



GOVERNING BOARD MEETING AGENDA

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

Monday, December 5, 2022
5:45 pm

GOVERNING BOARD MEMBERS

Juan Campos, President	San Lorenzo Unified School District
James Aguilar, Vice-President	San Leandro Unified School District
Gabriel Chaparro, Member	Hayward Unified School District
Gary Howard, Member	Castro Valley 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: Monday, December 5, 2022
Time: 5:45 p.m.

NOTICE - COVID-19 PUBLIC HEALTH EMERGENCY BOARD MEMBERS TO ATTEND VIRTUALLY

Consistent with Assembly Bill 361, effective October 1, 2021, and the continued state of emergency (COVID-19), the Eden Area ROP Governing Board will continue to hold meetings via teleconferencing until further notice. The public is invited to participate via teleconference per the Zoom link below.

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:

- **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>.

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 him/herself and his/her 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 and allowed to make public comments.
- Speakers should rename their Zoom profile names to their real names to expedite this process.
- 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 November 3, 2022 (pages 5-10)
- B. Request the Governing Board to approve the Bill Warrants (pages 11-15)
- C. Request the Governing Board to approve the Personnel Action Items (pages 16-17)
- D. Request the Governing Board to approve the Listed Donation-The San Francisco's Foundation Koshland Program (page 18)
- E. Request the Governing Board to approve the Adoption of Resolution 8-22/23: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period December 7, 2022 through January 6, 2023 (pages 19-22)
- F. Request the Governing Board to approve the DECA Overnight Field Trips for the 2022-2023 School Year (page 23)
- G. Request the Governing Board to approve the SkillsUSA Overnight Field Trips for the 2022-2023 School Year (page 24)

- H. Request the Governing Board to approve the Classification and Destruction of Records (pages 25-26)
- I. Request the Governing Board to approve the Agreement with Karen Huff for Targeted Coaching Support for the 2022-2023 School Year (pages 27-32)
- J. Request the Governing Board to approve the Contract with San Jose Charters, Inc. for Student Transportation Services for the 2022-2023 School Year (pages 33-35)

IX. Information Items

- A. SkillsUSA Eden Area ROP Student Presentation (page 36)
- B. ROP Pathway Review-Systems Diagnostics, Service, and Repair (pages 37-38)
- C. ROP Pathway Review-Structural Repair and Refinishing (pages 39-40)
- D. Fall Advisory Committee Meetings (page 41)
- E. First Reading of Governing Board Policies and Administrative Regulations (pages 42-96)

X. Action Items

- A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, and Board Bylaw (pages 97-128)
- B. Request the Governing Board to approve the 2022-2023 First Interim Report (page 129)
- C. Request the Governing Board to approve the Agreement with Sherri Beetz Ed. D. for Human Resource Consulting and Reclassification Panel for the 2022-2023 School Year (pages 130-135)
- D. Request the Governing Board to approve the MOU with the California American Fire Sprinkler Association (CAFSA) from January 1, 2023-June 30, 2023 (pages 136-138)

XI. Superintendent's Report

XII. Governing Board Reports

XIII. Recess to Closed Session

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)
- B. Conference with Labor Negotiator, (Pursuant to Government Code Section 54957.6)
Agency Representative: Juan Campos
Unrepresented Employee: Blaine Torpey, Superintendent

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

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)
- B. Conference with Labor Negotiator, (Pursuant to Government Code Section 54957.6)
Agency Representative: Juan Campos
Unrepresented Employee: Blaine Torpey, Superintendent

XV. Adjournment



DATE: December 5, 2022
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 December:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Joseph McKnight	Arroyo	Auto Tech II P	Espinoza
Adrian Valdez	Arroyo	Construction Tech II P	Deslaurier
Diana Osuna Villanueva	San Lorenzo	Dental Assisting II P	O'Brien
Nicholas Rodrigues	Arroyo	Auto Collision & Refinishing II P	Pareja

RECOMMENDATION

Information only

CONSENT CALENDAR

CONSENT CALENDAR



Minutes of the Regular Meeting of the ROP Governing Board November 3, 2022

I. Call to Order

Juan Campos, Board President, called the meeting to order at 5:51 p.m. on Thursday, November 3, 2022. Due to COVID-19 all Board members and attendees attended the meeting virtually via Zoom.

II. Roll Call

Eden Area ROP Governing Board Members Present:

Juan Campos, President	San Lorenzo USD
James Aguilar, Vice-President	San Leandro USD
Gary Howard, Member	Castro Valley USD
Gabriel Chaparro, Member	Hayward USD

Eden Area ROP Superintendent/Clerk of the Board Present:

Blaine Torpey

Eden Area ROP Administrators Present:

Craig Lang	Director of Adult Programs
Brigitte Luna	Director of Educational Services
Anthony Oum	Fiscal Services Administrator

Eden Area ROP Staff Present:

Rick Charles	Entrepreneurship Instructor
Christina Charlton	Marketing Instructor
Jessica Fagundes	Career Counselor
Gabriela Juarez	Executive Assistant
Alysa Machado	Medical Careers Instructor
John Peters	First Responder (Fire Science/EMT) Instructor

Others Present:

Students of the Month and their families	
Roman Muñoz	Lozano Smith

III. Pledge of Allegiance

Jessica Fagundes led the Pledge of Allegiance.

IV. Mission Statement

Adam Chen read the Eden Area ROP mission statement.

V. Approval of Agenda

Trustee Gary Howard moved to approve the agenda. Trustee Gabriel Chaparro seconded the motion. By the following vote, the agenda was approved:

AYES:	4 (Aguilar, Campos, Chaparro, Howard)
NOES:	0
ABSTAIN:	0
ABSENT:	0

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

None

VII. Student of the Month Awards

The following students were honored by their teachers, ROP Staff and the Governing Board as students of the month for November 2022:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Brittany Quiroz	Mt. Eden	First Responder (Fire Science/EMT) II	John Peters
Karisma Camila Robles Lugo	San Lorenzo	Medical Careers I	Alysa Machado
Adam Chen	Arroyo	Marketing II	Christina Charlton
Yazlin Martinez	Hayward	Entrepreneurship I	Rick Charles

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 Gary Howard moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of October 7, 2022
- B. Bill Warrants
- C. Personnel Action Items
- D. Listed Donations-DDS Construction Services
- E. Adoption of Resolution 7-22/23: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period November 6, 2022 through December 6, 2022
- F. Advisory Committee Members
- G. Disposal of Obsolete or Surplus Items
- H. Contract with American Stage Tours for Sophomore Tour Transportation for the 2022-2023 School Year

Trustee Gabriel Chaparro seconded the motion.

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

IX. Information Items

A. ROP Pathway Review-Emergency Response

Brigitte Luna, Director of Educational Services, shared with the Board that the First Responder (Fire Science/EMT) program is part of the Emergency Response Pathway

under the Public Services sector. This pathway provides student a foundation for future careers in fire services, emergency medical response, and emergency management. Mrs. Luna introduced Captain John Peters, instructor, to review information about the program offered in this pathway. Captain Peters shared that the Hayward Fire Department (HFD) works in partnership with the program. HFD comes on campus once a week to work and train students and provide mentorships. HFD has also donated equipment and supplies. Not only do students learn firefighting skills but they are also trained in emergency medical services (EMS). Under the EMS curriculum, students learn c-spine and trauma care, airway management and patient assessment. Students also obtain their adult CPR certification; this certification is the same certification required for healthcare providers who work in hospitals, ambulances and firetrucks. Students in this program have the opportunity to participate in SkillsUSA competitions. The First Responder (Fire Science/EMT) program is articulated with Chabot College which allows students to receive college credits upon successful completion of the course. Captain Peters was proud and excited to report students' successes which included further education or employment in the field. Several students are enrolled in the Chabot Fire academy while others are working for CalFire, ambulance companies, local fire departments and hospitals.

B. Recognition of the Eden Area ROP Teacher of the Year

Blaine Torpey, Superintendent, reported Daniel Pareja, Automotive Collision and Refinishing Program Instructor, is the Eden Area ROP Teacher of the Year for 2022.

The Governing Board and Superintendent recognized Daniel Pareja, for being named an Alameda County Teacher of the Year. ACOE provided the Eden Area ROP with a short video that was shown during the Teacher of the Year event. The ROP staff shared the video with the Board.

C. Business Partners of the Year

Brigitte Luna, Director of Educational Services, presented the Annual Business Partners of the Year Awards Breakfast. It was held on October 13, 2022 at the Marina Community Center in San Leandro. Students were masters of ceremony and several students had an opportunity to share their Eden Area ROP and career technical education (CTE) experience. This year, the Eden Area ROP and the four member districts nominated a total of 7 Business Partners of the Year. The following were honored as the Eden Area ROP's Business Partners of the Year:

NAME	COMPANY
Tesa Dinio Abad	Illumina
Ruben Castellon	Home Depot
Terrell Keith Daniels	Lots of Love Childcare
Dawn Deardorf	Aura Catering
Ron Sharp	Technical Welding Supply LLC
Nikki West	Kaiser Permanente
Carole Wright	MiMA LLC

D. First Reading of Governing Board Policies, Administrative Regulations, and Board Bylaw

Blaine Torpey, Superintendent, shared that the Eden Area ROP has contracted with California School Boards Association (CSBA) to receive regular updates and suggested

policy language for any additions, changes, or modifications to educational code that impacts policy. Staff has reviewed these updates and brought relevant changes to the Board for their consideration.

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

NUMBER	TYPE	TITLE	STATUS
4119.1 4219.1 4319.1	BP	Civil and Legal Rights	Revise
4161.2 4261.2 4361.2	AR	Personal Leaves	Revise
4161.5 4261.5 4361.5	AR	Military Leave	New
6200	BP	Adult Education	Revise
7150	BP	Site Selection and Development	Revise
7150	AR	Site Selection and Development	Revise
9100	BB	Organization	Revise

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

X. Action Items

A. Request the Governing Board to approve Bid 22-23-001 for Transportation Services to San Jose Charter, Inc. for the 2022-2023 School Year

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Gabriel Chaparro the Governing Board approved Bid 22-23-001 for transportation services to San Jose Charter, Inc. for the 2022-2023 school year.

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

B. Request the Governing Board to approve the Adoption of the Reclassification Request Procedures and Policy

Upon review of and a motion by Trustee Gabriel Chaparro and a second by Trustee Gary Howard the Governing Board approved the adoption of the Reclassification Request Procedures and Policy.

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

XI. Communications

A. Letter from the Alameda County Office of Education regarding the Adopted Budget

A letter from the Alameda County Office of Education (ACOE) was received acknowledging they approved the adopted budget.

XII. Superintendent's Report

Blaine Torpey, Superintendent, started his report by distributing the 2022-2023 Annual Report. The report includes all the work students and staff accomplish and highlights our industry and stakeholder partnerships. This report is provided at the Business Partner of the Year Award Breakfast.

Superintendent Torpey shared that the Eden Area ROP continues to support the communities in our partner districts. Staff provided professional development training for San Leandro Unified School District's CTE teachers on their in-service day. We are helping to address complex articulation issues as well as curriculum updates for pathways across districts.

He reported that November heralds the beginning of our Sophomore Tours. We are so excited to welcome students from the twelve partner high schools to tour the Center, visit classrooms and see the exciting work that is happening. We are opening the tours to juniors as well to make sure they have the opportunity to visit the Center and see the programs in action.

He highlighted that as part of the effort to develop a strategic plan, EAROP has collectively been working to establish our organization's core values. During October, we were able to get feedback from the Eden Area ROP Governing Board, the Superintendent's Coordinating Council, and from our Eden Area ROP Student Ambassadors. The Ambassadors are Eden Area ROP Center student leaders who actively share their voice on behalf of the Eden Area ROP.

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

Goal 1: Reinforce EAROP Organizational Infrastructure and Communication

- Program communication: 2022-2023 Eden Area ROP Annual Report completed

Goal 2: Maintain and Refine High Quality CTE Programming

- Student outcomes: Dream Team meetings to coordinate grants, articulations, and an increase in dual enrollment, provided honors designation PD for SLUSD

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

- Monitoring student success: weekly infinite campus implementation meetings, building data management plan and tracking system

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

- Organizational technology: developing 3-year technology plan

XIII. Governing Board Reports

Trustee Gary Howard, Castro Valley USD representative, commended the staff on the Annual Report. He also shared that he is awaiting the election results to determine if he will continue on the Eden Area ROP Governing Board.

Trustee James Aguilar, San Leandro USD representative, shared that the December meeting will conclude his term on the Eden Area ROP Governing Board and a new SLUSD representative will be joining at the start of the new year.

Trustee Juan Campos, San Lorenzo USD representative, is running for re-election for the San Lorenzo Governing Board.

XIV. Recess to Closed Session

The meeting was called into closed session at 6:50 p.m.

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

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

The meeting resumed to open session at 7:08 p.m.

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

Board President, Juan Campos, announced that no action was taken.

- B. Public Employee Performance Evaluation: Superintendent (Government Code Sec. 54957)**

Board President, Juan Campos, announced that no action was taken.

XVI. Adjournment

The Governing Board meeting was adjourned in memory of:

- Jabali Jacks, cousin of Human Resources Administrator, Mercedes Henderson
- Gordon Henderson, father of Human Resources Administrator, Mercedes Henderson

The meeting adjourned at 7:09 p.m.

Approved by the Eden Area ROP Governing Board _____.

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



DATE: December 5, 2022
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 October 13, 2022 through November 1, 2022 and include test warrant numbers and voided warrants.

CONSENT CALENDAR



DATE: December 5, 2022
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: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Craig Lang, Director of Adult Programs
SUBJECT: Request the Governing Board to approve the Listed Donation- The San Francisco's Foundation Koshland Program

BACKGROUND

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

CURRENT SITUATION

In March 2018, the Jackson Triangle Harder/Tennyson (JTHT) Koshland Fellows released scholarship applications for residents of the JTHT community. The goal of this scholarship fund is to uplift the JTHT community by giving residents access to job training and certification programs that result in livable wages and fulfilling careers. Scholarships were available for certification programs in four industries: Technology, Green Energy, Skilled Trades, and Health Care.

Continuing the partnership with the Eden Area ROP Adult Programs, the San Francisco Foundation's Koshland Program is donating funds to scholarship qualifying students to job training and certification programs.

A letter of acceptance will be sent to the donor.

CONSENT CALENDAR

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 8-22/23: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period December 7, 2022 through January 6, 2023

BACKGROUND

On September 16, 2021, AB 361 became law, allowing legislative bodies to meet virtually during a proclaimed state of emergency if any of the following apply:

1. State or local officials have imposed or recommended measures to promote social distancing,
2. The purpose of the meeting is to determine, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or
3. The legislative body has already determined that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

CURRENT SITUATION

Public Schools in California are currently operating under safety measures to minimize the spread of COVID-19. Hosting an in-person meeting at this time would present imminent risks to the health and safety of attendees. Approving Resolution 8-22/23 would enable the Eden Area ROP to hold virtual Governing Board meetings.

CONSENT CALENDAR

EdenAreaROP

RESOLUTION NO. 8-22/23

Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period December 7, 2022 through January 6, 2023

WHEREAS, the Eden Area Regional Occupational Program (Eden Area ROP) is committed to preserving and nurturing public access and participation in meetings of the Governing Board; and

WHEREAS, all meetings of the Eden Area ROP's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by Assembly Bill 361, Chapter 165 of the Statutes of 2021, makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Eden Area ROP's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the county, specifically, a State of Emergency has been proclaimed by the Governor on March 4, 2020, based on an outbreak of respiratory illness due to COVID-19; and

WHEREAS, the World Health Organization, the United States Centers for Disease Control and Prevention, the State of California including the California Department of Public Health, and the Alameda County Public Health Department have recognized that the country, state, and county face a life-threatening pandemic caused by the COVID-19 virus;

WHEREAS, with the continuing presence of COVID-19, opening a physical meeting location to the public to hold in-person Governing Board meetings would present an imminent risk to the health and safety of attendees given that members of the public are not required to be vaccinated to attend Board meetings, and with limited staff members, it is impractical to check and enforce the mask mandate and other indoor COVID-19 health and safety protocols for members of the public; and

WHEREAS, the Governing Board does hereby find that the Governor's March 4, 2020, State of Emergency proclamation due to the continuing presence of COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the county that are likely to be beyond the control of services, personnel, equipment, and facilities of the Eden Area ROP, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Governing Board does hereby find that the legislative bodies of the Eden Area ROP, including any subsidiary bodies and committees created by action of the Board, shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, to ensure the public has access to the Governing Board meetings on Zoom, the Eden Area ROP has posted and will continue to post the Zoom login information on its website and meeting agendas, and the public has and will continue to have the opportunity to provide live public comments during the Zoom meeting.

NOW, THEREFORE, The Governing Board of the Eden Area ROP hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the county, and opening a physical meeting location to the public to hold in-person Governing Board meetings would present an imminent risk to the health and safety of attendees due to the continuing presence of COVID-19.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Superintendent and legislative bodies of the Eden Area ROP are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect December 7, 2022, and shall be effective until the earlier of (i) January 6, 2023, or such time the Governing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Eden Area ROP may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of December 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Brigitte Luna, Director of Educational Services
SUBJECT: Request the Governing Board to approve the DECA Overnight Field Trips for the 2022-2023 School Year

BACKGROUND

California Association of DECA, Inc. is a non-profit educational association and is affiliated with National DECA located in Reston, Virginia. California DECA is a student organization whose program of leadership and personal development is designed specifically for students interested in marketing, finance, hospitality, management and entrepreneurship. California DECA has 56 DECA chapters with over 3,500 members. DECA's core values and attributes are competence, innovation, integrity and teamwork. These values are central to DECA's mission and purpose in classrooms around the world.

CURRENT SITUATION

Each year the Eden Area ROP Marketing students participate in DECA activities and field trips. Below for your approval is a list of overnight field trips for the 2022-2023 school year.

Date	Activity	Location
January 13-15, 2023	Nor-Cal District Career Development Conference	San Ramon, CA
March 3-6, 2023	State Career Development Conference	Anaheim, CA
April 22-25, 2023	International Career Development Conference	Orlando, FL

CONSENT CALENDAR



DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Request the Governing Board to approve the SkillsUSA Overnight Field Trips for the 2022-2023 School Year

BACKGROUND

SkillsUSA was created to raise the quality of education for students in trade, industrial, and technical programs. Our students become part of a national organization, comprised of 331,000 members, that serves trade, industrial, and technical students in public schools, occupational centers and community colleges.

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

CURRENT SITUATION

SkillsUSA holds competitive events in which students of Eden Area ROP compete. Students who are eligible will compete in overnight events as follows:

Date	Activity	Location
April 13-16, 2023	State Competition	Ontario, CA
June 26-30, 2023	National Competition	Atlanta, GA

CONSENT CALENDAR

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Classification and Destruction of Records

BACKGROUND

Regulation 3580 – District Records, states that “All Class 3 (Disposal) records shall be destroyed during the third school year after the school year in which the records originated... [however] shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later.” California Code of Regulation, Title 5, Section 16025 states that Class 3 – Disposal records are “Records basic to an audit... or a business or financial transaction (purchase order, invoices, warrants, ledger sheets, cancelled checks and stubs...), and detail records used in the preparation of any other report.”

CURRENT SITUATION

The Superintendent hereby classifies the list below as Class 3 – Disposal Records. These records have met the retention period requirements as stated above and are of no further use to the Eden Area ROP.

FY 2009-2010 (1 box)

- Student Store Invoices, Petty Cash Reimbursements, Conference Reimbursements, AP Check Register Data Batch

FY 2010-2011 (3 boxes)

- CSC/Revolving Account (activity), Student Store Account (activity), Clearing Account (activity)
- Clearing Account (activity), Budget Transfers, Budget Revisions, State Report, ACOE Deposit, Grants
- Student Store Invoices, Petty Cash Reimbursements, Conference Reimbursements, AP Check Register Data Batch

FY 2011-2012 (2 boxes)

- Budget (working papers), Clearing Account (activity), Inter District Cash Transfers, Student Store Account (activity)
- Student Store Invoices, Petty Cash Reimbursements, Conference Reimbursements, AP Check Register Data Batch

FY 2012-2013 (3 boxes)

- ACOE Deposit, Budget (working papers), Student Store Account (activity)
- Journal Entries, Postage and Copier (meter readings), ACOE Deposits, Budget Transfers, Budget Revisions, Year End, Inter District Cash Transfers, State Reports
- Student Store Invoices, Petty Cash Reimbursements, Conference Reimbursements, AP Check Register Data Batch

FY 2013-2014 (1 box)

- Student Store Invoices, Petty Cash Reimbursements, Conference Reimbursements, AP Check Register Data Batch

FY 2014-2015 (4 boxes)

- Budget Transfers, Budget Revisions, Journal Entries, Inter District Cash Transfers, Contracts, Purchasing, Accounts Receivables
- Year End, Audit (working papers), contracts, First Interim (working papers), Second Interim (working papers), Adopted Budget (working papers)
- ACOE Reports/Clearing Account (activity), Adult Education Other Payments, Postage (meter readings)
- Student Store Invoices, Petty Cash Reimbursements, Conference Reimbursements, AP Check Register Data Batch

FY 2015-2016 (1 box)

- Student Store Invoices, Petty Cash Reimbursements, Conference Reimbursements, AP Check Register Data Batch

FY 2016-2017 (1 box)

- Budget Transfers and Budget Revisions

FY 2017-2018 (4 boxes)

- Budget Transfers, Budget Revisions, Inter District Cash Transfers
- FB Student Store Reports
- First Interim (working papers), Second Interim (working papers), Old Paid Invoices
- Journal Entries, Accounts Receivable, Invoices, ACOE Deposits, Clearing Account

FY 2018-2019 (2 boxes)

- Journal Entries, Inter District Cash Transfers, ACOE Deposits, Cash Reconciliations
- Budget Transfers, Budget Revisions, Accounts Receivables



DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Agreement with Karen Huff for Targeted Coaching Support for the 2022-2023 School Year

BACKGROUND

The Eden Area ROP Educational Services Department is responsible for providing support and outreach to all member districts students, parents, business partners, CTE teachers, case managers, counselors, and administrators. This support involves the implementation and reporting related to Career Technical Education (CTE) grant programs. Karen Huff is a retired ROP employee who has served as both a teacher and administrator for the organization prior to her retirement.

CURRENT SITUATION

The Eden Area ROP's Educational Services Department will benefit from contextual coaching support for administrators. This can include, but is not unlimited to off-site support, data collection, and adoption of our student information system.

Prior to her retirement, Karen Huff served as the lead administrator in transitioning to the current student information system, Socrates. She will use this experience and knowledge of the Eden Area ROP to comprehensively support the Educational Services team.

The attached is a copy of the agreement between Karen Huff and the Eden Area ROP to provide coaching and support for the 2022-2023 school year.

CONSENT CALENDAR

AGREEMENT FOR SERVICE 2022-2023

26316 Hesperian Blvd., Hayward, CA 94545 | P: (510) 293-2901 | F: (510) 293-8225 | www.edenrop.org

This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Karen Huff (the "Service Provider") for the 2022-2023 school year.

BACKGROUND:

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

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

Services Provided

1. The Customer hereby agrees to engage the Service Provider to provide the Customer with services (the "Services") consisting of:
 - Provide extensive, contextualized one-on-one support to members of Educational Services Department
 - Provide consultation on the development of data systems to support Educational Services Departments' initiatives

Term of Agreement

1. The term of this Agreement will begin on December 5, 2022 and will remain in full force and effect until June 30, 2023, subject to earlier termination as provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.

Performance

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

Compensation

3. Eden Area ROP will pay a fee of the Services based on \$150.00 per hour for a maximum of 20 hours a month. This fee shall be payable monthly, no later than the last day of the month following the period during which the Services were performed.
4. Service Provider must submit an itemized invoice to Business Services which includes dates, time, and type of work accomplished.

Confidentiality

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

Non-Competition

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

Ownership of Materials

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

Return of Property

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

Assignment

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

Capacity/Independent Contractor

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

Modification of Agreement

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

Notice

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

Costs and Legal Expenses

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

Time of the Essence

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

Entire Agreement

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

Limitation of Liability

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

Indemnification

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

Inurement

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

Titles/Headings

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

Gender

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

Governing Law

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

Severability

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

Waiver

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

Additional Provisions

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

Karen Huff, Service Provider

Date

Blaine C. Torpey, Superintendent
Eden Area ROP

Date



DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Contract with San Jose Charters, Inc. for Student Transportation Services for the 2022-2023 School Year

BACKGROUND

Each year, the Eden Area ROP contracts for transportation services for students with member districts. When member districts are unable to meet the bussing needs for center programs, the Eden Area ROP contracts with an outside vendor for bussing services.

On November 3, 2022, per Action Item B, the Board approved the awarding of Bid 22-23-001 for transportation services to San Jose Charter, Inc.

CURRENT SITUATION

The attached contract with San Jose Charters, Inc. is the agreement for bussing services per their proposal in respect to Bid 22-23-001.

CONSENT CALENDAR

SAN JOSE CHARTERS
INC. 2920 Daylight Way
San Jose CA 95111
Bus: (408) 360-9883
Fax: (408) 360-0790
TCP 016831-A



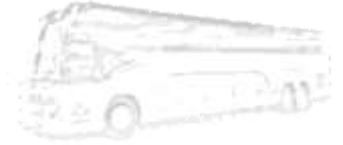
Sales Person: Sara Magana

OFFER TO CHARTER

Reservation ID: 1812142

Company: Eden Area Regional Occupational Program
CompanyAddress: 26316 Hesperian Blvd
Company City: Hayward, CA 94545-
Contact Name: Manuschka Michaud
Business Phone: 510-293-2904
Fax Number: 510-293-8224 E-mail: mmichaud@edenrop.org

No Buses: 6
No Pax: Buses



Departure Information

Trip Date: 11/28/2022
Depart Time: 7:00
Address: (see itinerary)
City/Zip: Hayward/San Leandro/San Lorenzo CA 00000-
Host:
Group Name: Eden Area ROP

Destination Information

Address: Eden Area ROP-26316 Hesperian Blvd,
City/Zip: Hayward CA 94545-
Return Date: 6/1/2023
Return Time: 11:50
Drop-Off Date: 6/1/2023
Drop-Off Time: 16:05

ITINERARY

Monday, Tuesday, Wednesday, Thursday & Friday
Starting 11/28/22- AM & PM*service will be provided as stated in attachment 1A, 1B and 1C. ONLY PM service will be provided for attachment 2E

Wednesday's AM Schedule-San Leandro HS
*service will be provided as stated in attachment 2C

Wednesday's PM Schedule
San Lorenzo HS and Arroyo HS
* service will be provided as stated in attachment 2D

Thursday's AM Schedule-Hayward HS, Mt. Eden, San Leandro HS
* service will be provided as stated in attachment 2A and 2B

1 bus for Tennyson, Hayward HS & Brentwood for AM & PM service
1 bus for Mt. Eden HS for AM & PM service
1 bus for Lincoln HS & San Leandro HS for AM & PM service
2 buses for San Lorenzo & Arroyo HS for AM & PM service
1 bus for Castro Valley & Redwood HS PM service ONLY

If needed modifications must be made 30 days prior to extending services for 3 additional months

Item	Qty	Price	Subtotal
(Nov28, Dec, Jan, Feb, Mar, Apr, May & Jun 1 (110 Days of service)	1	\$808,500.00	\$808,500.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
15 days of services beginning changes	0	\$0.00	\$0.00
will be allowed	0	\$0.00	\$0.00
Driver Tip	0	\$0.00	\$0.00
Please make checks payable to SAN JOSE CHARTERS, INC. and include your RESERVATION ID to ensure accurate processing.	Discount:	0.00%	\$808,500.00
	Bridge/Tolls:		\$0.00
	Parking Fees:		\$0.00
	Fuel Surcharge:		\$0.00
	TOTAL:		\$808,500.00

Deposit Amount:	\$0.00
Deposit Date:	
Balance Due:	\$808,500.00
Balance Due Date:	

Payment will be received net 30 days after goods and service are rendered and the receipt of invoice, whichever is latest.

By signing this document, I affirm that I have read and understood the terms and conditions outlined in pages 1-2 of this contract. I agree to abide by those terms.

If the deposit and or full payment is not received by the due dates stipulated we reserve the right to cancel services without notice. (For schools, a PO must be provided).

We must receive signed offer within 5 business days of issuance to reserve your date and rate.

Client's Signature

12/05/2022

Date

SAN JOSE CHARTERS
INC. 2920 Daylight Way
San Jose CA 95111
Bus: (408) 360-9883
Fax: (408) 360-0790
TCP 016831-A



Sales Person: Sara Magana

OFFER TO CHARTER

Reservation ID: 1812142

TERMS AND CONDITIONS

PRICE: The price on this confirmation is based on the itinerary given to San Jose Charters at the time of pricing. Client agrees to pay additional charges that were unknown at the time of booking. Any changes made to this charter order 72 hours prior to the charter are subject to a \$50 processing fee. Any changes made 24 hours or less to the charter are subject to a \$75 processing fee. These fees are in addition to any additional charges which may be incurred due to itinerary changes. Any changes to the final itinerary will need to be done via email during regular business hours. On the day of the trip any changes in the itinerary MUST be approved by our office and may result in additional charges.

PAYMENT: 10% deposit or \$250 (whichever is greater) per vehicle requested is due upon receipt of our written confirmation. Final payment is due 30 days prior to trip date. Reservations made less than 30 days prior to the trip date must be paid by credit card or cash at the time of booking. A \$35 fee will be charged for any checks returned to us by the bank.

CANCELLATION: Customer will receive a full refund on the deposit if the trip is cancelled 30 days prior to the departure date. Customer will be charged 50% of the total amount if cancellation is made 29 – 7 days prior to departure date. There is no refund if cancelled 6 days or less prior to the departure date. Full amount will be charged if trip is cancelled at the spot location. All cancellations are subject to a \$50 Administrative fee. For multiple motor coaches, Administrative fee will be at management's discretion.

SPAB PAYMENT AND CANCELLATION: Payment for all SPAB coach moves must be received in full 6 weeks prior to the departure date. For these moves a cancellation fee of \$500 per coach will occur if cancelled 4 weeks prior to departure date. If trip is cancelled 3 weeks prior to the departure date, a fee will be charged at management's discretion. This ONLY applies to SPAB moves

OVERTIME AND ADDITIONAL CHARGES: Time and charges begin when the motor coach arrives at the pick-up location. If there is an error stated in the address, you shall be charged for the time needed to reroute the motor coach to a different address.

You agree to pay the following additional expenses incurred in connection with Charter services directly to the Charter Company: (i) driver's lodging (if not paid by the client) (ii) tolls (iii) parking fees (iv) additional stops and (v) any other expenses incurred directly by the Charter Company in connection with the provision of the Charter Services.

DRIVER'S LODGING: You agree if required, to arrange for appropriate lodging for drivers that meet or exceed the following minimum standards: 3 star or better hotel/motel, private room with private shower and bathroom. Parking at the hotel for bus(es) and any incurred Parking fees. Hotel must be within a 5 mile radius of destination. If you fail to provide the driver(s) with private lodging meeting the listed requirements, you (i) authorize the Charter Company to procure such alternative lodging for the driver(s) and (ii) agree to reimburse the Charter Company for the cost of any such alternative lodging.

CHARTER SERVICES: The Charter Company or the driver may terminate any trip without refund in its sole discretion, if (i) The driver feels that you or any of the passengers are putting the driver or any of the passengers in danger or harm or (ii) you and/or any of the passengers are in possession of any illegal material and/or substance. This is without exception.

Drivers must follow FMCSA Hours of Service Regulations and other applicable regulations and shall not agree to any request to exceed the regulated FMCSA Hours of Service or to violate any other regulations. These regulations restrict driving time to ten (10) hours and duty time to fifteen (15) hours. Driving and duty time start and end at the garage. Unless agreed in writing at the time of the reservation, driver is not obligated to arrange buses with more than one driver on each bus. Drivers are entitled to a hotel room no later than when they reach these restrictions on driving and/of duty times. Driver may terminate any trip without refund in its sole discretion if you or any of the passengers attempt to force the driver to exceed regulated FMCSA Hours of Service or to violate any other applicable regulations. If driver reaches the legal driving time, he/she will pull over and will not continue with the trip, regardless if destination has been reached or not. If destination has not been reached, the group is responsible for getting their own transportation to their final destination and obtaining a hotel room for the driver where ever he/she stops

HOTEL/CASINO CHARTERS: San Jose Charters is not responsible for changes made to the cost, bonus or availability for any hotel and or casino.

DAMAGE OR RETURN OF VEHICLE IN UNACCEPTABLE CONDITION: Our motor coaches are inspected and cleaned prior to departure from our garage. Any damage to seats, windows or other parts of the motor coach that is caused by a member of the group chartering the motor coach shall be the financial responsibility of the chartering group. San Jose Charters will bill the group for repairs and damage. If the vehicle requires excessive cleaning (garbage, vomit, spills, stains etc..), the group will be charged up to \$300 per vehicle. Kegs, glass bottles, or propane tanks are not permitted on our vehicles.

PERSONAL ITEMS AND LUGGAGE: San Jose Charters is not responsible for luggage, or any items left, stolen or damaged on the bus.

INFORMATION ITEMS



DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: SkillsUSA Eden Area ROP Student Presentation

BACKGROUND

One of the key components of a high-quality Career Technical Education (CTE) program is the students' active participation in a Career and Technical Student Organization (CTSO). CTOS provide students valuable opportunities to hone their skills, build and develop leadership skills and network within their industry sector.

SkillsUSA is a national organization that provides CTE students with a venue for student leadership and competition. With three levels of skill and leadership competitions, SkillsUSA encourages growth through participation in leadership and skill activities to enhance classroom learning. SkillsUSA California has over 9,100 members.

CURRENT SITUATION

Eden Area ROP Center student participation and enthusiasm for SkillsUSA has increased since the return to school.

Students have started the formal process to have an official SkillsUSA chapter at the Eden Area ROP. A SkillsUSA chapter consists of a group of members who actively participate in the California SkillsUSA organization. Chapters work together to prepare for competition, fundraising, community service, and exemplify leadership.

These students have been working on a club chapter, electing club officers, and starting an Associated Student Body (ASB) account to appropriately manage their funds.

Students will present information to our Governing Board regarding SkillsUSA at the Eden Area ROP. The purpose of this presentation is to provide the Governing Board important context when they are asked to approve the student organization.

RECOMMENDATION

Information only

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: ROP Pathway Review- Systems Diagnostics, Service, and Repair

BACKGROUND

The state of California has identified 15 industry sectors. Each sector contains multiple career pathways in which to develop programs of study. It is up to individual school districts and the region's corresponding colleges and businesses to conduct research into the needs of the industry and determine which sectors and careers can best serve the students, industry, and community. Pathways available vary by each district.

Formerly, the pathway reviews were presented to the Governing Board under the title "CDE Course Review." The Eden Area ROP has renamed the CDE Course Reviews to Pathway Reviews to reflect the information more accurately being shared with the Board and to align with the current terminology used by the state. Pathways reviews are presented to the Governing Board biennially.

CURRENT SITUATION

The Systems Diagnostics, Service, and Repair pathway is under the Transportation sector. The Systems Diagnostics, Service, and Repair pathway prepares students for postsecondary education and employment in the transportation industry, which includes but is not limited to motor vehicles, rail systems, marine applications, and small-engine and specialty equipment.

The attached pathway review is for the following program(s):
Automotive Technology IP/IIP

RECOMMENDATION

Information only

SCHOOL DISTRICT:	EDEN AREA ROP	LOCATION:	Eden Area ROP	
PATHWAY:	Systems Diagnostics, Service, and Repair		INSTRUCTORS:	David Espinoza, Armando Politron
Course Name	Enrollment as of 21-22 Year to Date	Enrollment as of 20-21 Year to Date	Enrollment as of 19-20 Year to Date	
Auto Technology IP	63	90	69	
Auto Technology IIP	16	N/A	55	
Comments: <ul style="list-style-type: none"> Required enrollment: Class enrollment maintained to sustain agreed master schedule for onsite and staffing. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Retention rate (Active Enrollment divided by Year-to-date Enrollment): 				
Textbook: Automotive Technology Principles, Diagnosis, and Service Edition: 6 th				
NO.	YES	NO		
1.	X		ENROLLMENT – Course meets current or future labor market needs. CLASS SCHEDULE: AM/PM SECTIONS PER YEAR: MINS PER SECTION: EXPECTED MINIMUM STUDENTS PER SECTION: 2 2 3hrs Center 25+	
2.	X		AVAILABILITY OF QUALIFIED INSTRUCTOR – Qualified/ Credentialed Instructor teaching course.	
3.	X		LEADERSHIP – Instructional leaders have sufficient time and resources to implement system improvements and work with their counterparts in other programs.	
4.	X		CURRICULUM and INSTRUCTION – Students are provided with a strong experience in and understanding of all aspects of industry.	
5.	X		SCHOOL-TO-CAREER AND CAREER PATHWAY DEVELOPMENT – Course is designed as part of a sequence of courses, career pathways, etc.	
6.	X		ADVISORY COMMITTEE – The course has been reviewed and recommended by a pre-established committee. <input checked="" type="checkbox"/> Yes, instructor was present at advisory meeting and minutes are on file at ROP <input type="checkbox"/> No, instructor was not present at advisory. Program was represented, at a joint industrial, by ROP personnel. Instructor MUST attend next advisory for program to meet compliance.	
7.	X		LABOR MARKET NEEDS – Course meets current or future labor market needs.	
8.	X		WORK BASED LEARNING – Course incorporates Work-Based learning opportunities (i.e. guest speakers, field trips, mock interviews, or student organizations)	
9.		X	COMMUNITY CLASSROOM AND COOPERATIVE VOCATIONAL EDUCATION – Course incorporates community classroom and cooperative vocational education (i.e., job training, internships, or job shadowing)	
10.	X		JOB PLACEMENT/FURTHER EDUCATION OPTIONS – Course has potential for student job placement in entry-level positions or course prepares students for further training opportunities within the designed career pathway.	
11.	X		FACILITIES AND EQUIPMENT ACCOMMODATION <input type="checkbox"/> District will provide a facility which adequately accommodates the program. <input checked="" type="checkbox"/> EAROP will provide a facility which adequately accommodates the program. <input type="checkbox"/> District shares cost of equipment if program is cross utilized.	
OTHER CONSIDERATIONS:				
<input checked="" type="checkbox"/> A-G Credit for UC		<input type="checkbox"/> State and National Licensing or Certification		
<input checked="" type="checkbox"/> Community College Articulation		<input checked="" type="checkbox"/> Strong Business or Industry Partnership		
<input type="checkbox"/> Dual Enrollment		<input type="checkbox"/> Emerging Technologies -		
COMPLIANCE CATEGORIES				
<input checked="" type="checkbox"/> R – Retain Program: Program meets all criteria.		<input type="checkbox"/> W - Watch Program: All criteria not met. See areas that need to be complied with.		<input type="checkbox"/> P - Probation: Criteria is not being met. Program in danger of suspension.
		<input type="checkbox"/> R – Reduce Program: Downsizing program.		<input type="checkbox"/> S/T - Suspend/ Terminate program.



DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: ROP Pathway Review- Structural Repair and Refinishing

BACKGROUND

The state of California has identified 15 industry sectors. Each sector contains multiple career pathways in which to develop programs of study. It is up to individual school districts and the region's corresponding colleges and businesses to conduct research into the needs of the industry and determine which sectors and careers can best serve the students, industry, and community. Pathways available vary by each district.

Formerly, the pathway reviews were presented to the Governing Board under the title "CDE Course Review." The Eden Area ROP has renamed the CDE Course Reviews to Pathway Reviews to reflect the information more accurately being shared with the Board and to align with the current terminology used by the state. Pathways reviews are presented to the Governing Board biennially.

CURRENT SITUATION

The Structural Repair and Refinishing pathway is under the Transportation sector. The Structural Repair and Refinishing pathway prepares students for postsecondary education and employment in the transportation industry, including but not limited to body and frame straightening, estimating, painting, and refinishing (included but not limited to airplanes, trains, vehicles, and equipment).

The attached pathway review is for the following program(s):
Automotive Collision and Refinishing IP/IIP.

RECOMMENDATION

Information only

SCHOOL DISTRICT:	Eden Area ROP	LOCATION:	Eden Area ROP	
PATHWAY:	Structural Repair and Refinishing	INSTRUCTORS:	Daniel Pareja	
Course Name		Enrollment as of 21-22 Year to Date	Enrollment as of 20-21 Year to Date	Enrollment as of 19-20 Year to Date
Automotive Collision and Refinishing IP		44	44	63
Automotive Collision and Refinishing IIP		6	N/A	N/A
Comments: <ul style="list-style-type: none"> Required enrollment: Class enrollment maintained to sustain agreed master schedule for onsite and staffing. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Retention rate (Active Enrollment divided by Year-to-date Enrollment): 				
Text Book: Auto Body Repair Technology			Edition: 6 th	
NO.	YES	NO		
1.	X		ENROLLMENT – Course meets current or future labor market needs. CLASS SCHEDULE: AM/PM SECTIONS PER YEAR: 2 (Center) MINS PER SECTION: 3hrs Center EXPECTED MINIMUM STUDENTS PER SECTION: 25+	
2.	X		AVAILABILITY OF QUALIFIED INSTRUCTOR – Qualified/ Credentialed Instructor teaching course.	
3.	X		LEADERSHIP – Instructional leaders have sufficient time and resources to implement system improvements and work with their counterparts in other programs.	
4.	X		CURRICULUM and INSTRUCTION – Students are provided with a strong experience in and understanding of all aspects of industry.	
5.	X		SCHOOL-TO-CAREER AND CAREER PATHWAY DEVELOPMENT – Course is designed as part of a sequence of courses, career pathways, etc.	
6.	X		ADVISORY COMMITTEE – The course has been reviewed and recommended by a pre-established committee. <input checked="" type="checkbox"/> Yes, instructor was present at advisory meeting and minutes are on file at ROP <input type="checkbox"/> No, instructor was not present at advisory. Program was represented, at a joint industrial, by ROP personnel. Instructor MUST attend next advisory for program to meet compliance.	
7.	X		LABOR MARKET NEEDS – Course meets current or future labor market needs.	
8.	X		WORK BASED LEARNING – Course incorporates Work-Based learning opportunities (i.e. guest speakers, field trips, mock interviews, or student organizations)	
9.		X	COMMUNITY CLASSROOM AND COOPERATIVE VOCATIONAL EDUCATION – Course incorporates community classroom and cooperative vocational education (i.e., job training, internships, or job shadowing)	
10.	X		JOB PLACEMENT/FURTHER EDUCATION OPTIONS – Course has potential for student job placement in entry-level positions or course prepares students for further training opportunities within the designed career pathway.	
11.	X		FACILITIES AND EQUIPMENT ACCOMMODATION <input type="checkbox"/> District will provide a facility which adequately accommodates the program. <input checked="" type="checkbox"/> EAROP will provide a facility which adequately accommodates the program. <input type="checkbox"/> District shares cost of equipment if program is cross utilized.	
OTHER CONSIDERATIONS:				
<input checked="" type="checkbox"/> A-G Credit for UC		<input type="checkbox"/> State and National Licensing or Certification		
<input type="checkbox"/> Community College Articulation		<input checked="" type="checkbox"/> Strong Business or Industry Partnership		
<input type="checkbox"/> Dual Enrollment		<input type="checkbox"/> Emerging Technologies -		
COMPLIANCE CATEGORIES				
<input checked="" type="checkbox"/> R – Retain Program: Program meets all criteria.		<input type="checkbox"/> W – Watch Program: All criteria not met. See areas that need to be complied with.		<input type="checkbox"/> P – Probation: Criteria is not being met. Program in danger of suspension.
		<input type="checkbox"/> R – Reduce Program: Downsizing program.		<input type="checkbox"/> S/T – Suspend/ Terminate program.

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Brigitte Luna, Director of Educational Services
SUBJECT: Fall Advisory Committee Meetings

BACKGROUND

Advisory committees have been established and maintained to support our efforts in delivering high quality Career Technical Education programs. The Advisory also serves to further develop and evaluate the implementation of our programs. The committees are made up of business and community representatives, instructors, and administrators. Our advisory members from industry work with the instructional staff to integrate rigor and relevancy to prepare students for college and careers. Advisory members also help to establish opportunities with community classroom, cooperative learning experiences, and internships.

CURRENT SITUATION

The CTE/ROP Fall Advisory meeting was held on November 10, 2022, at 5:30 pm. Meetings were organized by pathway and included CTE/ROP instructors and representatives from community and business. Every pathway had an assigned facilitator and notetaker to work through the meeting's agenda. Administrators from our partnering districts and the ROP center were on hand to support meeting objectives and promote dialogue. The next Advisory Committee meeting is scheduled for April 2023 and will focus on supporting the requirements for Perkins V Grant funding.

RECOMMENDATION

Information only

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: First Reading of Governing Board Policies and Administrative Regulations

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 and administrative regulations to reflect current law and regulations provided in CSBA's quarterly update.

NUMBER	TYPE	TITLE	STATUS
3515.3	BP	District Police/Security Department	Revise
3515.3	AR	District Police/Security Department	Revise
4118	BP	Dismissal/Suspension/Disciplinary Action	New
4118	AR	Dismissal/Suspension/Disciplinary Action	Revise
4218	BP	Dismissal/Suspension/Disciplinary Action	Revise
4218	AR	Dismissal/Suspension/Disciplinary Action	Revise
6164.2	BP	Guidance/Counseling Services	Revise

RECOMMENDATION



EdenAreaROP SUPERINTENDENT'S MEMO

To: Eden Area ROP Governing Board
From: Blaine Torpey, Superintendent
Date: December 5, 2022
Re: First Reading of Board Policies and Administrative Regulations

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

Number	Type	Title	Explanation of Change	Status
3515.3	BP	District Police/Security Department	Policy updated to clarify that a job description delineating the duties of district police or security officers is required to be approved by the Governing Board and reflect NEW LAW (SB 906, 2022) which requires district police and security officers, when notified by a school official of a threat or perceived threat that a student is preparing to commit a homicidal act related to school or school activity, to immediately conduct an investigation and assessment of the threat or perceived threat. Policy also updated to add characteristics for which discrimination by district police or security officers is prohibited, and expand the list of tactics district police or security officers are required to use to minimize the use of force.	Revise
3515.3	AR	District Police/Security Department	Regulation updated to clarify that the district is required to provide each security officer with the latest course of training, as specified, and include the definition of "carotid restraint" and "choke hold". Regulation also updated to amend the policy requirements that district police departments are required to maintain by (1) rearranging material to keep related content together, (2) adding that officers carry out duties in a manner that reflects cultural competency, (3) providing that there are procedures to prohibit an officer from training other officers for at least three years from the date that an abuse of force complaint against an officer is substantiated, and (4) reflecting NEW LAW (AB 26, 2021) which requires the policy maintained by district police departments to include that (a) officers report potential excessive force immediately, (b) an officer may not be retaliated against when reporting a suspected violation of	Revise

			law or regulation of another officer or supervisor, and (c) an officer who fails to intercede be disciplined up to and including in the same manner as the officer who used excessive force. Additionally, regulation updated to reflect NEW LAW (AB 486, 2021) which requires full-time district police officers, and public safety dispatchers as specified, to serve in a probationary status for not less than one year from the date of appointment to the full-time position in order to receive permanent classified service status.	
4118	BP	Dismissal/Suspension/Disciplinary Action	Policy updated to reflect NEW COURT DECISION (Kennedy v. Bremerton School District), in which the U.S. Supreme Court held that the district's decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games, violated the employee's free exercise and free speech rights. Policy also updated to include language formerly in AR that prohibits the disciplining of any employee for protecting a student who is exercising a free speech or press right.	New
4118	AR	Dismissal/Suspension/Disciplinary Action	Regulation updated to move, from AR to BP, material which prohibits the disciplining of an employee for acting to protect a student's right to free speech or press, and to make clarifying changes throughout.	Revise
4218	BP	Dismissal/Suspension/Disciplinary Action	Policy updated to reflect NEW COURT DECISION (Kennedy v. Bremerton School District), in which the U.S. Supreme Court held that the district's decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games, violated the employee's free exercise and free speech rights. Policy also updated to include language formerly in AR that prohibits the disciplining of any employee for protecting a student who is exercising a free speech or press right, and to clarify language within the "Procedures for Serious Disciplinary Proceedings" section.	Revise

4218	AR	Dismissal/Suspension/Disciplinary Action	Regulation updated to move, from AR to BP, material which prohibits the disciplining of an employee for acting to protect a student's right to free speech or press, and to make clarifying changes throughout.	Revise
6164.2	BP	Guidance/Counseling Services	Policy updated to expand the Governing Board's philosophical statement to include student well-being, and reflect NEW LAW (AB 2508, 2022) which (1) urges districts to adopt a comprehensive educational counseling program and, for districts that provide such services, to implement a structured and coherent counseling program within a Multi-Tiered Systems of Support framework, (2) revises the definition of "educational counseling," (3) amends the legislative intent of the responsibilities of school counselors, (4) requires educational counseling to include specified postsecondary services, and (5) revises the components that educational counseling is required and authorized to include. Policy also updated to reflect NEW LAW (AB 643, 2021) which encourages districts to host apprenticeship and/or career technical education fair events, such as college and career fairs and for districts that do hold such events to notify apprenticeship programs in their county, as specified. Additionally, policy updated to move material regarding early identification and intervention plans for students who may be at risk for violence.	Revise

Policy 3515.3: District Police/Security Department

Status: DRAFT

Original Adopted Date: 12/09/2021 | Last Reviewed Date: 12/09/2021

The district herein after referred to as the Eden Area Regional Occupational Program (Eden Area ROP) unless otherwise noted or when referring to any of our member districts.

To help protect the safety of Eden Area ROP students and staff and the security of Eden Area ROP property, the Governing Board shall maintain an Eden Area ROP ~~police or security department~~ site security. The Board commits to providing a positive school climate, mental health services, other student support services, and restorative justice practices to resolve conflicts and reduce law enforcement interactions with students.

~~The Superintendent or designee shall provide training to staff regarding the role of the Eden Area ROP police or security officers and the appropriate circumstances for contacting such officers.~~

~~Duties of the Eden Area ROP police or security officers shall be delineated in a job description developed by the Superintendent or designee. Such duties shall focus on collaborative problem solving and, when circumstances warrant intervention with students, the use of positive and restorative approaches in accordance with Penal Code 1365. Job duties shall not include the handling of routine student disciplinary matters.~~

~~(Security Department)~~

Persons employed or assigned as school ~~security officers~~ site security shall serve as watchpersons, security guards, or patrolpersons on or about the Eden Area ROP premises to protect persons or property, prevent the theft or unlawful taking of Eden Area ROP property, or report unlawful activity to the Eden Area ROP and local law enforcement agencies. (Education Code 38001.5)

When Eden Area ROP ~~security officers~~ site security are unable to perform their duties because of an emergency, including, but not be limited to, war, epidemic, fire, flood, or work stoppage, or when the emergency necessitates additional security services, the Board may contract with a private licensed security agency. In such cases, the Board shall make a specific finding that an emergency exists and shall include this finding in the Board minutes. (Education Code 38005)

Conduct of Officers

~~The Board expects the Eden Area ROP police or security officers to cooperate and regularly communicate with local law enforcement agencies, and to work collaboratively with other Eden Area ROP staff and community members to develop long-term, proactive approaches that address the conditions affecting school safety.~~

Eden Area ROP ~~police or security officers~~ site security shall conduct themselves in ways that promote goodwill and cooperation on the part of students, Eden Area ROP staff, and the general public. Eden Area ROP ~~police or security officers~~ site security shall not discriminate against or treat any person differently on the basis of race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, ~~medical condition, genetic information~~, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Eden Area ROP ~~police or security officers~~ site security shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at Eden Area ROP, except as may be required by state and/or federal law. (Education Code 234.7)

Whenever possible, Eden Area ROP ~~police or security officers~~ site security shall use tactics such as de-escalation techniques, crisis intervention tactics, or other alternatives to ~~mitigate force to minimize the use of force.~~ ~~The Eden Area ROP police department shall maintain and make accessible to the public a policy on the use of force in accordance with Government Code 7286 and consistent with Eden Area ROP policy and administrative regulation. Officers shall periodically receive training regarding applicable Eden Area ROP policies and the guidelines from the Commission on Peace Officer Standards and Training.~~

Equipment

Eden Area ROP site security shall not carry firearms.

Records

Eden Area ROP ~~police or security officers~~ ~~site security~~ shall not have access to student records, nor release student information to another person, agency, or organization, without written permission from the parent/guardian or adult student, unless specifically allowed or required by state or federal law. (Education Code 49076; 34 CFR 99.1)

Records created and maintained by the Eden Area ROP ~~police or security~~ ~~site security~~ department for a law enforcement purpose are not considered disclosable student records under the Family Educational Rights and Privacy Act. (34 CFR 99.3)

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

Bus. Code 7583-7583.447	Private patrol operators - https://simbli.eboardsolutions.com/SU/kBDCgRBUWNp7GLr6TxJHw==
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 45113	Probationary period and permanent status; non-merit system districts
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45133.5	School police department; work schedule
Ed. Code 45301	Probationary period and permanent status; merit system districts
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Fam. Code 6240-6275	Emergency protective orders
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers; rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	Emergencies; peace officers
Pen. Code 13510-13519.15	Standards for recruitment and training
Pen. Code 13651	Peace officers; job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.19	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers; powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.15-832.16	Notice of prohibition against possession of firearm

Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
Pen. Code 836	Peace officers; warrants
W&I Code 707	List of crimes
W&I Code 828-828.1	Disclosure of information re minors by law enforcement agency

Federal References

10 USC 2576a
34 CFR 99.1-99.67

Description

Surplus military equipment
Family Educational Rights and Privacy

Management Resources References

California Attorney General Publication

Comm on Peace Officer Standards & Training Pub. POST Use of Force Standards and Guidelines, November 2021

Court Case

San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al. (2002) 104 Cal.App.4th 275

Website

U.S. Department of Homeland Security, Fusion Centers -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

California State Threat Assessment System -
<https://simbli.eboardsolutions.com/SU/CX8ou4hFcTRJKHzwyPRczQ==>

Website

California Office of Emergency Services -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

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

Website

Commission on Peace Officer Standards and Training -
<https://simbli.eboardsolutions.com/SU/Vt9GngNyfZb0gB4c21Z9mg==>

Website

California Department of Education, Safe Schools -
<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

Website

California Attorney General's Office -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Cross References

0410

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

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>

1113

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/6eqaGlrNiZiWJNVmplusi2A==>

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==>

1240

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvvpA==>

1240

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/YCbehdu5XHVOvJxUuUnGiw==>

1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/o3J7uJ1sXa6HhkvLy1gMw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/hPhZ71ILDcJHvLbslshBQvz3w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/l8RKMawepXwJIKODuncGAw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/2RZXgPoYYtBVsb5n750omA==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/VYQ2JezJOk6lzOvah9mvSQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTBvH7g==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIz40DSa1c7mTns8w==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zr8ox1WUuCyBNJ5ACqUVQ==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/hhslshXLETslshmxBLhEVNeG3Qslshg==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/y6dakJbiDqIWrr2BreO8t3g==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/xRjr63FE2ownEjtnHYRAZA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/LZhSWDMRaTpQuhXaDvyd7w==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/9190lmGyOxru3lNkmtmOg==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/VcQ6GPJq0bw3mpPvkXF2slshg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDoIplusQdeSd0HGnnMg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8lZ0yz1FP4esRjBg==

4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4znoK8Wbg6NPQqqsWiVK5w==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/0BkcCrcOcSUkdOhZoslsHcG2A==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/Q0plusAPQXtrFrE5dqwAsBp9g==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/2dPN9wsr81z8Tq3BwFSOxw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/OsRX0XGOplus9vn5nZJeBsHfg==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/yplusmwPBEUPkff2Kb5Lm1NFA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/GJ5nOaM5sMBqslsh21YMiSuzQ==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/lQtCNZih73p1VSMTZSLbdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HayBiDjLgktKoiCtftq6DA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/cmgaYplusDcdygXnt8R27gsNQ==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEgOnHw==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/tlDEw6WINi9spgzXcsOgiA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/Rwynl9TSeLUEFDFuslshRg05g==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/GOQNAF8LlmJnW65pzX1Vgw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/2IFPjn2ISp0plusrXYQ1IWEow==

4358	Employee Security - https://simbli.eboardsolutions.com/SU/SWIm4axjvRYRUVdRtpBjtw==
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==
5131.5	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==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/SffkNIqyympupAcOpDJJng==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/mkBG513idfpAslshWCzplusbg7A==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/47NI1nZFwlxBAkiglUxLSg==
5141.4-E PDF(1)	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/w7dygQRxCINI6WdppB70ow==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzv1B2oqZCSfZin1Rgdw==
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==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/LaRzDg0Z2A4vIvPZOvGdlw==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==

Regulation 3515.3: District Police/Security Department

Status: DRAFT

Original Adopted Date: 12/09/2021 | Last Reviewed Date: 12/09/2021

The district herein after referred to as the Eden Area Regional Occupational Program (Eden Area ROP) unless otherwise noted or when referring to any of our member districts.

To be employed as Eden Area ROP ~~police or security officers~~ site security, persons shall meet all the requirements for classified personnel in addition to specialized requirements as described below.

Qualifications of Security ~~Officers~~

A person employed as a school ~~security officer~~ site security shall: (Education Code 38001.5)

1. Under the conditions described in Education Code 38001.5, submit fingerprints to the Eden Area ROP on forms or electronically, as prescribed by the Department of Justice (DOJ)
2. Be determined not to be a person not prohibited from employment by a school Eden Area ROP pursuant to Education Code 44237 or 45122.1

~~The Eden Area ROP shall provide each school security officer, during the employee's regular working hours, a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with POST. (Education Code 38001.5)~~

Equipment

The Eden Area ROP shall bear the cost of all required uniforms, equipment, identification badges, and cards. (Education Code 38003)

Use of Force

~~Eden Area ROP security officers shall not use a carotid restraint or choke hold involving the application of pressure to a person's neck, trachea, or windpipe. (Government Code 7286.5)~~

1. ~~A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible~~
2. ~~A requirement that officers only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance~~
3. ~~Procedures for disclosing public records in accordance with Penal Code 832.7~~
4. ~~Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents~~
5. ~~A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed~~
6. ~~Comprehensive and specific guidelines regarding approved methods and devices available for the application of force~~
7. ~~Factors for evaluating and reviewing all use of force incidents~~

Disciplinary Action

~~Any investigation of an Eden Area ROP police officer that could lead to punitive action shall be conducted in accordance with Government Code 3303-3304.~~

~~If the Superintendent or designee decides to impose discipline following investigation and any predisciplinary response or procedure, the police officer shall be notified in writing within 30 days of the decision, including the date that the discipline shall be imposed. (Government Code 3304)~~

Any appeal by a police officer shall be conducted in accordance with Board policy and administrative regulation.
(Government Code 3304.5)

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

State References

Description

Bus. Code 7583-7583.447	Private patrol operators - https://simbli.eboardsolutions.com/SU/kBDCgRBUWNgbP7GLr6TxJHw==
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 45113	Probationary period and permanent status; non-merit system districts
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45133.5	School police department; work schedule
Ed. Code 45301	Probationary period and permanent status; merit system districts
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Fam. Code 6240-6275	Emergency protective orders
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtQ==
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers; rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	Emergencies; peace officers
Pen. Code 13510-13519.15	Standards for recruitment and training
Pen. Code 13651	Peace officers; job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.19	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers; powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.15-832.16	Notice of prohibition against possession of firearm
Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
Pen. Code 836	Peace officers; warrants
W&I Code 707	List of crimes

W&I Code 828-828.1

Disclosure of information re minors by law enforcement agency

Federal References

10 USC 2576a

34 CFR 99.1-99.67

Description

Surplus military equipment

Family Educational Rights and Privacy

Management Resources References

California Attorney General Publication

Comm on Peace Officer Standards & Training Pub. POST Use of Force Standards and Guidelines, November 2021

Court Case

San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al. (2002) 104 Cal.App.4th 275

Website

U.S. Department of Homeland Security, Fusion Centers -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

California State Threat Assessment System -
<https://simbli.eboardsolutions.com/SU/CX8ou4hFcTRJKHzwyPRczQ==>

Website

California Office of Emergency Services -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

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

Website

Commission on Peace Officer Standards and Training -
<https://simbli.eboardsolutions.com/SU/Vt9GngNyfZb0gB4c21Z9mg==>

Website

California Department of Education, Safe Schools -
<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

Website

California Attorney General's Office -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Cross References

0410

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

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>

1113

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/6eqaGlrNiZiWJNVmplusi2A==>

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==>

1240

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvvpA==>

1240

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==>

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==>

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==>

1400

Relations Between Other Governmental Agencies And The Schools -
<https://simbli.eboardsolutions.com/SU/o3J7uJ1sXa6HhkvLyl1gMw==>

3515	Campus Security - https://simbli.eboardsolutions.com/SU/hPhZ71ILDcJHvLbslshBQvz3w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/l8RKMawepXwJlKODuncGAw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/2RZXgPoYYtBVsb5n750omA==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/VYQ2JezJOklzOvah9mvSQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zr8ox1WUuCyBNJ5ACqUVQ==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/hhslshXLETslshmxBlhEVNeG3Qslshg==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/y6dakJbiDqIWrr2BreO8t3g==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/xRjr63FE2ownEjtnHYRAZA==
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4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/9190lmGyhOxru3lNkmtmOg==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WECCupluswTs5YL9MliLySUFw==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/VCQ6GPJq0bw3mpPvkXF2slshg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDoIplusQdeSd0HGnnMg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8lZ0yz1FP4esRjBg==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4znoK8Wbg6NPQqqSvWVK5w==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18lFjwhNBmtLe5GvL59A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvw==

4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/0BkcCrcOcSUkdOhZoslsHcG2A==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/Q0plusAPQXtrFrE5dqwAsBp9g==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/2dPN9wsr81z8Tq3BwFSOxw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpEGJCrA==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/OsRX0XGOplus9vn5nZJeBsHfg==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/yplusmwPBEUPkff2Kb5Lm1NFA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/GJ5nOaM5sMBqslsh21YMI SuzQ==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/lQtCNZih73p1VSMTZSLbdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HayBiDjLgktKoiCtftq6DA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/cmgyYplusDcdygXnt8R27gsNQ==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEg0nHw==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwlVOnrMsFa1WA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/tlDEw6WINi9spgzXcsOgiA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/Rwynl9TSeLUEFDFuslshRg05g==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/GOQNAF8LmJnW65pzX1Vgw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/2IFPjn2ISp0plusrXYQ1IWEow==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/SWIm4axjvRYRUVdRtpBjtw==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/KbUEoJnKiq98MgNJ6xBEQ==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/ZY58nuoqDXjh1J4aDDpjQQ==

5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==
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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==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/SffkNlqyypmupAc0pDJJng==
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/47NI1nZFwlxBAkigIUxLSg==
5141.4-E PDF(1)	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/w7dygQRxCINI6WdppB70ow==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
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5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSIw==
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5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==

Policy 4118: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: Pending

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

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the 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 warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

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

Suspension/Dismissal Procedures

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

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

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

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

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

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

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

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

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by Eden Area ROP rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)

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

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

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included

H&S Code 11357-11361

H&S Code 11363

H&S Code 11364

H&S Code 11370.1

Pen. Code 11165.2-11165.6

Pen. Code 1192.7

Pen. Code 187

Pen. Code 291

Pen. Code 667.5

Marijuana

Peyote

Opium

Possession of controlled substances with a firearm

Child abuse or neglect; definitions

Plea bargaining limitation

Murder

School employees arrest for sex offense

Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution

Description

Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Commission on Teacher Credentialing Publication

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Website

Website

Description

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334

Morrison v. State Board of Education (1969) 1 Cal.3d 214

Office of the Attorney General -

<https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==>

Office of Administrative Hearings -

<https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==>

Department of General Services, About Teacher Dismissal Case Type -

<https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlrLeA==>

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Commission on Teacher Credentialing -

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Cross References

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1312.3-E PDF(1)

Description

District-Sponsored Social Media -

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District-Sponsored Social Media -

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3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==
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3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
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3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==
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/10ZbnsLBD4kFslsh0MNYkuzuA==
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4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/NQsv4ZCezKjaSAplus9H4iFEg==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/5EbYsu5PAFJVbHAslshydsishGig==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
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4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/n53qzOBCEGohWSgWOFoNzA==
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4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/iUoZfku8qplusL9A2pCKzS3dQ==
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4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/l6qk8RhffplusplusAmmLHt6ym6Jw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/SKcZRAfchzUtahOLWjY0eQ==
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4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/YylaMaEJjnPdppqS7Ci4F0w==
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5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/5EP8MG5FhmIVJZpluscDbKDHw==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==
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5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/VfUPcSJZZtt92oksSX5JGw==
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5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==
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/RwgA7Wt3wpjixYEFaslshplusvhQ==

Regulation 4118: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: 05/07/2020

Causes for Suspension or Dismissal

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

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with students
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or Eden Area Regional Occupational Program (Eden Area ROP)
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 (prohibiting the advocacy or teaching of communism)
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with students

(cf. 4115 - Evaluation/Supervision)

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

~~An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising his/her free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)~~

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

~~(cf. 5145.2 - Freedom of Speech/Expression)~~

Suspension/Dismissal of Employees

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

(cf. 4117.7/4317.7 - Employment Status Reports)

Compulsory Leave of Absence

Upon being informed by law enforcement that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A

mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

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

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

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

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

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

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

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

State References

Description

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

Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution

Description

Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTih3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
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1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NCIO1x8xFCdtQRniKVfQQ==
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==
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3512	Equipment - https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==
3512-E PDF(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCMw==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/IDOrNwb4o0L0slsh08FKzDikQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4yl1slsh3FiWsw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/l8RKMawepXwJIKODuncGAw==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==
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==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/NQsv4ZCezKjaSAplus9H4iFEg==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/5EbYsu5PAFJVbHAslshydsishGig==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==

4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==
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4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/lSDKHixp7lpuk0NQfguWxg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/EamU9plusZbRMjtplusq5zqITlfw==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/n53qzOBCEGohWSgWOFoNzA==
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4119.11-E PDF(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ZDpcR4FbgeFJfnThO6Tcvw==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/SslshUYhwhCPRMJoVhjafFSxA==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/iUoZfku8qpluL9A2pCKzS3dQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/BnwnWmUC86HO6A1Pv8TC5Q==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/l6qk8RhflplusplusAmmLHt6ym6Jw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/SKcZRAfchzUtahOLWjY0eQ==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/VoRashtttinP9GBVzFdsZLyQ==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/l17lZduMHKo8put7kPOplusplusQ==
4136-E PDF(1)	Nonschool Employment - https://simbli.eboardsolutions.com/SU/Cwab2RbcOnwuOXGouFMluw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslsghppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusQj2itiw==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==
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4158	Employee Security - https://simbli.eboardsolutions.com/SU/LZhSWDMRaTpQuhXaDvyd7w==
4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxIRJQ==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDolplusQdeSd0HGnnMg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8IZ0yz1FP4esRjBg==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4znoK8Wbg6NPQqqsWiVK5w==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18lFjwhNBmtLe5GvL59A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/0BkcCrcOcSUkdOhZoslsHcG2A==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/Qv4TYtYQZHj9TYplusmXThlqQ==
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4219.11-E PDF(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ck87Uj0xslsh5dCl8slshplusQdeBuQ==
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/dJUoj1L0tT9UgO1RmCnjVw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/NljwR5inuFC6Cd6twlCfpA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/XzwwlkhAeQ80fj8mPTVmwz==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/26N270Y773Xbx8NttX5STQ==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/YylaMaEJjnPdpqS7Ci4F0w==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTmiUivWKcAA==
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4257	Employee Safety - https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==

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4258	Employee Security - https://simbli.eboardsolutions.com/SU/cmgqYplusDcdygXnt8R27gsNQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEg0nHw==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==
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4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/tlDEw6WINi9spgzXcsOgiA==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LYG72eG7EyKkWFI5slshJZ0TQ==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/UuBWDXwVfk8sRA1bwccJlg==
4319.11-E PDF(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/Fv9bplQyYsfYu12Z0fslshslshlw==
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ZvUouJdgGL6Qz1slsh9Zplusfw9w==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFom7w==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/plusaERreXizl7hJ9RXUCiA1w==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEdeJMdGgJmuugihzeFErA==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pB01E3Bmj2Kacu678Fl61g==
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4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/J4cartGrEslshslsh5HVFg1ILREA==

4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
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4357	Employee Safety - https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==
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4361	Leaves - https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/5EP8MG5FhmIVJZpluscDbKDHw==
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==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/gwEZwjnjslshDBnbmXH3BRqig==
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==
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==

Policy 4218: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: 05/07/2020

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.

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)

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 by the Superintendent or designee 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. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter.

If a permanent classified employee receives a notice from the Superintendent or designee of a recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Governing 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 Governing Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Governing Board, except that, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)

(cf. 3515.3 – District Police/Security Department)

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Governing 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 Governing Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Governing 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 Governing 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 Governing Board.

At any time before a matter is submitted to the Governing Board for decision, the Superintendent or designee may, with the consent of the Governing Board, serve on the employee and file with the Governing 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 Governing Board shall affirm, modify, or reject the disciplinary action recommended by the Superintendent or designee. The decision of the Governing Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Governing Board shall be final.

Within 10 working days of the Governing 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)

In cases involving an allegation of egregious misconduct, the ruling of the administrative law judge shall be binding on the Eden Area ROP 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

	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	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

	Description
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

	Description
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlrLeA==

Website <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Cross References

Description

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/DrRYIAkWzbu02sJcWkya9Q==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/4rkxjWrEmtNQNDmUslsho2o2A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbmYVcdcJw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NCIIO1x8xFCdtQRniKVFAQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==
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3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4yl1slsh3FiWsw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
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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/kjPwlaBN4nOOYvwUHkdZ1g==
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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==
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4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/NQ5v4ZCezKjaSAplus9H4iFEg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
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4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ZDpcR4FbgeFJfnThO6Tcww==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/SslshUYhwhCPRMJovHjafFSxA==
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/l6qk8RhffplusplusAmmLHt6ym6Jw==
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==
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4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==
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4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/NWD7slshgeprX6jUKSTiGPfnQ==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/9190lmGyhOxru3lNkmtmOg==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/VCQ6GPJq0bw3mpPvkXF2slshg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8lZ0yz1FP4esRjBg==
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4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18lFjwhNBmtLe5GvL59A==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/2dPN9wsr81z8Tq3BwFSOxw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
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4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==
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4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLIbrhNraqTmiUivWKcAA==
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4257	Employee Safety - https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==
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4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8elS9GG2kA==
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4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/BbyzIM2pZtux15P2JhplusUxA==

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4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/plusaERreXizl7hJ9RXUCiA1w==
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4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
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4357	Employee Safety - https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==
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4361	Leaves - https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvfw==
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4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/fGs9Z4jk9BpVYfVXJgTrOQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/VfUPcSJZZtt92oksSX5JGw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLGtplusT4iecw==

5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/gwEZwjnjslshDBnbmXH3BRqig==
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/ptilHvEslshFyOvkZqZylRgkQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==
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==

Regulation 4218: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: 05/07/2020

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

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

(cf. 5145.2 - Freedom of Speech/Expression)

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

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.

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

Ed. Code 44009

Ed. Code 44010

Ed. Code 44011

Ed. Code 44940

Ed. Code 44940.5

Ed. Code 45101

Ed. Code 45109

Ed. Code 45113

Ed. Code 45123

Description

Inalienable rights

Board delegation of any powers or duties

Conviction of specified crimes

Sex offense; definitions

Controlled substance offense

Compulsory leave of absence for certificated persons

Procedures when employees are placed on compulsory leave of absence

Definitions; disciplinary action and cause

Fixing of duties

Notification of charges; classified employees

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
CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Office of the Attorney General -
<https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==>
Office of Administrative Hearings -
<https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==>
Department of General Services, About Teacher Dismissal Case Type -
<https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlrLeA==>
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Cross References

1114
1114
1312.1
1312.1
1312.3
1312.3
1312.3-E PDF(1)
3230
3230
3512
3512-E PDF(1)

Description

District-Sponsored Social Media -
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District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/4rkxjWrEmtNQNDmUslsho2o2A==>
Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/88k1jAF05XTBbmYVcdcJw==>
Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/UfrhrTFRxuKf8z4GXGxqRg==>
Uniform Complaint Procedures -
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<https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==>
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3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==
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3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4yl1slsh3FiWsw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/l8RKMawepXwJIKODuncGAw==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/kjPwlaBN4nOOYvwUHkdZ1g==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/g5PMFxZiThRnOPcplI79Hg==
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/10ZbnsLBD4kFslsh0MNykuZuA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0jg2fOeadIA==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/NQsv4ZCezKjaSAplus9H4iFEg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMSD28thd0bsVO5A==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ZDpcR4FbgeFJfnThO6Tcvw==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/SslshUYhwhCPRMJoVhjafFSxA==
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/l6qk8RhflplusplusAmmLHt6ym6Jw==
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/l17IzduMHKo8put7kPOplusplusQ==
4136-E PDF(1)	Nonschool Employment - https://simbli.eboardsolutions.com/SU/Cwab2RbcOnwuOXGouFMluw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslsghppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusOj2itiw==
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4158	Employee Security - https://simbli.eboardsolutions.com/SU/LZhSWDMRaTpQuhXaDvyd7w==
4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxlRJQ==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/NWD7slshgeprX6jUKSTiGPfnQ==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/9190lmGyhOxru3lNkmtmOg==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/VCQ6GPJq0bw3mpPvkXF2slshg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8lZ0yz1FP4esRjBg==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4znoK8Wbg6NPQqqsWiVK5w==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18lFjwhNBmtLe5GvL59A==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/2dPN9wsr81z8Tq3BwFSOxw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ck87Uj0xslsh5dCl8slshplusQdeBuQ==
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/dJUoj1L0tT9UgO1RmCnjVw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/NljwR5inuFC6Cd6twLCfpA==
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4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/wfHf6KbLM7oWlckS0qPabw==
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4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/BbyzIM2pZtux15P2JhplusUxA==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEg0nHw==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/Fv9bplQyYsfYu12Z0fslshslshlw==
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4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/plusaERreXizl7hJ9RXUCiA1w==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/h6xZSQslshplusUJzjKnJqlb7wPg==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pB01E3Bmj2Kacu678Fl61g==
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4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/J4cartGrEslshslsh5HVFg1ILREA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
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4357	Employee Safety - https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/oYKKUmyeKqplusPK8KnKisdeA==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/2IFPjn2ISp0plusrXYQ1IWEow==
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4361	Leaves - https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvfw==
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4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/fGs9Z4jk9BpVYfVXJgTrOQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/VfUPcSJZZtt92oksSX5JGw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLGtplusT4iecw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/faSlGnQyujTfPzj4XpiZPg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/gwEZwjnjslshDBnbmXH3BRqig==
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==
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==

Policy 6164.2: Guidance/Counseling Services

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes that a structured, coherent and comprehensive counseling program promotes academic achievement and growth, and serves the diverse needs of all Eden Area Regional Occupational Program (Eden Area ROP) students. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning and well-being.

Guidance services shall be provided to students, either enrolled or potentially enrolled, in the Eden Area ROP. Such services will supplement existing guidance services at each participating school.

The Superintendent or designee shall ensure that all persons employed to provide direct school counseling, school psychology, and/or school social work services to students, and/or implement equitable school programs and services that support students' academic and social emotional development and college and career readiness shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position such positions shall be clearly defined in a job description.

(cf. 4112.2 - Certification)

Responsibilities of school counselors include, but are not limited to:

1. Engaging with, advocating for, and providing support for all students with respect to learning and achievement
2. Planning, implementing, and evaluating school counseling programs to promote the academic, career, personal, and social development of all students, including students from low-income families, foster youth, homeless youth, undocumented youth, and students at all levels of academic, social, and emotional abilities
3. Using multiple sources of information to monitor and improve student behavior and achievement
4. Collaborating and coordinating with school and community resources
5. 4. Promoting and maintaining a safe learning environment for all students by providing restorative justice practices, positive behavior interventions, and support services, and by developing a variety of intervention strategies, and using those strategies, to meet individual, group, and school community needs before, during, and after a crisis in collaboration with the resident high school

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

65. Intervening to ameliorate school-related issues/problems, including problems those related to chronic absences and retention

(cf. 5113.1 - Chronic Absence and Truancy)

76. Using research-based strategies to promote mental wellness, reduce mental health stigma, conflict, and student-to-student and to identify characteristics, risk factors, and warning signs of students who develop, or are at risk of developing, mental health and behavioral disorders and who experience, or are at risk of experiencing, mistreatment, and including mistreatment related to any form of conflict or bullying

87. Improving school climate and student well-being

(cf. 5137 - Positive School Climate)

98. Enhancing students' social and emotional competence, character, health, civic engagement, cultural legacy literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs

(cf. 6142.4 - Service Learning/Community Service Classes)

109. Providing counseling interventions and support services for unduplicated students who are classified as English learners, or foster youth, homeless children, and students eligible for free or reduced-priced meals, or foster youth, including enhancing interventions and support services that enhance equity and access to the appropriate education system systems and community public and private services in collaboration with the resident school

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

110. Engaging in continued development as a professional school counselor

(cf. 4131 - Staff Development)

Educational And Career Counseling

The educational counseling program shall may include academic counseling and postsecondary services, in the following areas: (Education Code 49600):

1. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes
2. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized admissions tests, and financial aid
3. Career and vocational counseling; High-quality career programs at all grade levels in which students are assisted in doing all of the following:
 - a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition
 - b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success
 - c. Developing realistic perceptions of work, self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the effect effects of work on lifestyle quality of life
 - d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options
 - e. Understanding the value of participating in career technical education and work-based learning activities, and pathways, and programs, including, but not limited to, service learning, those related to regional occupational centers and programs, partnership programs, job shadowing, and mentoring experiences, the federal program administered by the United States Department of Labor offering free education and vocational training to students, known as "Job Corps," the California Conservation Corps, work-based learning, industry certifications, college preparation and credit, and employment opportunities
- (cf. 6178 - Career Technical Education)
- (cf. 6178.1 - Work-Based Learning)
- (cf. 6178.2 - Regional Occupational Center/Program)
- f. Understanding the need to develop essential employable skills and work habits
- g. Understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures
- h. Understanding entrance requirements to the Armed Forces of the United States, including the benefits of the Armed Services Vocational Aptitude Battery (ASVAB) test

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in Eden Area ROP Programs and Activities.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

In addition, counselors shall affirmatively explore with ~~students~~ a student the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the Eden Area ROP shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

The Superintendent or designee shall collaborate with businesses, government agencies, postsecondary institutions including universities and career technical schools, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities through college and/or career fairs.

When planning to hold a college or career fair, the Superintendent or designee may notify each apprenticeship program in the county. The notification shall include the planned date, time and location of the college or career fair. (Labor Code 3074.2)

Personal or Mental Health Counseling

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

(cf. 5125.1 - Release of Directory Information)

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by ~~his/her~~ their credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

(cf. 5113 - Absences and Excuses)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5141.6 - School Health Services)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5147 - Dropout Prevention)

(cf. 6164.5 - Student Success Teams)

~~Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.~~

~~Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)~~

~~(cf. 5022 – Student and Family Privacy Rights)~~

~~(cf. 5125 – Student Records)~~

A counselor shall consult with the Superintendent or designee and, as appropriate, with the Eden Area ROP's legal counsel whenever unsure of how to respond to a student's personal issue or when questions arise regarding the

possible release of confidential information regarding a student.

Crisis Counseling

The **Governing** Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

In addition, the Superintendent or designee shall identify crisis counseling resources to train Eden Area ROP staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

(cf. 5136 - Gangs)

(cf. 5141.52 - Suicide Prevention)

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 4930-4931

5 CCR 80049-80049.1

5 CCR 80632-80632.5

Ed. Code 221.5

Ed. Code 44266

Ed. Code 48431

Ed. Code 49600-49604

Ed. Code 51250-51251

Ed. Code 51513

Fam. Code 6920-6930

Gov. Code 6254

H&S Code 124260

Lab. Code 3074.2

Pen. Code 11166-11170

W&I Code 5850-5883

Description

Counseling

Pupil Personnel Services credential

Preparation programs for Pupil Personnel Services

Equal opportunity

Pupil Personnel Services credential

Establishing and maintaining high school guidance and placement program

Educational counseling

Assistance to military dependents

Personal beliefs

Consent by minor for medical treatment

Exemption for personnel records if invasion of personal privacy

Mental health services; consent by minors age 12 and older

College and career fairs; notice to apprenticeship programs

Reporting known or suspected cases of child abuse

Mental Health Services Act

Federal References

10 USC 503

20 USC 1232g

20 USC 7908

34 CFR 99.1-99.67

Description

Military recruiter access to directory information

Family Educational Rights and Privacy Act (FERPA) of 1974

Armed forces recruiter access to students and student recruiting information

Family Educational Rights and Privacy

Management Resources References

Description

California Department of Education Publication	California Results-Based School Counseling and Student Support Guidelines, 2007
Website	California Division of Apprenticeship Standards - https://simbli.eboardsolutions.com/SU/uE7fWtCmCWa0Bbr6POZVvA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Association of School Counselors - https://simbli.eboardsolutions.com/SU/BoLICJgsmR0Iz2b9uY9pZw==
Website	American School Counselor Association - https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==
Website	U.S. Department of Education, access to military recruiters
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUlsaq7efc7aH4Q==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References

0410
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1312.3
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1312.3-E PDF(1)
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Description

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

Equity -
<https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==>

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>

COVID-19 Mitigation Plan -
<https://simbli.eboardsolutions.com/SU/lkd0OQyrdn0CMAAnaMO7MAw==>

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/NCIIQ1x8xFCdtQRniKVFEQQ==>

Uniform Complaint Procedures -
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Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==>

Civility -
<https://simbli.eboardsolutions.com/SU/BxJMQDuDpEErhDnhTU2k1g==>

Relations Between Other Governmental Agencies And The Schools -
<https://simbli.eboardsolutions.com/SU/o3J7uJ1sXa6HhkvLy1gMw==>

Campus Security -
<https://simbli.eboardsolutions.com/SU/hPhZ71ILDcJHvLbslshBQvz3w==>

Emergencies And Disaster Preparedness Plan -
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Emergencies And Disaster Preparedness Plan -
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Certification -
<https://simbli.eboardsolutions.com/SU/Ai5mkBQW9g0dF3kIAslshfVEQ==>

Certification -
<https://simbli.eboardsolutions.com/SU/9fofY9jV351bgNoXjiVCJw==>

Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==>

4131	Staff Development - https://simbli.eboardsolutions.com/SU/uP83U93Ls7bxBnKbH0uyyg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/x84LCrIHAmRRjLcAUeeozg==
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==
5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/5xwV0pslshBZqom7dBNC3VjqQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/nBIMDQvbeRKnOHPijelpHA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/KJEhAAzM900qAFyqIY8Uww==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/hFj9y0kjVslshQKYzslshVslshyLkw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/QbJVAQdmFtsJCaENTJI98g==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/xPPv1Ca1UnoZR0xeUtuGw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/mkBG513idfpAslshWCzplusbg7A==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/47NI1nZFwIxBAkigIUxLSg==
5141.4-E PDF(1)	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/w7dygQRxCINI6WdppB70ow==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/abGkpdKF4AuSlcVZOz00lw==

5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/JsOVYsraiwdGChgeXbWR7Q==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==
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==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/3HBAGVCJG330xslshcpckRplus5A==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/YrIIBGMHQTEK2NZSxO0z2Q==

ACTION ITEMS

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, and Board Bylaw

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 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

The board policies, administrative regulations, and board bylaw listed below have been updated based on the feedback and discussion at the November 3, 2022 Governing Board meeting.

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

NUMBER	TYPE	TITLE	STATUS
4119.1 4219.1 4319.1	BP	Civil and Legal Rights	Revise
4161.2 4261.2 4361.2	AR	Personal Leaves	Revise
4161.5 4261.5 4361.5	AR	Military Leave	New
6200	BP	Adult Education	Revise
7150	BP	Site Selection and Development	Revise
7150	AR	Site Selection and Development	Revise
9100	BB	Organization	Revise

RECOMMENDATION

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

Policy 4119.1: Civil And Legal Rights

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that the personal life of an employee is not an appropriate concern of the Eden Area Regional Occupational Program (Eden Area ROP), except as it may directly relate to the performance of the employee's duties.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Eden Area ROP employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time including when employees are not on duty or engaged in the supervision or instruction of students.

The Eden Area ROP shall make no inquiry concerning the personal values, attitudes, and beliefs of Eden Area ROP employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no Eden Area ROP employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the Eden Area ROP reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search Eden Area ROP property under an employee's control.

(cf. 3515 - Campus Security)

(cf. 4040 - Employee Use of Technology)

Whistleblower Protection

An employee shall have the right to disclose to a Governing Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the Eden Area ROP or an Eden Area ROP employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

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

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

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the Eden Area ROP's complaint procedures. After filing a complaint with the Eden Area ROP, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or Eden Area ROP responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, Eden Area ROP policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

(cf. 3320 - Claims and Actions Against the District)

(cf. 9260 - Legal Protection)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
 2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
 3. The employee was found by a court to have violated a federal or state civil rights law.
 4. The employee was under the influence of alcohol or any drug at the time of the misconduct.
 5. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
 6. The misconduct involved a sexual offense for which the employee has been convicted in a court.
 7. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.
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Status: DRAFT

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 3. The employee was found by a court to have violated a federal or state civil rights law.
 4. The employee was under the influence of alcohol or any drug at the time of the misconduct.
 5. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
 6. The misconduct involved a sexual offense for which the employee has been convicted in a court.
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Policy 4319.1: Civil And Legal Rights

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(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

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The protection against liability shall not apply when: (20 USC 7946)

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 2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
 3. The employee was found by a court to have violated a federal or state civil rights law.
 4. The employee was under the influence of alcohol or any drug at the time of the misconduct.
 5. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
 6. The misconduct involved a sexual offense for which the employee has been convicted in a court.
 7. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.
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Regulation 4161.2: Personal Leaves

Status: DRAFT

Original Adopted Date: 05/07/2020 | **Last Revised Date:** 03/03/2022

Personal leaves granted to Eden Area Regional Occupational Program (Eden Area ROP) employees shall be used as permitted in this administrative regulation, or other Governing Board-approved policy or Eden Area ROP regulation.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of ten days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed Eden Area ROP absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the Eden Area ROP office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the Eden Area ROP attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The Eden Area ROP shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, or stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The Eden Area ROP shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the Eden Area ROP. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

- a. A request by the school or child care provider that the child be picked up
- b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
- c. Behavioral or discipline problems
- d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
- e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the Eden Area ROP for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the Eden Area ROP as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Regulation 4261.2: Personal Leaves

Status: DRAFT

Original Adopted Date: 05/07/2020 | **Last Revised Date:** 03/03/2022

Personal leaves granted to Eden Area Regional Occupational Program (Eden Area ROP) employees shall be used as permitted in this administrative regulation, or other Governing Board-approved policy or Eden Area ROP regulation.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of ten days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed Eden Area ROP absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the Eden Area ROP office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the Eden Area ROP attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The Eden Area ROP shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, or stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The Eden Area ROP shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the Eden Area ROP. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

- a. A request by the school or child care provider that the child be picked up
- b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
- c. Behavioral or discipline problems
- d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
- e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the Eden Area ROP for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the Eden Area ROP as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Regulation 4361.2: Personal Leaves

Status: DRAFT

Original Adopted Date: 05/07/2020 | **Last Revised Date:** 03/03/2022

Personal leaves granted to Eden Area Regional Occupational Program (Eden Area ROP) employees shall be used as permitted in this administrative regulation, or other Governing Board-approved policy or Eden Area ROP regulation.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of ten days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed Eden Area ROP absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the Eden Area ROP office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the Eden Area ROP attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The Eden Area ROP shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, or stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The Eden Area ROP shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the Eden Area ROP. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

- a. A request by the school or child care provider that the child be picked up
- b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
- c. Behavioral or discipline problems
- d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
- e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the Eden Area ROP for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the Eden Area ROP as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Regulation 4161.5: Military Leave

Status: DRAFT

Original Adopted Date: Pending

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any Eden Area Regional Occupational Program (Eden Area ROP) employee who needs to be absent from the Eden Area ROP service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The Eden Area ROP shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the Eden Area ROP for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the Eden Area ROP for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. War or Other Emergency: The employee, however long employed by the Eden Area ROP, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

In determining the length of Eden Area ROP employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to Eden Area ROP employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the Eden Area ROP. The Eden Area ROP shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the Eden Area ROP and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for seeking reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service plus a period of eight hours of rest following a period

for safe transportation to the employee's residence.

2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the Eden Area ROP shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the Eden Area ROP's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The Eden Area ROP's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the Eden Area ROP as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the Eden Area ROP exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the Eden Area ROP under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the Eden Area ROP customarily places notices for employees. (38 USC 4334)

Regulation 4261.5: Military Leave

Status: DRAFT

Original Adopted Date: Pending

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any Eden Area Regional Occupational Program (Eden Area ROP) employee who needs to be absent from the Eden Area ROP service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The Eden Area ROP shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. **Active Military Training or Exercises:** The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the Eden Area ROP for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. **Active Military Duty:** The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the Eden Area ROP for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. **War or Other Emergency:** The employee, however long employed by the Eden Area ROP, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

In determining the length of Eden Area ROP employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to Eden Area ROP employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the Eden Area ROP. The Eden Area ROP shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the Eden Area ROP and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

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for safe transportation to the employee's residence.

2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
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Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

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An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the Eden Area ROP's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

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2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the Eden Area ROP as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the Eden Area ROP exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
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Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the Eden Area ROP under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the Eden Area ROP customarily places notices for employees. (38 USC 4334)

Regulation 4361.5: Military Leave

Status: DRAFT

Original Adopted Date: Pending

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

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1. **Active Military Training or Exercises:** The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the Eden Area ROP for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. **Active Military Duty:** The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the Eden Area ROP for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. **War or Other Emergency:** The employee, however long employed by the Eden Area ROP, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

In determining the length of Eden Area ROP employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to Eden Area ROP employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

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Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

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Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

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Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the Eden Area ROP shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the Eden Area ROP's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The Eden Area ROP's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the Eden Area ROP as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the Eden Area ROP exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the Eden Area ROP under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the Eden Area ROP customarily places notices for employees. (38 USC 4334)

Policy 6200: Adult Education

Status: DRAFT

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

The Governing Board commits to providing enrollment options that meet the diverse needs and interests of Eden Area Regional Occupational Program (Eden Area ROP) students. The Governing Board recognizes that education is a lifelong process and that it is important for individuals to continuously develop new skills. Recognizing that adult learners may have a need to learn new occupational skills or upgrade existing levels of skills, the Governing Board permits adult access to Eden Area ROP adult classes on the Hayward Center campuses . For purposes of these programs, "adult" includes a person age 18 or older or other persons not concurrently enrolled in a regular high school program. High school students shall have first priority for enrollment in district offered Eden Area ROP classes.

Policy 7150: Site Selection And Development

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board believes that a school site should serve the Eden Area Regional Occupational Program's (Eden Area ROP) educational needs in accordance with the Eden Area ROP's master plan, as well as show potential for contributing to other community needs.

(cf. 7110 - Facilities Master Plan)

The Governing Board recognizes the importance of community input in the site selection process. To this end, the Governing Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9320 - Meetings and Notices)

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

(cf. 7140 - Architectural and Engineering Services)

(cf. 7210 - Facilities Financing)

Before acquiring property for a new school or an addition to an existing school site, the Board, at a public hearing, shall either evaluate the property using state site selection standards specified in 5 CCR 14010 or, if a district advisory committee was appointed to evaluate the property, receive the committee's report of findings based on those standards. (Education Code 17211, 17251)

Environmental Impact Investigation for the Site Selection Process

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act, including any web site posting requirements. When evaluating Eden Area ROP projects, the CEQA guidelines shall be used.

Environmental review documents, including a draft environmental impact report, environmental impact report, negative declaration or mitigated negative declaration, and public notice of the preparation and availability of such documents, shall be posted on the district's web site. (Public Resources Code 21082.1, 21092, 21092.2)

Agricultural Land

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Governing Board shall determine all of the following: (Education Code 17215.5)

1. That the Eden Area ROP has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the Governing Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
3. That the Eden Area ROP shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

Regulation 7150: Site Selection And Development

Status: DRAFT

Original Adopted Date: 06/05/2020

As part of the Eden Area Regional Occupational Program's (Eden Area ROP) site selection process, the Superintendent or designee shall:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)

(cf. 7131 - Relations with Local Agencies)

2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site or proposed addition's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)

3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage as specified in Government Code 65302. (Education Code 17212-17212.5)

4. Make a written request for information necessary or useful to assess and determine the safety of a proposed school site, or an addition to an existing school site, from a person, corporation, public utility, locally publicly owned utility, or governmental agency regarding pipelines, electric transmission and distribution lines, railroads, and storage tanks in accordance with law. (Education Code 17212.2, 17251)

5. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14012.

6. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law including posting required notices to the district web site. (Public Resources Code 21000-21177)

7. Notify the California Department of Education in writing before acquiring title or leasing the site if the proposed site is within two miles of the air line of an airport runway or proposed runway. (Education Code 17215)

8. Conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213 if the proposed site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor and determine that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to students. (Education Code 17213)

In the selection and development of projects funded pursuant to the School Facilities Program of 1998 (Proposition 1A) as contained in Education Code 17070.10-17077.10, the Superintendent or designee shall:

1. Determine whether the proposed site is free of toxic contamination by ensuring that a Phase I environmental assessment and/or preliminary endangerment assessment is conducted as required by law (Education Code 17213.1)

The Superintendent or designee shall ensure that the preliminary endangerment assessment is made available for public review and comment in accordance with Education Code 17213.1.

2. Submit an annual summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)

3. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)

4. Establish a participation goal of at least three percent, per year, of the overall dollar amount expended each year by the Eden Area ROP for disabled veteran business enterprises (Education Code 17076.11)

Bylaw 9100: Organization

Status: DRAFT

Original Adopted Date: 06/07/2012 | **Last Revised Date:** 06/05/2020

Annual Organizational Meeting

The Governing Board shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Governing Board shall:

1. Elect a President and a Vice President from its members
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DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the 2022-2023 First Interim Report

BACKGROUND

The First Interim Report reflects revenues and expenditures as of October 31, 2022. The report was prepared and reviewed in accordance with all federal, state and local adopted criteria and standards using Local Control Funding Formula (LCFF) and Local Control Action Plan (LCAP).

The District Board of Education shall certify in writing whether or not Eden Area ROP is able to meet its financial obligations for the remainder of the 2022-2023 fiscal year and, based on current forecasts, for the next two subsequent fiscal years 2023-2024 and 2024-2025, respectively. The certifications shall be classified as either positive, qualified, or negative, pursuant to standards and criteria adopted by the State Board of Education (Education Code 33127). Eden Area ROP is certifying a positive certification, and that staff prepared the report, along with assumptions using the School Services of California (SSC) Inc. Dartboard as well as Alameda County Office of Education (ACOE) guidelines. In certifying the 2022-2023 First Interim Report as positive, the Board understands its fiduciary responsibility to maintain fiscal solvency for the current and the two subsequent fiscal years.

The report confirms the Eden Area ROP's ability to meet all financial obligations for the current fiscal year 2022-2023 and two subsequent fiscal years 2023-2024 and 2024-2025. Finally, the Eden Area ROP continues to meet and exceed AB 1200 requirements. The report is included under separate cover and is available for review by the public upon request.

RECOMMENDATION

It is recommended that the Governing Board approve the 2022-2023 First Interim Report.

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Agreement with Sherri Beetz Ed. D. for Human Resource Consulting and Reclassification Panel for the 2022-2023 School Year

BACKGROUND

The Eden Area ROP Reclassification Request Procedures and Policy was approved by the Governing Board on November 3, 2022. One important component of the procedure is that a panel composed of the Superintendent, the Human Resources Administrator and an external human resources expert make a recommendation regarding the request to the Governing Board.

CURRENT SITUATION

Sherri Beetz, Ed. D. will be the external human resources expert. Dr. Beetz is a retired Assistant Superintendent of Human Resources who is respected throughout the region and state as one of the most knowledgeable Human Resources Administrators. She has been called as an expert witness, an HR consultant for large urban districts and a facilitator for ACSA Personnel Academies.

RECOMMENDATION

It is recommended that the Governing Board approve the agreement with Sherri Beetz Ed. D. for human resource consulting and reclassification panel for the 2022-2023 school year.

AGREEMENT FOR SERVICE 2022-2023

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

This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Sherri Beetz Ed. D. (the "Service Provider") between July 1, 2022, through June 30, 2023

Background:

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

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

Services Provided

- 1. The Customer hereby agrees to engage the Service Provider to provide the Customer with services (the "Services") consisting of
 - a. Human Resources consulting and Reclassification Panel

Term of Agreement

- 2. The term of this Agreement will begin on December 5, 2022 and will remain in full force and effect until June 30, 2023, subject to earlier termination as provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.

Performance

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

Compensation

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

Confidentiality

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

Non-Competition

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

Ownership of Materials

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

Return of Property

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

Assignment

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

Capacity/Independent Contractor

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

Modification of Agreement

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

Notice

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

Costs and Legal Expenses

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

Time of the Essence

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

Entire Agreement

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

Limitation of Liability

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

Indemnification

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

Inurement

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

Currency

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

Titles/Headings

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

Gender

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

Governing Law

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

Severability

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

Waiver

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

Additional Provisions

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

Sherri Beetz Ed. D., Service Provider

Date

Blaine C. Torpey, Eden Area ROP
Superintendent

Date

DATE: December 5, 2022
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Craig Lang, Director of Adult Programs
SUBJECT: Request the Governing Board to approve the MOU with the California American Fire Sprinkler Association (CAFSA) from January 1, 2023-June 30, 2023

BACKGROUND

Apprenticeship in California dates to the Shelly-Maloney Apprenticeship Labor Standards Act of 1939. Apprenticeship programs include on-the-job training and related and supplementary classroom instruction. For an apprenticeship to exist, one of the required partners must be a local education agency (LEA). LEAs may provide both the instructor and the classroom facilities or only serve as the fiscal agent.

CURRENT SITUATION

The California American Fire Sprinkler Association (CAFSA), apprenticeship program is approved through the State of California's Division of Apprenticeship Standards and the U.S. Department of Labor's Office of Apprenticeship Training, Education and Labor (OATELS). It is a five-year, performance-based program, consisting of a ten-level regimen of home study, classroom instruction, hands-on lab work, and on-the job training. Our partnership with CAFSA will generate benefits for our students by expanding their links to employers and labor representatives, updating curriculum to interface with these programs, and encouraging non-traditional career opportunities for women and minorities.

The MOU is an apprenticeship agreement, in that the Eden Area ROP will continue to serve as the fiscal agent. This would require us to monitor the hours of service provided by the programs. In return, the Eden Area ROP retains a minimum of twenty (20) percent for administrative costs and pre-apprenticeship opportunities for our students.

RECOMMENDATION

It is recommended that the Governing Board approve the MOU with the California American Fire Sprinkler Association (CAFSA) from January 1, 2023-June 30, 2023.

MEMORANDUM OF UNDERSTANDING

Superintendent: Blaine C. Torpey

26316 Hesperian Blvd., Hayward, CA 94545 | P: (510) 293-2900 | F: (510) 293-8225 | www.edenrop.org

Eden Area Regional Occupational Program (Eden Area ROP) agrees to become the Local Educational Agency (LEA) for the California American Fire Sprinkler Association (CAFSA) (Apprenticeship Committee), from January 1, 2023, to June 30, 2023. Both parties will agree to the following:

1. Eden Area ROP will reimburse the CAFSA for apprenticeship expenses according to the current annual apportionment when the 2022-2023 allocation is distributed. The reimbursement rate for each hour of RSI in fiscal year (2022-2023) is \$8.82
2. The Apprenticeship Committee understands that of the hours allocated, zero hours belong to the Apprenticeship Committee and are transferable. The remaining 13,262 hours are loaned to the Apprenticeship Committee and belong to Eden Area ROP and will return to the ROP at the end of the agreement period.
3. Any reimbursement of unused money from the above allocation will be made effective within forty-five (45) days of the following schedule:
Forty-five (45) days after documentation is submitted and approved.
4. The Apprenticeship Committee understands that all reimbursement expenses must be preapproved and documented in hard copy.
5. The Apprenticeship Committee understands that any reimbursement can only be used on apprenticeship-related expenses.
6. The Eden Area ROP will reimburse only in accordance with the number of hours actually generated. Any hours not generated up to the 13,262 hours will not be reimbursed.
7. The Apprenticeship Committee is responsible for any expenses accrued over the actual amount of student hours generated or the allocation stated above. The Apprenticeship Committee will be responsible to reimburse Eden Area ROP for the amount of the shortfall.
8. Expenses incurred for this Apprenticeship Committee by Eden Area ROP during a reimbursement period will be deducted from the total reimbursement amount. Expenses are defined as, but not limited to salaries, administrative assistants, mandatory benefits, instructional materials, and other related costs.
9. It is understood that Eden Area ROP will retain twenty (20) percent for administration costs.

10. This agreement is for the period mentioned above and is on a year-to-year basis and is automatically renewable as agreed upon by all parties. Should either party wish to rescind the agreement, it can do so by May 1 of the year noted above.
11. The Apprenticeship Committee is responsible for keeping attendance using Eden Area ROP forms and returning them to Eden Area ROP at pre-arranged times throughout the school year.
12. The Apprenticeship Committee understands that Eden Area ROP must be contacted concerning any changes in scheduling, instructors, etc. or any other change that would alter this agreement.
13. The Eden Area ROP will ensure that a representative will attend monthly Unilateral Apprenticeship Committee meetings (UAC) as well as California Apprenticeship Council meetings at least once per year.
14. The Eden Area ROP will provide other educational support and training to program sponsors as requested such as curriculum review and teacher observations.
15. The Eden Area ROP will monitor RSI hours and complete mandated reports requested by California Community College Chancellors Office (CCCCO).
16. The Apprenticeship Committee operates student apprenticeship programs registered by the Division of Apprenticeship Standards under the supervision of the Eden Area ROP. In accordance with California Labor Code section 3368, the Eden Area ROP shall be considered the employer under Division 4 of the California Labor Code (commencing with Section 3200) of persons receiving this apprenticeship training, unless the persons during the training are being paid a cash wage or salary by a private employer. Further, an apprentice, while attending related and supplemental instruction classes, shall be considered to be in the employ of the apprentice's employer, unless the apprentice is unemployed. The parties acknowledge that the Apprentice Committee shall not be responsible for providing workers compensation coverage to its apprentices under any circumstances.

Apprenticeship Director

Date

Director of Adult Programs, Eden Area ROP

Date