

(cf. 5020 – Parent Rights and Responsibilities)

(cf. 6020 – Parent Involvement)

2. Referral of the student to the school counselor or other school support service personnel for case management and counseling

(cf. 5138 – Conflict Resolution/Peer Mediation)

(cf. 6164.2 – Guidance/Counseling Services)

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

(cf. 6164.5 – Student Success Teams)

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

(cf. 5148.2 – Before/After School Programs)

9. Community service as provided in the section below entitled "Community Service"

10. In accordance with Governing Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 – Extracurricular/Cocurricular Activities)

11. Suspension and expulsion in accordance with law, Governing Board policy, and administrative regulation

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))

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)

(cf. 5125 – Student Records)

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 Governing 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)

(cf. 5145.6 – Parental Notifications)

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.

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

State References

5 CCR 307

5 CCR 353

Civ. Code 1714.1

Ed. Code 32280-32289.5

Ed. Code 35146

Description

Participation in school activities until departure of bus

Detention after school

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepEduiYWusJFnU3r9Q==>

School safety plans

Closed sessions

Ed. Code 35291-35291.5	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 37223	Weekend classes
Ed. Code 44807.5	Restriction from recess
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 48980-48985	Parent/Guardian notifications
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49330-49335	Injurious objects
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 52060-52077	Local control and accountability plan

Federal References

20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 1751-1769j	School Lunch Program
42 USC 1773	School Breakfast Program

Management Resources References

California Dept of Education Program Advisories	Description Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000
CSBA Publication	The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014
CSBA Publication	Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009
CSBA Publication	Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. Dept of Education, Office for Civil Rights	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Public Counsel - https://simbli.eboardsolutions.com/SU/7ptoaVvYMMjftyQqc8WzyQ==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0450	Description Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==
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0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/DrRYIAkWzbu02sJcWkya9Q==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/4rkxjWrEmtNQNDmUslsho2o2A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NCIIQ1x8xFCdtQRniKVFQQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==
1313	Civility - https://simbli.eboardsolutions.com/SU/BxJMQDuDpEErhDnhTU2k1g==
3512	Equipment - https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==
3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAHzMbORG1k62wZkQ2Aw==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/IDOrNwb4o0L0slsh08FKzDikQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4yl1slsh3FiWsw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/L0Fr5np1DVqYr6TJPe2slshWQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/q1rTFQ6PwHhRaYUpluskfiXzQ==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/uP83U93Ls7bxBnKbH0uyyg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/xRjr63FE2ownEjtnHYRAZA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/LZhSWDMRaTpQuhXaDvyd7w==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HayBiDjLgktKoiCtftq6DA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/cmgaYplusDcdygXnt8R27gsNQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/2IFPjn2ISp0plusrXYQ1IWEow==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/SWIm4axjvRYRUVdRtpBjtw==

5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/ZHUslshmK3JPNnlMABElc3h6Q==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==
5112.5	Open/Closed Campus - https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/KbUEoIjNkiq98MgNJ6xBEQ==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/ZY58nuoqDXjh1J4aDDpjQQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/KJEhAAzM900qAFyqIY8Uww==
5131.41	Use Of Seclusion And Restraint - https://simbli.eboardsolutions.com/SU/8zs7piRvJtmL3RqslshplusZChKg==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/5RGJt92O2eFDmyZOV7rCJg==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/WTizELpYMyzwStvslshhuMpNg==
5131.9	Academic Honesty - https://simbli.eboardsolutions.com/SU/eCxcumGXdCZiCZaj2PsoEg==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/XpL7yioSw0lKNxjRhRzD6g==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/mkBG513idfpAslshWCrzplusbg7A==

5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/47Nl1nZFwlxBAkigIUxLSg==
5141.4-E PDF(1)	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/w7dygQRxCINI6WdppB70ow==
5142	Safety - https://simbli.eboardsolutions.com/SU/s0wxslshzp2neIMI7plus7oY8aWQ==
5142	Safety - https://simbli.eboardsolutions.com/SU/uFiA8ZaTQK0kYnabvRtgJQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSIw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/fsBunrwmpsHHnBCn2muQplusw==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/5EP8MG5FhmIVJZpluscDbKDHw==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjllsw==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/VfUPcSJZZtt92oksSX5JGw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLGtplusT4iecw==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/euTjsH5FkRHgS9FlabDM2g==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/4Sc4OplusYjRnrF0boRrslshnizw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/gwEZwjnsjshDBnbmXH3BRqig==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/p5Ktg9A5BE8gDAJDuuH3LQ==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ptilHvEslshFyOvkZqZyIRgkQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCot44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6145.8	Assemblies And Special Events - https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==

6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Qw==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/HwQlx5GRslshCG44LkpluslEykgQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyaslshplusvhQ==

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-~~11058~~**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-~~11058~~**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 such 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 ~~289, 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 it 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~~ **Items #1-18-19** 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~~ **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 ~~or upon a student,~~ **including** supervised suspension ~~upon a student,~~ 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, both the student, the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and student 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, and the 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 or in person. 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 request 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, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

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)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

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)

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

State References

Description

CCP. 1985-1997	Production of evidence; means of production - https://simbli.eboardsolutions.com/SU/T8d1wvorbapplusWplusNqpxsaj0A==
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYoK3lslshyDvE3w==
Civ. Code 48.8	Defamation liability - https://simbli.eboardsolutions.com/SU/YzebvHslsh0srfUgdEh3bvmQQ==
Ed. Code 17292.5	Program for expelled students; facilities
Ed. Code 1981-1983	Enrollment of students in community school
Ed. Code 212.5	Sexual harassment
Ed. Code 233	Hate violence
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 35145	Open board meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35291	Rules for government and discipline of schools
Ed. Code 35291.5	Rules and procedures on school discipline
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48660-48666	Community day schools
Ed. Code 48853-48853.5	Foster youth

Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49073-49079	Privacy of student records
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 64000-64001	Consolidated application
Ed. Code 8489-8489.1	Prohibition against expulsion of preschool student
Gov. Code 11455.20	Informal hearing procedures
Gov. Code 54950-54963	The Ralph M. Brown Act
H&S Code 11014.5	Drug paraphernalia
H&S Code 11053-11059	Controlled substances; standards and schedules
Lab. Code 230.7	Employee time off to appear in school on behalf of a child
Pen. Code 240	Assault defined
Pen. Code 241.2	Assault fines
Pen. Code 242	Battery defined
Pen. Code 243.2	Battery on school property
Pen. Code 243.4	Sexual battery
Pen. Code 245	Assault with deadly weapon
Pen. Code 245.6	Hazing
Pen. Code 261	Rape defined
Pen. Code 266c	Unlawful sexual intercourse
Pen. Code 286	Sodomy defined
Pen. Code 287	Oral Copulation
Pen. Code 288	Lewd or lascivious acts with child under age 14
Pen. Code 289	Penetration of genital or anal openings
Pen. Code 31	Principal of a crime; defined
Pen. Code 417.27	Laser pointers
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Pen. Code 422.7	Aggravating factors for punishment
Pen. Code 422.75	Enhanced penalties for hate crimes
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 868.5	Supporting person; attendance during testimony of witness
W&I Code 224.1	Indian child; definition
W&I Code 729.6	Counseling

Federal References

18 USC 921

Description

Definitions; firearms and ammunition

20 USC 1415(K)	Students with disabilities; placement in alternative educational setting
20 USC 7961	Gun-Free Schools Act
42 USC 11431-11435	Education of homeless children and youths

Management Resources References

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. DOE, Office for Civil Rights Publication

Website

Website

Website

Website

Website

Website

Description

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

84 Ops.Cal.Atty.Gen. 146 (2001)

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

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Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

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Cross References

0450

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1312.3

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1312.3-E PDF(1)

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3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==
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3515	Campus Security - https://simbli.eboardsolutions.com/SU/YX0dAqtmXuslshUGoDboobZHQ==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/L0Fr5np1DVqYr6TJPe2slshWQ==
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5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==
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5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/xhhplusjQ0ZZb2BB6DnupZgOA==

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5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpijwWVuu9UaXbjXiYKMAw==
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5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/5EP8MG5FhmIVJZpluscDbKDHw==
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6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBU1Vz7xwzda==
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6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==
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6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/pErhfyqBslshhI5MTFxiXDoOw==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/j3FIKhXlInfxslshlpyJ8myMcw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==
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9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/7ycRID3oKqdPgEslshplus6tolGQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyaslshplusvhQ==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/dCPXiB9PuLeN3slsh0w2XINxw==

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.

(cf. 5144.1 – Suspension and Expulsion/Due Process)

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.

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

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 he/she will not disclose 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)

(cf. 5131.7 – Weapons and Dangerous Instruments)

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)

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

State References

	Description
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35291	Rules of governing board
Ed. Code 48203	Reports of severance of attendance of disabled students
Ed. Code 48853.5	Foster youth and Indian child's representatives' right to receive notices
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 49076	Access to student records
Ed. Code 56000	Special education; legislative findings and declarations
Ed. Code 56320	Educational needs; requirements
Ed. Code 56321	Development or revision of individualized education program
Ed. Code 56329	Independent educational assessment
Ed. Code 56340-56347	Individualized education program teams
Ed. Code 56505	State hearing
Ed. Code 56521.2	Behavioral interventions
Pen. Code 245	Assault with deadly weapon
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995

Federal References

	Description
18 USC 1365	Serious bodily injury
18 USC 930	Weapons
20 USC 1412	State eligibility
20 USC 1414	Evaluations, eligibility determinations, individualized education programs, and educational placements
20 USC 1415	Procedural safeguards
21 USC 812	Schedule of controlled substances
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Assistance to states for the education of students with disabilities
34 CFR 300.530-300.537	Discipline procedures

Management Resources References**Description**

Court Decision	Honig v. Doe (1988) 484 U.S. 305
Court Decision	M.P. v. Governing Board of Grossmont Union High School District (1994) 858 F.Supp. 1044
Court Decision	Parents of Student W. v. Puyallup School District (1994 9th Cir.) 31 F.3d 1489
Court Decision	Schaffer v. Weast (2005) 546 U.S. 49
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
Ofc of Special Education & Rehabilitative Svcs Pub	Letter Commenting on Hearing Officer Authority to Determine whether Conduct is a Violation of Student Code of Conduct, July 2012
Ofc of Special Education & Rehabilitative Svcs Pub	Dear Colleague Letter on Supporting the Needs of Students with Disabilities, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Dear Colleague Letter on Supporting the Needs of Students with Disabilities, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, July 2022
Ofc of Special Education & Rehabilitative Svcs Pub	Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders, July 2022
Office of Administrative Hearings	Parent v. Fairfield-Suisun Unified School District (2012) Case No. 2012030917
U.S. Dept of Education Office for Civil Rights Pub	Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
U.S. Dept of Education Office for Civil Rights Pub	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services - https://simbli.eboardsolutions.com/SU/qL0cle1gncukY8IMLvozRw==
Website	California Department of Education, Special Education - https://simbli.eboardsolutions.com/SU/wbtzINw8puwslshjTsrMvmBCA==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

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5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
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5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpJwWVuu9UaXbjXiYKMAw==
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5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/VfUPcSJZZtt92oksSX5JGw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLGtplusT4iecw==

5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/euTjsH5FkRHgS9FlabDM2g==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/4Sc4OplusYjRnrF0boRrslshnizw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/gwEZwjnjshDBnbmXH3BRqig==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCot44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyaslshplusvhQ==

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-Third Friday in June~~

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

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

State References

Ed. Code 37220-37222.21	Holidays and commemorative events
Ed. Code 44015.1	Week of the School Administrator
Ed. Code 45203	Paid holidays
Ed. Code 45460	Classified School Employee Week
Ed. Code 52720-52730	Patriotic exercises and instruction
Gov. Code 3540-3549.3	Public education employer-employee relations
Gov. Code 430-439	Display of flags

Description

Federal References

36 USC 106	Constitution Day and Citizenship Day
4 USC 6	Time and occasion for display of flag
4 USC 7	Position and manner of display of flag

Description

Management Resources References

Court Decision	Newdow v. Rio Linda Union School District (9th Cir. 2010) 597 F.3d 1007
Court Decision	West Virginia State Board of Education et al. v. Barnette et al. (1943) 319 U.S. 624
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education, History/Social Science Instructional Materials - https://simbli.eboardsolutions.com/SU/mmKB0bZ6paV8oCNRgx6UVw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References**Description**

4156.2	Awards And Recognition - https://simbli.eboardsolutions.com/SU/Naa9lvQvslsh1HplusXbrTvTpluscyA==
4256.2	Awards And Recognition - https://simbli.eboardsolutions.com/SU/OhrmE2ad3eNroZOYUjplus3hg==
4356.2	Awards And Recognition - https://simbli.eboardsolutions.com/SU/9WIDT0TTQSiKIkKkulLjXA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/472k35D3LPA5rQXS3L1eGQ==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/zhyAccgjCdR2q3edglbWOw==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94Ilg==
6145.8	Assemblies And Special Events - https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==

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 **Governing** 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 **his/her the Board member's, Eden Area ROP employee's, or other designated persons** financial, family, or other personal interest or consideration.

(cf. 9005 – Governance Standards)

Even if a prohibited conflict of interest does not exist, a **Governing** Board member shall abstain from voting on personnel matters that uniquely affect **his/her the Board member's** relatives. *Relative* means an adult who is related to the **Governing** 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 **Governing** 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 **Governing** 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 **Governing** 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)

(cf. 9320 – Meetings and Notices)

Governing 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 **Governing** 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)

(cf. 4117.2/4217.2/4317.2 – Resignation)

(cf. 9222 – Resignation)

Conflict of Interest under the Political Reform Act

A district official, including a **Governing** 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 **his/her an** official position to influence a governmental decision in which **he/she the Eden Area ROP official** knows or has reason to know that **he/she has 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 **Governing Board member, designated employee, or other person in a designated position, his/her 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 **Governing Board member, designated employee, or other person in a designated position** **Eden Area ROP official** makes a governmental decision when, **he/she, acting** within the authority of **his/her** 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 **an another** Eden Area ROP official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, an **Governing Board member** **Eden Area ROP official** shall participate in the making of a contract in which **he/she** the Eden Area ROP official has a financial interest if **his/her** 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 **Governing Boards that Manage Public Investments**

Any **Governing** 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. **Recuse himself/herself from discussing and voting** **Not discuss or vote** on the matter, or otherwise acting in violation of Government Code 87100. The **Governing** Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the **Governing** 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. **He/she** **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 **Governing** Board member **must recuse himself/herself** 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 **that matter, but the item**. However, the **Governing** Board member is not required to leave the room during consideration of the consent calendar.

4. If the **Governing** Board's decision is made during closed session, disclose **his/her** the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that **his/her** the **recusal** is because of a conflict of interest pursuant to Government Code 87100. **He/she** **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 **Governing** Board's decision.

(cf. 3430 – Investing)

(cf. 9321 – Closed Session Purposes and Agendas)

(cf. 9321.1 – Closed Session Actions and Reports)

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

Governing Board members, employees, or Eden Area ROP consultants shall not be financially interested in any contract made by the **Governing** 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 **Governing** Board member has such a financial interest in a contract made by the **Governing** Board, the contract is void. (Government Code 1090)

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

In addition, a **Governing** Board member shall not be considered to be financially interested in a contract in which

his/her the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Governing Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her a spouse/registered domestic partner who has been an Eden Area ROP employee for at least one year prior to the Governing 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 Governing Board member shall abstain from any official action in which his/her the Board member's private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Governing 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 Governing Board member's duties as an officer of the Eden Area ROP. (Government Code 1099, 1126)

(cf. 4136/4236/4336 – Nonschool Employment)

Gifts

Governing 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 Governing 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 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 Governing Board members and designated employees. (Government Code 89506)

Honoraria

Governing 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

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

State References

Description

2 CCR 18110-18997	Regulations of the Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/ckslshwToJGinoK4QiVbLtJug==
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest - https://simbli.eboardsolutions.com/SU/h6CnVsMHk2STR4xUUmlXdQ==
2 CCR 18722-18740	Disclosure of interests - https://simbli.eboardsolutions.com/SU/oS5ntByYlbsRzRhpXMuufw==
2 CCR 18753-18756	Conflict of interest codes - https://simbli.eboardsolutions.com/SU/OvAHLXqDg5JTYYSZlpYE9A==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code 52334-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act of 1974
Gov. Code 82011	Code reviewing body
Gov. Code 82019	Definition; designated employee - https://simbli.eboardsolutions.com/SU/zplus8Q3o2R2NLwPmnxGAmkxg==
Gov. Code 82028	Definition; gift
Gov. Code 82030	Definition; income
Gov. Code 82033	Definition; interest in real property
Gov. Code 82034	Definition; investment
Gov. Code 84308	Campaign disclosure
Gov. Code 87100-87103.6	General prohibitions
Gov. Code 87200-87210	Disclosure
Gov. Code 87300-87313	Conflict of interest code - https://simbli.eboardsolutions.com/SU/YaObxMYA749OVplusgURs6YDA==
Gov. Code 87500	Statement of economic interests
Gov. Code 89501-89503	Honoraria and gifts
Gov. Code 89506	Ethics; travel
Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes
Public Contract Code 6102	Awarding of contracts
Rev. & Tax Code 203	Taxable and exempt property - colleges

Management Resources References

Attorney General Opinion	105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 138(2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==
Website	Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/SslshDmNDn1AggDRAk8fk08Yw==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/v3LgWNRJV4M7aMue9vIREQ==

3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/ZE3BkJ3FTPLYugS2BVI7QA==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==
3311	Bids - https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==
3311	Bids - https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==
3430	Investing - https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==
3600	Consultants - https://simbli.eboardsolutions.com/SU/coKmpzWaJpl8LkLTNHNi5g==
4112.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/o1z7Typlus5uslshdLslshKYteEqR0w==
4117.2	Resignation - https://simbli.eboardsolutions.com/SU/yAkCplus7QtK8Hg6VtZbZ2O3g==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/l17IzduMHKo8put7kPOplusplusQ==
4136-E PDF(1)	Nonschool Employment - https://simbli.eboardsolutions.com/SU/Cwab2RbcOnwuOXGouFmluw==
4212.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/sB0AT5rrYcXaoAbf9vAZQ==
4217.2	Resignation - https://simbli.eboardsolutions.com/SU/MmlBFOiEmGRxFf5yGcdnHQ==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/YylaMaEJjnPdpgS7Ci4F0w==
4312.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/ud67uJTB4wNslshw6TQJph0VA==
4317.2	Resignation - https://simbli.eboardsolutions.com/SU/Zh3fKrAFyt2A7slshQUXjYSFA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/J4cartGrEslshslsh5HVFg1ILREA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/ZIFkrhoPwYZcOtBW3P3Vtw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/cQplusV1BtOQq9adCb0ypR4gw==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/idislshvhsrgybBaT9HDGMrqw==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/QAjqAvizHt4JDyplusdjlfDpQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/7ycRID3oKqdPgEslshplus6tolGQ==
9005	Governance Standards - https://simbli.eboardsolutions.com/SU/qlvu1QcS9zRiiXlitvWn8A==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBIMA==
9230	Orientation - https://simbli.eboardsolutions.com/SU/kxBJplusnQwsuLKfMEplusjR6JA==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/eplushCslshSHGeOfxjLy5RtT9plusEw==

9321

Closed Session -

<https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==>

9321-E PDF(1)

Closed Session -

<https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyaslshplusvhQ==>

9323

Meeting Conduct -

<https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshFJFvfaA==>

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 ~~or Eden Area ROP~~. (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 ~~Governing~~ 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 **must** **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 Eden Area ROP district regarding the Board's potential employment of an applicant for Superintendent of the Eden Area ROP
10. Interview a potential employee from another Eden Area ROP 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)

Agendas 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

~~All teleconference locations shall be accessible to the public. 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, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)~~

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

~~The~~ 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 for internet-based service option, or in the event of a disruption within the district's control that prevents members of the public to offer 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

(cf. 9323.2 – Actions by the Board)

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

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

State References

Ed. Code 35140
Ed. Code 35143
Ed. Code 35144
Ed. Code 35145
Ed. Code 35145.5
Ed. Code 35146
Ed. Code 35147
Gov. Code 11135
Gov. Code 3511.1

Description

Time and place of meetings
Annual organizational meetings; date and notice
Special meeting
Public meetings
Agenda; public participation and regulations
Closed sessions; student matters
Open meeting laws exceptions
Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtQ==>
Local agency executives

Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54956	Special Meetings
Gov. Code 54956.5	Emergency meetings
Gov. Code 6252-6270	California Public Records Act
Gov. Code 7920.000 - 7930.170	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act

Federal References

28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 181 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 218 (2005)
Court Decision	Knight First Amendment Institute at Columbia University v. Trump, (2019) 928 F.3d 226
Court Decision	Garnier v. Poway Unified School District, (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	Wolfe v. City of Fremont, (2006) 144 Cal.App. 4th 533
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Institute for Local Government Publication	The ABCs of Open Government Laws
League of California Cities Publication	Open and Public V: A Guide to the Ralph M. Brown Act, 2016
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	CSBA, GAMUT Meetings - https://simbli.eboardsolutions.com/SU/HcQqDq1qgLwgU1m5iwomVA==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpPtfmA==
Website	League of California Cities - https://simbli.eboardsolutions.com/SU/TUf8jsIshHeiQsIshKJpHe2qEtug==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNsIsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==
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Description

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0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/QDDek6plusa7dPVdc9VhLTGVw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/euN3bAZDfuQexR2kkd3N7g==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/6eqaGIraNiZIWJNVmplusi2A==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/H2plusFDdQcslsh06TQUsCBPyRyw==
1113-E PDF(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/2ID6yollRgZV45k7tJtFzQ==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/Ukztn8obv2wvHYrt6YyrXQ==
1220-E PDF(1)	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/cgge0hBbpluslxfR9MT1h53QQ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/T6tAoJLAtslF1aZLtyezrA==
1431	Waivers - https://simbli.eboardsolutions.com/SU/mpo8tSejxslshOnr2ewHvYxslshA==
2000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/GzJRLMkOrdylC1fsqEuXA==
2111	Superintendent Governance Standards - https://simbli.eboardsolutions.com/SU/lzG8eMX8fOwvY4oSNBzBnA==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/IORNQkSRCA9cCqs3OgrdZw==
2210	Administrative Discretion Regarding Board Policy - https://simbli.eboardsolutions.com/SU/4X6X4o26G4Amm1slshcSFv7Lg==
3100	Budget - https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/XLktfuwIU9hrvqU1VXOLAA==
3311	Bids - https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==
3311	Bids - https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==
3312	Contracts - https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==
3314	Payment For Goods And Services - https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/KxcKTTYgqMDwjJm9DVL8MA==
6112	School Day - https://simbli.eboardsolutions.com/SU/Frt7PpkAhxpluscoaSxpfRxAA==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/eaCEuWj94nuewslsh975plushKbw==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/KyBRwwr8TdRjtHi5IPrT0Q==

9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/7ycRID3oKqdPgEslshplus6tolGQ==
9005	Governance Standards - https://simbli.eboardsolutions.com/SU/Qlvu1QcS9zRiiXlitvWn8A==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/XyqDxILkc6SplusgeVAMYfMWQ==
9100	Organization - https://simbli.eboardsolutions.com/SU/FZnMiJ9wJ5prCW8fA8czjg==
9121	President - https://simbli.eboardsolutions.com/SU/bpEDzOYTkRPeaHM7vt7pTw==
9230	Orientation - https://simbli.eboardsolutions.com/SU/kxBJplusnQwsuLKfMFpplusjR6JA==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==
9270-E PDF(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyaslhplusvhQ==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/dCPXiB9PuLeN3slsh0w2XINxw==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/xplusEf8PwzDUZqZPslshFJFvfaA==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==
9323.2-E PDF(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==
9324	Minutes And Recordings - https://simbli.eboardsolutions.com/SU/XXHBrtslshTR9SyM46glTg9PA==