



GOVERNING BOARD MEETING AGENDA

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

Thursday, February 3, 2022
5:45 pm

GOVERNING BOARD MEMBERS

Juan Campos, President	San Lorenzo Unified School District
Dot Theodore, Vice-President	Castro Valley Unified School District
Gabriel Chaparro, Member	Hayward Unified School District
James Aguilar, Member	San Leandro Unified School District

MISSION STATEMENT

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



Regular Meeting of the ROP Governing Board
Date: Thursday, February 3, 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://us02web.zoom.us/j/88668495224?pwd=TnJjMVFIYWVjYkxZV09UQ0hYU0NNUT09> to at the noticed meeting time.
Meeting ID: **886 6849 5224**
Passcode: **EAROP22**

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 **886 6849 5224**, then press "#". Passcode: **3921529**

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. Action Items

- A. Request the Governing Board to approve the Adoption of Resolution 7 21/22: 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 February 3, 2022 through March 5, 2022 (page 4-7)

VII. 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.

VIII. Student of the Month

- A. Presentation of ROP Student of the Month Awards (page 8)

IX. 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 December 9, 2021 (pages 9-15)
- B. Request the Governing Board to approve the Bill Warrants (pages 16-25)
- C. Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions (pages 26-27)
- D. Request the Governing Board to approve the Receipt of the Workability I Program Funds (pages 28-32)

- E. Request the Governing Board to approve the Budget Development Calendar for the 2022-2023 School Year (pages 33-34)
- F. Request the Governing Board to approve the Agreement with American Fidelity to Provide Section 125 Flexible Benefit Plan Services for the 2022 Calendar Year (pages 35-70)
- G. Request the Governing Board to approve the Addendum to the MOU with the California Homebuilding Foundation (CHF) to manage the Building Industry Technology Academy (BITA) for the 2021-2022 School Year (pages 71-72)

X. Information Items

- A. Midyear Review of the Superintendent's Goals (pages 73-74)
- B. First Reading of Governing Board Policies, Administrative Regulations and Exhibits 4000 (pages 75-214)

XI. Action Items

- A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, Bylaws and Exhibits 5000, 6000, 7000 and 9000 (pages 215-313)
- B. Request the Governing Board to approve the Annual Independent Auditor's Report for the Fiscal Year Ending June 30, 2021 (page 314)
- C. Request the Governing Board to approve the Governing Board Reorganization (page 315)

Open Public Hearing for the Adoption of the Recommended Textbook for the 2022-2023 School Year

Close Public Hearing

- D. Request the Governing Board to approve the Adoption of the Recommended Textbook for the 2022-2023 School Year (page 316)
- E. Request the Governing Board to approve the COVID-19 Relief Funds Plan for the 2021-2022 and 2022-2023 Fiscal Years (pages 317-320)
- F. Request the Governing Board to approve the adoption of Resolution 8-21/22: Career Technical Education Month (February) (pages 321-322)

XII. Communications

- A. Letter from the Alameda County Office of Education regarding the First Interim (pages 323-324)

XIII. Superintendent's Report

XIV. Governing Board Reports

XV. Recess to Closed Session

- A. Personnel (Government Code Section 54957) Public Employee Appointment/Discipline/Dismissal/Release

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

- A. Personnel (Government Code Section 54957) Public Employee Appointment/Discipline/Dismissal/Release

XVII. Adjournment

ACTION ITEMS



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 7 21/22: 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 February 3, 2022 through March 5, 2022

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 mandates to maximize distancing as well as implement other 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 7 21/22 would enable the Eden Area ROP to hold virtual Governing Board meetings.

RECOMMENDATION

It is recommended that the Governing Board approve the Adoption of Resolution 7 21/22: 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 February 3, 2022 through March 5, 2022.

EdenAreaROP

RESOLUTION NO. 7-21/22

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 February 3, 2022 through March 5, 2022

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 February 3, 2022, and shall be effective until the earlier of (i) March 5, 2022, 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 3rd day of February 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, 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 February:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Joseph Aguilar	Arroyo High School	Merchandising Occupations II P	Cheryl Gixti
Nicholas Falk	Hayward High School	Entrepreneurship II P	Richard Charles
Edward Chan	San Leandro High School	Careers In Law, Forensics & Public Safety I P	Ashley Auguste

RECOMMENDATION

Information only

CONSENT CALENDAR

CONSENT CALENDAR



Minutes of the Regular Meeting of the ROP Governing Board December 9, 2021

I. Call to Order

Juan Campos, Board President, called the meeting to order at 5:45 p.m. on Thursday, December 9, 2021. 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, Board President	San Lorenzo USD
Dot Theodore, Vice-President	Castro Valley USD
Gabriel Chaparro, Member	Hayward USD
James Aguilar, Member	San Leandro USD

Superintendent: Linda Granger, present

Eden Area ROP Administrators Present:

Mercedes Henderson	Human Resources Administrator
Craig Lang	Director of Adult Programs
Manuschka Michaud	Principal
Anthony Oum	Fiscal Services Administrator

Eden Area ROP Staff Present:

Kent Doan	Cybersecurity Instructor
Dr. Erika Emery	Careers in Education Instructor
Cheryl Gixti	Merchandising Instructor
Barbara Juarez	Welding Technology Instructor
Gabriela Juarez	Executive Assistant
Kathy O'Brien	Dental Assisting Instructor
Sukhi Sidhu	Career Counselor

Others Present:

Roman Muñoz	Lozano Smith
Students of the Month and their families	

III. Pledge of Allegiance

Shelby Saylor led the Pledge of Allegiance.

IV. Mission Statement

Anjalisa Mohawk read the Eden Area ROP mission statement.

V. Approval of Agenda

Trustee James Aguilar moved to approve the agenda. Trustee Dot Theodore seconded the motion. By the following vote, the agenda was approved:

AYES:	4 (Aguilar, Campos, Chaparro, Theodore)
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 December 2021:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Anjalisa Mohawk	Royal Sunset Continuation School	Dental Assisting II P	Kathy O'Brien
Shelby Saylor	San Leandro High School	Careers in Education II P	Dr. Erika Emery
Jean Pierre Estrada	San Leandro High School	Cybersecurity II P	Kent Doan
Mark Batarse	Arroyo High School	Welding Technology II P	Barbara Juarez

Sukhi Sidhu, 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 Dot Theodore moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of November 4, 2021
- B. Bill Warrants
- C. Listed Donations-Roy Samol
- D. Listed Donations-H & J Diaz Family Foundation
- E. Revised Agreement with the East Bay Municipal Utility District (EBMUD) for Virtual Work-Based Learning Services for the 2021 Summer
- F. Agreement with the California School Boards Association District Services Corporation for GASB Roll Forward Report Services for the 2021-2022 School Year
- G. MOU with CRY-ROP for CTE TEACH for the 2021-2022 School Year

Trustee Gabriel Chaparro seconded the motion.

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

IX. Information Items

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

Linda Granger, Superintendent, reported Cheryl Gixti, Merchandising Program Instructor, is the Eden Area ROP Teacher of the Year for 2021.

The Governing Board and Superintendent recognized Cheryl Gixti, 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. Ms. Gixti was provided an opportunity to share a few words with the Board.

B. ROP Pathway Review- Welding and Materials Joining

Linda Granger, Superintendent, reported that the State of California has identified 15 industry sectors and 55 pathways within those sectors. She reported that the Welding and Materials Joining pathway is part of the Manufacturing and Product Development sector. The Welding Technology program is offered under this pathway. Superintendent Granger introduced Barbara Juarez, Instructor, to provide an overview of the program.

Ms. Juarez reported that welding is a highly skilled craft and that 85% of the world's metal products require welding. Students enrolled in the class are exposed to work based learning opportunities including mock interviews, guest speakers from apprenticeships and industry and field trips. Students get hands-on job training and skills in stick, mig, tig, Flux and plasma welding. They also work on team building, professionalism, résumés and interview skills. In preparation for the industry, students take practice welding assessments. There are several career pathways available in the welding field. Students are able to display their skills and knowledge in fabrication, shielding arc and gas tungsten arc in the SkillsUSA competitions. Those who excel in the program and meet the qualifications are able to attain a mastery certificate that is recognized by the industry and apprenticeships. Obtaining these certificates leads to higher paying wages and qualifying for high demand jobs. Many of her students are currently working as welders or in a related field being paid \$18 to \$38 an hour. Ms. Juarez concluded her report by sharing that last year during distance learning she utilized America Welding Society (AWS) online modules.

C. ROP Pathway Review- Patient Care

Linda Granger, Superintendent, shared with the Board that the Dental Assisting program is part of the Patient Care Pathway under the Health Science and Medical Technology sector. This program is UC a-g approved. Superintendents Granger introduced Kathy O'Brien, instructor.

Mrs. O'Brien reported that Dental Assisting is a fast paced, challenging program offering entry-level dental assisting skills to high school and adult students. Students have the opportunity to advance to the Registered Dental Assisting (RDA) Program after graduation if they wish. Very few ROPs have approval from the Dental Board of California to offer an RDA program. Our facility is equipped with state-of-the-art dental equipment like digital radiography and computerized impressions. Last year the program received a-g approval for DA I and DA II, with DA I receiving Life Science approval.

Upon completion of the dental program, students receive a completion certificate, a Dental Practice Act certification, Infection Control certification and a license to take dental x-rays in the state of California. Upon completion of RDA, students receive coronal polishing, pit and fissure sealant certificates, and are immediately eligible to sit for the state boards. The Dental Board of California approves all certificates.

In addition to certificates that are approved by the state of California, the program was also approved in 2016 by the Dental Assisting National Board (DANB) to qualify our students to take the National Entry Level Dental Assistant (NELDA) exam. Since the approval to participate, we had 32 students take the exam with a 100% passing rate.

Students' career opportunities are not limited to just dental assisting or registered dental assisting, the program can lead them to several different career paths which include becoming a dental hygienist, dental laboratory technician, dentists, DA teacher, dental office business manager, dental insurance processors and dental supply sales associate. There is a high demand for skilled dental assistants throughout the state of California. Students graduating from the Dental Assisting program start off between \$18.00 and \$20.00 per hour. Students graduating from the Registered Dental Assisting program have a minimum starting wage of \$20.00 per hour and upward.

The program's Advisory committee is active and dedicated and is composed of local dentists, registered dental assistants and one dental hygienist. The registered dental assistants (RDAs) and dental hygienist are all former students.

Mrs. O'Brien shared that the program has well over 100 different dental offices currently contracted as student internship sites. Students in the Dental Assisting program intern for 6 weeks. Students in the Registered Dental Assisting program are required to intern for 400 hours per California Dental Board regulations.

Students participate in many community events such as CDA Cares, Give Kids a Smile and East Bay Stand Down. CDA Cares is an annual event where the California Dental Association provides free dental work for anyone in need. Every year the California Dental Association also holds their annual "Give Kids a Smile Day". This is an event that offers free dental treatment to underprivileged children in California. East Bay Stand Down is an event held every other year at the Alameda County Fairgrounds that provides dental work to veterans.

Mrs. O'Brien shared that the Dental Board of California regulates everything taught in the class. In order for her to keep the program current she is a part of several organizations which include: California Association of Dental Assisting Teachers, Dental Assisting Educator's Group, California Dental Assisting Association, American Dental Assisting Association and OSAP (The Department for Safety, Asepsis and Prevention). She also attends and participates in meetings of the Dental Board of California.

She reported that in 2018 the program went through a rigorous and intensive audit, receiving the Dental Board approval of the program for the next seven years.

D. Fall Advisory Committee Meetings

Linda Granger, Superintendent, shared that on November 10, 2021, the Eden Area ROP held its annual Fall Advisory Committee meetings for our four school districts via Zoom. This year there were 170 attendees, which included 75 ROP teachers, 95 business partners and covered 20 pathways across the business sectors.

E. First Reading of Governing Board Policies, Administrative Regulations, Bylaws and Exhibits 5000, 6000, 7000 and 9000

Linda Granger, Superintendent, shared that during the 2019-2020 school year the Eden Area ROP staff and Governing Board did an extensive review of our Governing Board policies handbook. The State regularly updates or adds policies throughout the year to align with new changes to the law. Last year pandemic related policies were taken for Board approval, however, this year the focus will be on bringing all policy and administrative regulation edits to the Board for review over the next several months.

Superintendent Granger presented to the Governing Board the first reading of the following Board policies, administrative regulations and exhibit:

NUMBER	TYPE	TITLE	STATUS
5113.1	Regulation	Chronic Absence and Truancy	Replace
5125	Regulation	Student Records	Replace
5131	Policy	Conduct	Replace
5131.2	Regulation	Bullying	Replace
5131.8	Policy	Mobile Communication Devices	New
5132	Policy	Dress and Grooming	Replace
5141.21	Regulation	Administering Medication and Monitoring	Replace
5141.22	Policy	Infectious Diseases	Replace
5141.22	Regulation	Infectious Diseases	Replace
5141.4	Policy	Child Abuse Prevention and Reporting	Replace
5141.4	Regulation	Child Abuse Prevention and Reporting	Replace
5141.52	Policy	Suicide Prevention	Replace
5141.52	Regulation	Suicide Prevention	Replace
5142	Policy	Safety	Replace
5142	Regulation	Safety	Replace
5144.1	Regulation	Suspension and Expulsion/Due Process	Replace
5145.12	Policy	Search and Seizure	Replace
5145.3	Policy	Nondiscrimination/Harassment	Replace
5145.3	Regulation	Nondiscrimination/Harassment	Replace
5145.6	Policy	Parental Notifications	Replace
5145.6	Exhibit	Parental Notifications	Replace
5145.7	Policy	Sexual Harassment	Replace
5145.7	Regulation	Sexual Harassment	Replace
5145.71	Regulation	Title IX Sexual Harassment Complaint Procedures	New
5145.71	Exhibit	Title IX Sexual Harassment Complaint Procedures	New
5145.9	Policy	Hate-Motivated Behavior	Replace
6143	Policy	Course of Study	Replace
6154	Policy	Homework/Makeup Work	Replace
6161.1	Regulation	Selection and Evaluation of Instructional Materials	Replace
7140	Policy	Architectural and Engineering Services	Replace
7140	Regulation	Architectural and Engineering Services	Replace
9012	Bylaw	Board Member Electronic Communications	Replace
9320	Bylaw	Meeting and Notices	Replace
9321	Bylaw	Closed Session	Replace
9321	Exhibit	Closed Session	Replace
9323	Bylaw	Meeting Conduct	Replace

The Governing Board agreed with the additions and replacements of policies, administrative regulations and exhibit.

X. Action Items

A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies and Administrative Regulations 0000, 2000 and 3000

Upon review of and a motion by Trustee James Aguilar and a second by Trustee Dot Theodore the Governing Board approved the second reading and adoption of Governing Board Policies and Administrative Regulations 0000, 2000 and 3000.

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

B. Request the Governing Board to approve the 2021-2022 First Interim Report

Upon review of and a motion by Trustee Dot Theodore and a second by Trustee James Aguilar the Governing Board approved the 2021-2022 First Interim Report.

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

C. Request the Governing Board to approve the Adoption of Resolution 6 21/22: 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 10, 2021 through January 9, 2022

Upon review of and a motion by Trustee Dot Theodore and a second by Trustee James Aguilar the Governing Board approved the adoption of Resolution 6 21/22: 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 10, 2021 through January 9, 2022.

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

D. Request the Governing Board to approve the Ongoing Agreement with Infinite Campus for Student Information System Services for the High School Programs

Upon review of and a motion by Trustee James Aguilar and a second by Trustee Dot Theodore the Governing Board approved the ongoing agreement with Infinite Campus for Student Information System Services for the high school programs.

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

E. Request the Governing Board to approve the MOU with Chabot-Las Positas Community College District (CLPCCD) for Offering College Level Classes for Early College Credit for the 2021-2022 School Year

Upon review of and a motion by Trustee Dot Theodore and a second by Trustee James Aguilar the Governing Board approved the MOU with Chabot-Las Positas Community College District (CLPCCD) for offering college level classes for early college credit for the 2021-2022 school year.

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

XI. Superintendent's Report

Superintendent Granger reported that at the beginning of the year she discussed declining enrollment at the Center as a result of students who struggled during the distance learning model needing to make up core content credit in order to graduate. Superintendent Granger was excited to report that for this application round of the Strong Workforce Program (SWP) grant, an application was submitted to mirror the credit recovery program available to HUSD students through HPN. The application was approved and the Eden Area ROP was awarded just under \$2 million to provide this credit recovery option. The funding will support one FTE teacher per comprehensive high school. Each teacher will work at the Center with their respective district students.

Superintendent Granger concluded her report by sharing that as was previously discussed with the Board, the error of omitting JPA ROPs receiving COVID relief funding in the State Budget was corrected at the May revise. The Eden Area ROP will be receiving \$4.7 million in COVID relief funding.

XII. Governing Board Reports

Trustee Dot Theodore, Castro Valley USD representative, reported that this was her last meeting and another CVUSD Board member will be serving on the Eden Area ROP Board next year.

Trustee Juan Campos, San Lorenzo USD representative, reported that he will be returning to the Eden Area ROP Board for another term.

XIII. Recess to Closed Session

The meeting was called into closed session at 7:08 pm

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

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

The meeting resumed to open session at 7:42 p.m.

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

No action was taken.

XV. Adjournment

The meeting was adjourned at 7:43 p.m.

Approved by the Eden Area ROP Governing Board _____.

Linda Granger, Superintendent
Clerk to the ROP Governing Board



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, 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 November 12, 2021 through January 10, 2022 and include test warrant numbers and voided warrants.

CONSENT CALENDAR



DATE: February 3, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions

BACKGROUND

Education Code 35186 (d) requires the following:

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

CURRENT SITUATION

Attached is a report for the complaints and resolutions through January 1, 2022 as specified by Education Code 35186 (d).

CONSENT CALENDAR



26316 Hesperian Blvd. Hayward, CA 94545 • (510) 293-2943 • www.edenrop.org

QUARTERLY REPORT ON WILLIAMS ACT COMPLAINTS

[Education Code 35186 (d)]

Report through: January 1, 2022

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

Quarterly Report Submission (check one) →
Date: January 1, 2022

- ☒ January
☐ April
☐ July
☐ October

Date for information to be reported publicly at the Governing Board meeting: February 3, 2022

Please check the box that applies:

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

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

Publicly reported at the Governing Board meeting on: February 3, 2022

Linda Granger, Superintendent



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Request the Governing Board to approve the Receipt of the Workability I Program Funds

BACKGROUND

The California Department of Education has approved the Eden Area ROP's reapplication to the Workability I Program for the 2021-2022 school year. The money from this grant directly pays the salary, benefits and operating costs associated with the Community Access Training for Transition (CATT) Program and the Merchandising Occupations Program. These programs find employment and provide training for special education students to enter the workforce.

CURRENT SITUATION

This year the Eden Area ROP re-applied in a competitive process and has been recommended by CDE to receive funding in the amount of \$82,440.

CONSENT CALENDAR

Grant Award Notification

GRANTEE NAME AND ADDRESS Eden Area Regional Occupational Program 26316 Hesperian Boulevard Hayward, CA 94545				CDE GRANT NUMBER			
				FY	PCA	Vendor Number	Suffix
				21	23011	74013	W0
Attention Linda Granger, Superintendent				STANDARDIZED ACCOUNT CODE STRUCTURE			COUNTY
Program Office WorkAbility I, Project Number 025-03				Resource Code		Revenue Object Code	
Telephone 510-293-2901				6520		8590	
Name of Grant Program 2021-22 WorkAbility I Program							0663
GRANT DETAILS	Original/Prior Amendments	Amendment Amount	Total	Amend. No.	Award Starting Date	Award Ending Date	
	\$82,440		\$82,440		7/01/2021	06/30/2022	
CFDA Number	Federal Grant Number	Federal Grant Name			Federal Agency		
<p>I am pleased to inform you that you have been funded for the WorkAbility I Program.</p> <p>This award is made contingent upon the availability of funds. If the Legislature acts to reduce or defer the funding upon which this award is based, then this award will be amended accordingly.</p> <p>Please return the original, signed Grant Award Notification (AO-400) to:</p> <p style="text-align: center;">California Department of Education Attention: Alexa Slater, Associate Governmental Program Analyst 1430 N Street, Room 2401 Sacramento, CA 95814-5901</p>							
California Department of Education Contact Nicolas Wavrin				Job Title Education Programs Consultant			
Email Address NWavrin@cde.ca.gov					Telephone 916-327-3932		
Signature of the State Superintendent of Public Instruction or Designee 					Date November 15, 2021		
CERTIFICATION OF ACCEPTANCE OF GRANT REQUIREMENTS							
<p>On behalf of the grantee named above, I accept this grant award. I have read the applicable certifications, assurances, terms, and conditions identified on the grant application (for grants with an application process) or in this document or both; and I agree to comply with all requirements as a condition of funding.</p>							
Printed Name of Authorized Agent Linda Granger				Title Superintendent			
Email Address lgranger@edenrop.org					Telephone 510-293-2901		
Signature 					Date 1.3.2022		

Grant Award Notification (Continued)

Conditions of the Grant Award:

1. General Assurances are hereby incorporated by reference. The California Department of Education (CDE) has agreed to accept the assurances your agency currently provides in the Consolidated Application. The CDE will verify if your agency has submitted required certifications and assurances on the CDE Request for Applications web page at <https://www.cde.ca.gov/fq/aa/co/ca21rfa.asp> prior to initial grant award payment.
2. **Note to Nonpublic Schools (NPS):** The CDE has agreed to accept the signed Drug-Free Workplace Certification your agency currently provides with the end-of-year renewal application. The CDE will verify that your agency has submitted the required certification prior to initial grant award payment.
3. This WorkAbility I (WAI) grant shall be administered in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA), and in compliance with laws and regulations from the CDE, the Employment Development Department (EDD), and the state and federal Departments of Labor.
4. The grantee must sign and complete the Certification of Acceptance of Grant Requirements section of the Grant Award Notification (AO-400), which certifies the grantee accepts and agrees to the conditions of the grant. The grantee must return the signed AO-400 to the CDE. Upon receipt, an initial payment will be issued to your County Treasurer or agency. All approved project funds must be expended within the designated award period.
5. Grant funds must be used to implement the WAI Program as indicated in the project plan and consistent with California *Education Code* 56471 Section (e), "Workability project applications shall include, but are not limited to, the following elements: (1) recruitment, (2) assessment, (3) counseling, (4) preemployment skills training, (5) vocational training, (6) student wages for try-out employment, (7) placement in unsubsidized employment, (8) other assistance with transition to a quality adult life, and (9) utilization of an interdisciplinary advisory committee to enhance project goals."
6. The following program evaluation and renewal information will be compiled and submitted by the WAI grantee to the CDE: (a) student data; (b) program funds [staffing and program cost]; (c) End-of-Year Report, (d) Renewal Application, and (e) Education Code Requirement Report.
7. Grantees must serve all students for which funding was received.
8. Grantees must place into employment at least 15 percent of the students for whom funding was received.
9. Grantees must achieve a score of "Basic/Developing" on the Education Code Report: a numerical score of no less than nine for high schools and no less than seven for middle schools.
10. Grantees must have representation by their WAI Program staff at two regional meetings and one required state meeting per year.
11. If a grantee receives advisory and standing committee funds, then attendance by advisory and committee members is required at up to four committee meetings per year.
12. The grantee must maintain expenditure reports with supporting evidence and be prepared to submit them to the CDE upon request. The CDE has the authority to conduct program and fiscal reviews or audits.

13. The grantee must submit to the CDE an **Interim Expenditure Report** no later than **February 27, 2022**, for reporting actual expenditures from **July 1, 2021, through December 31, 2021**. If reported interim expenditures are less than the initial payment, then the scheduled interim payment will be reduced proportionately.
14. The grantee must submit to the CDE a **Final Expenditure Report** no later than **August 10, 2022**. Upon receipt of the Final Expenditure Report, up to 100 percent of the grant total will be reimbursed. Failure to submit the Final Expenditure Report, prior to next year's state grant award issuance, will affect the timely release of next year's payment and will result in conditions imposed on the grant.
15. Funds will be used for excess cost of normal expenditures when applied to staff, materials, and services that are not typically provided to students receiving special education services and that are necessary for the participation in this program.
16. The WAI grantee will provide information to WAI students with intellectual and developmental disabilities (ID/DD) ages sixteen and above regarding Employment First, opportunities for employment, and supports to achieve Competitive Integrated Employment.
17. Students receiving special education services will be provided equal access to vocational education/technical/career programs and initiatives.
18. Every employed WAI student under the age of eighteen shall have an approved work permit on file at the employment site, and a copy shall be filed with the WAI grantee.
19. Work-based learning opportunities must be provided in compliance with the Work Experience Education, Regional Occupational Center and Programs.
20. The WAI program does not discriminate on the basis of race, color, national or ethnic origin, gender, or disability in the administration of its program and complies with all laws and regulations of the Americans with Disabilities Act and other appropriate legislation.
21. The WAI grantee shall be a California public school district, NPS, county office of education, and the state special schools for the deaf and blind.
22. The WAI grantee shall have support of the local governing board.
23. The WAI grantee shall collaborate and leverage resources to provide a full array of student services with minimum administrative cost.
24. The WAI grantee shall be accountable as defined by student, program, and fiscal outcomes.
25. The WAI grantee shall actively participate in community of practice efforts, involving key stakeholders.
26. Students who participate in the WAI work experience program will be paid at least minimum wage. There is an exception for learners who may be paid not less than 85 percent of the minimum wage rounded to the nearest nickel during their first 160 hours of employment in occupations in which they have no previous similar or related experience.
27. Minimum wage will not exceed the prevailing minimum wage of the city in which the student is employed.
28. All WAI students will be placed into employment settings that are in the least restrictive environment and that facilitate movement towards postschool integrated employment.

29. The WAI grantee will enter into a Local Partnership Agreement (LPA) with core partners (local educational agencies, Department of Rehabilitation districts, and regional centers) and be prepared to submit to the CDE documentation of the LPA upon request.
30. All WAI programs and their grant personnel are prohibited from text messaging while driving a government-owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.
31. Under authority of the CDE, if the grantee is identified as noncompliant in any of the aforementioned areas, conditions will be imposed on the grant. The State Superintendent of Public Instruction may authorize the CDE to withhold partial or total funding. Those grantees with violations will receive notification of conditions on their grant and will be instructed to develop a plan of action to remedy the noncompliance. No payments will be released to agencies with conditions on their grant until the CDE receives written notification from the agency agreeing to the conditions of the grant.

If you have any fiscal questions regarding this grant, please contact Alexa Slater, Associate Governmental Program Analyst, Special Education Division, by phone at 916-322-0581 or by email at WorkAbility1@cde.ca.gov.

cc: Business Fiscal Officer: Expenditure Report



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Budget Development Calendar for the 2022-2023 School Year

BACKGROUND

The Eden Area ROP, as with all elementary and secondary educational institutions, must abide by Education Code 42127, including the responsibility to develop a budget calendar that shall guide the District through the fiscal year.

As a requirement of all Local Educational Agencies (LEAs), Eden Area ROP must adopt a budget by July 1st of each year. Per Education Code 42127, it states that county superintendents are required to examine the adopted budget for each school district to “determine whether it complies with standards and criteria adopted by the state board [and] shall identify, if necessary, technical corrections that are required to be made to bring the budget into compliance with those standards and criteria...” and to “determine whether the adopted budget will allow the school district to meet its financial obligations during the fiscal year and is consistent with a financial plan that will enable the school district to satisfy its multiyear financial commitments.” Furthermore, it states that the “county superintendent of schools shall either conditionally approve or disapprove a budget that does not provide adequate assurance that the school district will meet its current and future obligations...”

CURRENT SITUATION

Therefore, the Eden Area ROP is using Education Code 42127, applying the State's budget cycle, to guide the Budget Development Calendar for the 2022-2023 school year.

CONSENT CALENDAR

BUDGET DEVELOPMENT CALENDAR

Preparation for FY 2022-2023 Budget (in progress during the 2021-2022 School Year)

PHASE I	
Thursday, September 2, 2021	Board approves 2020-2021 Unaudited Actuals Report
Thursday, December 9, 2021	Board approves 2021-2022 First Interim Report
Friday, January 14, 2022	School Services of California - Governor's Budget Workshop (virtual)
Monday, January 24, 2022	Define budget priorities
Tuesday, January 25, 2022	Distribute current budget information and forms to staff
Thursday, January 27, 2022	Fiscal Services Administrator develop budget assumptions and goals
Thursday, February 3, 2022	Board approves the budget development calendar for FY 2022-2023
Monday, February 7, 2022	Intent to return letter sent to staff
Tuesday, February 15, 2022	Administrators submit proposed budgets to Business Services
Friday, February 18, 2022	Intent to return letters due back to Human Resources
Thursday, February 24, 2022	Superintendent and Fiscal Services Administrator review all budgets
Thursday, March 3, 2022	Board approves 2021-2022 Second Interim Report
Friday, March 11, 2022	Teachers' contracts sent out
Friday, March 18, 2022	Teachers' contracts returned
Monday, March 25, 2022	Step & column and professional growth calculated and distributed to administrators

PHASE II	
Friday, April 15, 2022	Outside contract renewals for FY 2022-2023 begins
Friday, April 22, 2022	Purchase Orders close out process begins for FY 2021-2022
Tuesday, May 17, 2022	Governor's May Revise Budget
Thursday, June 16, 2022	Conduct public hearing and Board approves 2022-2023 Adopted Budget Report
Thursday, June 30, 2022	File SACS data and submit 2022-2023 Adopted Budget Report to ACOE

PHASE III	
Tuesday, July 5, 2022	Update member district revenues when State adopts budget
Thursday, September 1, 2022	Board approves 2020-2021 Unaudited Actuals Report
Wednesday, September 14, 2022	Submit 2020-2021 Unaudited Actuals Report to ACOE
Thursday, September 15, 2022	Update beginning fund balance

PHASE IV	
Thursday, August 4, 2022	45 days after Board adopts revised budget based on final State Budget, as needed

PHASE V	
Thursday, December 1, 2022	Board approves 2022-2023 First Interim Report
Thursday, March 2, 2023	Board approves 2022-2023 Second Interim Report



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with American Fidelity to provide Section 125 Flexible Benefit Plan Services for the 2022 Calendar Year

BACKGROUND

The Eden Area ROP uses American Fidelity as its Section 125 Flexible Benefit Plan provider. Annually, said plan is re-serviced to comply with the Internal Revenue Service regulations because it is necessary that the information contained in the plan document be accurate.

CURRENT SITUATION

Attached is the re-serviced Section 125 Flexible Benefit Plan with an effective date of amendment of 01/01/2022.

CONSENT CALENDAR

SAMPLE PLAN DOCUMENT

SECTION 125

FLEXIBLE BENEFIT PLAN

The attached plan document and adoption agreement are being provided for illustrative purposes only. Because of differences in facts, circumstances, and the laws of the various states, interested parties should consult their own attorneys. This document is intended as a guide only, for use by local counsel.

**SECTION 125 FLEXIBLE BENEFIT PLAN
ADOPTION AGREEMENT**

The undersigned Employer hereby adopts the Section 125 Flexible Benefit Plan for those Employees who shall qualify as Participants hereunder. The Employer hereby selects the following Plan specifications:

A. EMPLOYER INFORMATION

Name of Employer:	Eden Area Regional Occupational Programs
Address:	26316 Hesperian Blvd HAYWARD, CA 94545
Employer Identification Number:	94-3158083
Nature of Business:	Public School
Name of Plan:	Eden Area Regional Occupational Programs Flexible Benefit Plan
Plan Number:	501
Plan Description:	All Employees

B. EFFECTIVE DATE

Original effective date of the Plan:	July 1, 1999
If Amendment to existing plan, effective date of amendment:	January 1, 2022

C. ELIGIBILITY REQUIREMENTS FOR PARTICIPATION

Eligibility requirements for each component plan under this Section 125 document will be applicable and, if different, will be listed in Item F.

Length of Service:	First day of the month following employment. Eligible employees include active employees and retired persons who receive an early retirement stipend from the District.
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Retiree Wording:	N/A
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Minimum Hours:	All employees with 7.5 hours of service or more each week. An hour of service is each hour for which an employee receives, or is entitled to receive, payment for performance of duties for the Employer.
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Age:	Minimum age of 18.0 years.
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D. PLAN YEAR

The current plan year will begin on January 1, 2021 and end on December 31, 2021.
Each subsequent plan year will begin on January 1 and end on December 31.

E. EMPLOYER CONTRIBUTIONS

Non-Elective Contributions:

The maximum amount available to each Participant for the purchase of elected benefits with non-elective contributions will be:

Employer may furnish a non-elective contribution as shown in the enrollment materials.

The Employer may at its sole discretion provide a non-elective contribution to provide benefits for each Participant under the Plan. This amount will be set by the Employer each Plan Year in a uniform and non-discriminatory manner. If this non-elective contribution amount exceeds the cost of benefits elected by the Participant, excess amounts will not be paid to the Participant as taxable cash.

Elective Contributions (Salary Reduction):

The maximum amount available to each Participant for the purchase of elected benefits through salary reduction will be:

100% of compensation per entire plan year.

Each Participant may authorize the Employer to reduce his or her compensation by the amount needed for the purchase of benefits elected, less the amount of non-elective contributions. An election for salary reduction will be made on the benefit election form.

F. AVAILABLE BENEFITS: Each of the following components should be considered a plan that comprises this Plan.

1. **Group Medical Insurance** -- The terms, conditions, and limitations for the Group Medical Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)
American Fidelity Assurance Company Accident | CalPERS |
Eligibility Requirements for Participation, if different than Item C.
2. **Disability Income Insurance** -- The terms, conditions, and limitations for the Disability Income Insurance will be as set forth in the insurance policy or policies described below: (See Section VI of the Plan Document)
American Fidelity Assurance Company 017 Kind Series |
Eligibility Requirements for Participation, if different than Item C.
3. **Cancer Coverage** -- The terms, conditions, and limitations for the Cancer Coverage will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)
American Fidelity Assurance Company C-5 and all subsequent plans |
Eligibility Requirements for Participation, if different than Item C.
4. **Dental/Vision Insurance** -- The terms, conditions, and limitations for the Dental/Vision Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)
Delta Dental | Vision Service Plan |
Eligibility Requirements for Participation, if different than Item C.
5. **Group Life Insurance**, which will be comprised of Group term life insurance and Individual term life insurance under Section 79 of the Code.

The terms, conditions, and limitations for the Group Life Insurance will be as set forth in the insurance policy or policies described below: (See Section VII of the Plan Document)

American Fidelity Assurance Company 5 Year Term | U S Life Great American Life | Life Insurance Company of the SW Variable Annuity Life | Nationwide American Life and Casualty | Western-Southern Life Assurance Company Northern Life Insurance |

Individual life coverage under Section 79 is available as a benefit, and the face amount when combined with the group-term life, if any, may not exceed \$50,000.
Eligibility Requirements for Participation, if different than Item C.

6. **Dependent Care Assistance Plan** -- The terms, conditions, and limitations for the Dependent Care Assistance Plan will be as set forth in Section IX of the Plan Document and described below:

Minimum Contribution - **\$0.00** per Plan Year

Maximum Contribution - **\$5000.00** per Plan Year

Recordkeeper: American Fidelity Assurance Company

Eligibility Requirements for Participation, if different than Item C.

N/A

7. **Medical Expense Reimbursement Plan** (a.k.a. Healthcare Flexible Spending Account) -- The terms, conditions, and limitations for the Medical Expense Reimbursement Plan will be as set forth in Section VIII of the Plan Document and described below:

Minimum Coverage - **\$0.00** per Plan Year or a Prorated Amount for a Short Plan Year.

Maximum Coverage - **\$2750.00** per Plan Year or a Prorated Amount for a Short Plan Year. In no event can the maximum exceed the limit as indicated by the IRS in accordance with the law.

Recordkeeper: American Fidelity Assurance Company

Restrictions: As outlined in Policy G-905/R1.

Grace Period: The Provisions in Section 8.06 of the Plan to permit a Grace Period with respect to the Medical Expense Reimbursement Plan **are not** elected.

Carryover: The Provisions in Section 8.07 of the Plan to permit a Carryover with respect to the Medical Expense Reimbursement Plan **are** elected.

Carryover Maximum: \$ per Plan Year.

HEART Act: The provisions in Section 8.08 of the Plan to permit the Qualified Reservist Distribution of the Heroes Earnings Assistance and Relief Tax Act (HEART) are not elected.

Eligibility Requirements for Participation, if different than Item C.

8. **Health Savings Accounts** – The Plan permits contributions to be made to a Health Savings Account on a pretax basis in accordance with Section X of the Plan and the following provisions:

HSA Trustee – **N/A**

Maximum Contribution – N/A

Limitation on Eligible Medical Expenses – For purposes of the Medical Reimbursement Plan, Eligible Medical Expenses of a Participant that is eligible for and elects to participate in a Health Savings Account shall be limited to expenses for:

N/A

Eligibility Requirements for Participation, if different than Item C.

- a. An Employee must complete a Certification of Health Savings Account Eligibility which confirms that the Participant is an eligible individual who is entitled to establish a Health Savings Account in accordance with Code Section 223(c)(1).
- b. Eligibility for the Health Savings Account shall begin on the later of (i) first day of the month coinciding with or next following the Employee's commencement of coverage under the High Deductible Health Plan, or (ii) the first day following the end of a Grace Period available to the Employee with respect to the Medical Reimbursement Accounts that are not limited to vision and dental expenses (unless the participant has a \$0.00 balance on the last day of the plan year).
- c. An Employee's eligibility for the Health Savings Account shall be determined monthly.

9. **Temporary COVID Relief Amendment**—The Plan permits the following Changes in accordance with Section XIV of the Plan, and as selected by the Employer.

CARES Act Carryover Increase

The Plan shall be construed, enforced, administered, and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974, (as amended) if applicable, the Internal Revenue Code of 1986 (as amended), and the laws of the State of California. Should any provision be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only, will be deemed not to include the provision determined to be void.

This Plan is hereby adopted Nov 23, 2021.

**Eden Area Regional Occupational Programs -
(Name of Employer)**

Signed By: 

Title: Human Resources Administrator

APPENDIX A

Related Employers that have adopted this Plan

Name(s):
N/A

THIS DOCUMENT IS NOT COMPLETE WITHOUT SECTIONS I THROUGH XIII
PD – 0820 Document ID # 142890MCP #38343 Effective Date:01/01/2022 11/18/21 2:38 PM

SECTION 125 FLEXIBLE BENEFIT PLAN

SECTION I

PURPOSE

The Employer is establishing this Flexible Benefit Plan in order to make a broader range of benefits available to its Employees and their Beneficiaries. This Plan allows Employees to choose among different types of benefits and select the combination best suited to their individual goals, desires, and needs. These choices include an option to receive certain benefits in lieu of taxable compensation.

In establishing this Plan, the Employer desires to attract, reward, and retain highly qualified, competent Employees, and believes this Plan will help achieve that goal.

It is the intent of the Employer to establish this Plan in conformity with Section 125 of the Internal Revenue Code of 1986, as amended, and in compliance with applicable rules and regulations issued by the Internal Revenue Service. This Plan will grant to eligible Employees an opportunity to purchase qualified benefits which, when purchased alone by the Employer, would not be taxable.

SECTION II

DEFINITIONS

The following words and phrases appear in this Plan and will have the meaning indicated below unless a different meaning is plainly required by the context:

2.01 **Administrator** The Employer unless another has been designated in writing by the Employer as Administrator within the meaning of Section 3(16) of ERISA (if applicable).

2.02 **Beneficiary** Any person or persons designated by a participating Employee to receive any benefit payable under the Plan on account of the Employee's death.

2.02a **Carryover** The amount equal to the lesser of (a) any unused amounts from the immediately preceding Plan Year or (b) an amount up to \$550, as indexed for inflation, paralleling the indexing applicable to the limit on salary reduction contributions under Code Section 125(i) of the Code, except that in no event may the Carryover be less than five dollars (\$5).

2.03 **Code** Internal Revenue Code of 1986, as amended.

2.04 **Dependent** Any of the following:

(a) Tax Dependent: A Dependent includes a Participant's spouse and any other person who is a Participant's dependent within the meaning of Code Section 152, provided that, with respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Participant's dependent (i) is any person within the meaning of Code Section 152, determined without regard to Subsections (b)(1), (b)(2), and

(d)(1)(B) thereof, and (ii) includes any child of the Participant to whom Code Section 152(e) applies (such child will be treated as a dependent of both divorced parents).

(b) Student on a Medically Necessary Leave of Absence: With respect to any plan that is considered a group health plan under Michelle's Law (and not a HIPAA excepted benefit under Code Sections 9831(b), (c) and 9832(c)) and to the extent the Employer is required by Michelle's Law to provide continuation coverage, a Dependent includes a child who qualifies as a Tax Dependent (defined in Section 2.04(a)) because of his or her full-time student status, is enrolled in a group health plan, and is on a medically necessary leave of absence from school. The child will continue to be a Dependent if the medically necessary leave of absence commences while the child is suffering from a serious illness or injury, is medically necessary, and causes the child to lose student status for purposes of the group health plan's benefits coverage. Written physician certification that the child is suffering from a serious illness or injury and that the leave of absence is medically necessary is required at the Administrator's request. The child will no longer be considered a Dependent as of the earliest date that the child is no longer on a medically necessary leave of absence, the date that is one year after the first day of the medically necessary leave of absence, or the date benefits would otherwise terminate under either the group health plan or this Plan. Terms related to Michelle's Law, and not otherwise defined, will have the meaning provided under the Michelle's Law provisions of Code Section 9813.

(c) Adult Children: With respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Dependent includes a child of a Participant who as of the end of the calendar year has not attained age 27. A 'child' for purpose of this Section 2.04(c) means an individual who is a son, daughter, stepson, or stepdaughter of the Participant, a legally adopted individual of the Participant, an individual who is lawfully placed with the Participant for legal adoption by the Participant, or an eligible foster child who is placed with the Participant by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction. An adult child described in this Section 2.04(c) is only a Dependent with respect to benefits provided after March 30, 2010 (subject to any other limitations of the Plan).

Dependent for purposes of the Dependent Care Reimbursement Plan is defined in Section 9.04(a).

2.05 **Effective Date** The effective date of this Plan as shown in Item B of the Adoption Agreement.

2.06 **Elective Contribution** The amount the Participant authorizes the Employer to reduce compensation for the purchase of benefits elected.

2.07	Eligible Employee	Employee meeting the eligibility requirements for participation as shown in Item C of the Adoption Agreement.
2.08	Employee	Any person employed by the Employer on or after the Effective Date.
2.09	Employer	The entity shown in Item A of the Adoption Agreement, and any Related Employers authorized to participate in the Plan with the approval of the Employer. Related Employers who participate in this Plan are listed in Appendix A to the Adoption Agreement. For the purposes of Section 11.01 and 11.02, only the Employer as shown in Item A of the Adoption Agreement may amend or terminate the Plan.
2.10	Employer Contributions	Amounts that have not been actually received by the Participant and are available to the Participant for the purpose of selecting benefits under the Plan. This term includes Non-Elective Contributions and Elective Contributions through salary reduction.
2.11	Entry Date	The date that an Employee is eligible to participate in the Plan.
2.12	ERISA	The Employee Retirement Income Security Act of 1974, Public Law 93-406 and all regulations and rulings issued thereunder, as amended (if applicable).
2.13	Fiduciary	The named fiduciary shall mean the Employer, the Administrator and other parties designated as such, but only with respect to any specific duties of each for the Plan as may be set forth in a written agreement.
2.14	Health Savings Account	A "health savings account" as defined in Section 223(d) of the Internal Revenue Code of 1986, as amended established by the Participant with the HSA Trustee.
2.15	HSA Trustee	The Trustee of the Health Savings Account which is designated in Section F.8 of the Adoption Agreement.
2.16	Highly Compensated	Any Employee who at any time during the Plan Year is a "highly compensated employee" as defined in Section 414(q) of the Code.
2.17	High Deductible Health Plan	A health plan that meets the statutory requirements for annual deductibles and out-of-pocket expenses set forth in Code section 223(c)(2).
2.18	HIPAA	The Health Insurance Portability and Accountability Act of 1996, as amended.

- 2.19 **Insurer** Any insurance company that has issued a policy pursuant to the terms of this Plan.
- 2.20 **Key Employee** Any Participant who is a "key employee" as defined in Section 416(i) of the Code.
- 2.21 **Non-Elective Contribution** A contribution amount made available by the Employer for the purchase of benefits elected by the Participant.
- 2.22 **Participant** An Employee who has qualified for Plan participation as provided in Item C of the Adoption Agreement.
- 2.23 **Plan** The Plan referred to in Item A of the Adoption Agreement as may be amended from time to time.
- 2.24 **Plan Year** The Plan Year as specified in Item D of the Adoption Agreement.
- 2.25 **Policy** An insurance policy issued as a part of this Plan.
- 2.26 **Preventative Care** Medical expenses which meet the safe harbor definition of "preventative care" set forth in IRS Notice 2004-23, which includes, but is not limited to, the following: (i) periodic health evaluations, such as annual physicals (and the tests and diagnostic procedures ordered in conjunction with such evaluations); (ii) well-baby and/or well-child care; (iii) immunizations for adults and children; (iv) tobacco cessation and obesity weight-loss programs; and (v) screening devices. However, preventative care does not generally include any service or benefit intended to treat an existing illness, injury or condition.
- 2.27 **Recordkeeper** The person designated by the Employer to perform recordkeeping and other ministerial duties with respect to the Medical Expense Reimbursement Plan and/or the Dependent Care Reimbursement Plan.
- 2.28 **Related Employer** Any employer that is a member of a related group of organizations with the Employer shown in Item A of the Adoption Agreement, and as specified under Code Section 414(b), (c) or (m).

SECTION III

ELIGIBILITY, ENROLLMENT, AND PARTICIPATION

- 3.01 **ELIGIBILITY:** Each Employee of the Employer who has met the eligibility requirements of Item C of the Adoption Agreement will be eligible to participate in the Plan on the Entry Date specified or the Effective Date of the Plan, whichever is later. Dependent eligibility to receive benefits under any of the plans listed in Item F of the Adoption Agreement will be described in the documents governing those benefit plans. To the extent a Dependent is eligible to receive benefits under a plan listed in Item F, an

Eligible Employee may elect coverage under this Plan with respect to such Dependent. Notwithstanding the foregoing, life insurance coverage on the life of a Dependent may not be elected under this Plan.

- 3.02 **ENROLLMENT:** An eligible Employee may enroll (or re-enroll) in the Plan by submitting to the Employer, during an enrollment period, an Election Form which specifies his or her benefit elections for the Plan Year and which meets such standards for completeness and accuracy as the Employer may establish. A Participant's Election Form shall be completed prior to the beginning of the Plan Year, and shall not be effective prior to the date such form is submitted to the Employer. Any Election Form submitted by a Participant in accordance with this Section shall remain in effect until the earlier of the following dates: the date the Participant terminates participation in the Plan; or, the effective date of a subsequently filed Election Form.

A Participant's right to elect certain benefit coverage shall be limited hereunder to the extent such rights are limited in the Policy. Furthermore, a Participant will not be entitled to revoke an election after a period of coverage has commenced and to make a new election with respect to the remainder of the period of coverage unless both the revocation and the new election are on account of and consistent with a change in status, or other allowable events, as determined by Section 125 of the Internal Revenue Code and the regulations thereunder.

- 3.03 **TERMINATION OF PARTICIPATION:** A Participant shall continue to participate in the Plan until the earlier of the following dates:

- a. The date the Participant terminates employment by death, disability, retirement or other separation from service; or
- b. The date the Participant ceases to work for the Employer as an eligible Employee; or
- c. The date of termination of the Plan; or
- d. The first date a Participant fails to pay required contributions while on a leave of absence.

- 3.04 **SEPARATION FROM SERVICE:** The existing elections of an Employee who separates from the employment service of the Employer shall be deemed to be automatically terminated and the Employee will not receive benefits for the remaining portion of the Plan Year.

- 3.05 **QUALIFYING LEAVE UNDER FAMILY LEAVE ACT:** Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying unpaid leave under the Family and Medical Leave Act of 1993 (FMLA), to the extent required by the FMLA, the Employer will continue to maintain the Participant's existing coverage under the Plan with respect to benefits under Section V and Section VIII of the Plan on the same terms and conditions as though he were still an active Employee. If the Employee opts to continue his coverage, the Employee may pay his Elective Contribution with after-tax dollars while on leave (or pre-tax dollars to the extent he receives compensation during the leave), or the Employee may be given the option to pre-pay all or a portion of his Elective Contribution for the expected duration of the leave on a pre-tax salary reduction basis out of his pre-leave compensation (including unused sick days or vacation) by making a special election to that effect prior to the date such compensation would normally be made available to him (provided, however, that pre-tax dollars may not be utilized to fund coverage during the next plan year), or via other arrangements agreed upon between the Employee and the Administrator (e.g., the Administrator may fund coverage during the leave and withhold amounts upon the Employee's return). Upon return from such leave, the Employee will be permitted to reenter the Plan on the same basis the Employee was participating in the Plan prior to his leave, or as otherwise required by the FMLA.

SECTION IV

CONTRIBUTIONS

4.01 EMPLOYER CONTRIBUTIONS: The Employer may pay the costs of the benefits elected under the Plan with funds from the sources indicated in Item E of the Adoption Agreement. The Employer Contribution may be made up of Non-Elective Contributions and/or Elective Contributions authorized by each Participant on a salary reduction basis.

4.02 IRREVOCABILITY OF ELECTIONS: A Participant may file a written election form with the Administrator before the end of the current Plan Year revising the rate of his contributions or discontinuing such contributions effective as of the first day of the next following Plan Year. The Participant's Elective Contributions will automatically terminate as of the date his employment terminates. Except as provided in this Section 4.02 and Section 4.03, a Participant's election under the Plan is irrevocable for the duration of the plan year to which it relates. The exceptions to the irrevocability requirement which would permit a mid-year election change in benefits and the salary reduction amount elected are set out in the Treasury regulations promulgated under Code Section 125, which include the following:

(a) Change in Status. A Participant may change or revoke his election under the Plan upon the occurrence of a valid change in status, but only if such change or termination is made on account of, and is consistent with, the change in status in accordance with the Treasury regulations promulgated under Section 125. The Employer, in its sole discretion as Administrator, shall determine whether a requested change is on account of and consistent with a change in status, as follows:

- (1) Change in Employee's legal marital status, including marriage, divorce, death of spouse, legal separation, and annulment;
- (2) Change in number of Dependents, including birth, adoption, placement for adoption, and death;
- (3) Change in employment status, including any employment status change affecting benefit eligibility of the Employee, spouse or Dependent, such as termination or commencement of employment, change in hours, strike or lockout, a commencement or return from an unpaid leave of absence, and a change in work site. If the eligibility for either the cafeteria Plan or any underlying benefit plans of the Employer of the Employee, spouse or Dependent relies on the employment status of that individual, and there is a change in that individual's employment status resulting in gaining or losing eligibility under the Plan, this constitutes a valid change in status. This category only applies if benefit eligibility is lost or gained as a result of the event. If an Employee terminates and is rehired within 30 days, the Employee is required to step back into his previous election. If the Employee terminates and is rehired after 30 days, the Employee may either step back into the previous election or make a new election;
- (4) Dependent satisfies, or ceases to satisfy, Dependent eligibility requirements due to attainment of age, gain or loss of student status, marriage or any similar circumstances; and
- (5) Residence change of Employee, spouse or Dependent, affecting the Employee's eligibility for coverage.

(b) Special Enrollment Rights. If a Participant or his or her spouse or Dependent is entitled to special enrollment rights under a group health plan (other than an excepted benefit), as required by HIPAA under Code Section 9801(f), then a Participant may revoke a prior election for group health plan coverage and make a new election, provided that the election change corresponds with such HIPAA special enrollment right. As required by HIPAA, a special enrollment right will arise in the following circumstances: (i) a Participant or his or her spouse or Dependent declined to enroll in group health plan coverage because he or she had coverage, and eligibility for such coverage is subsequently lost because the coverage was provided under COBRA and the COBRA coverage was exhausted, or the

coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated; (ii) a new Dependent is acquired as a result of marriage, birth, adoption, or placement for adoption; (iii) the Participant's or his or her spouse's or Dependent's coverage under a Medicaid plan or under a children's health insurance program (CHIP) is terminated as a result of loss of eligibility for such coverage and the Participant requests coverage under the group health plan not later than 60 days after the date of termination of such coverage; or (iv) the Participant, his or her spouse or Dependent becomes eligible for a state premium assistance subsidy from a Medicaid plan or through a state children's insurance program with respect to coverage under the group health plan and the Participant requests coverage under the group health plan not later than 60 days after the date the Participant, his or her spouse or Dependent is determined to be eligible for such assistance. An election change under (iii) or (iv) of this provision must be requested within 60 days after the termination of Medicaid or state health plan coverage or the determination of eligibility for a state premium assistance subsidy, as applicable. Special enrollment rights under the health insurance plan will be determined by the terms of the health insurance plan.

- (c) Certain Judgments, Decrees or Orders. If a judgment, decree or order resulting from a divorce, legal separation, annulment or change in legal custody (including a qualified medical child support order [QMCSO]) requires accident or health coverage for a Participant's child or for a foster child who is a dependent of the Participant, the Participant may have a mid-year election change to add or drop coverage consistent with the Order.
- (d) Entitlement to Medicare or Medicaid. If a Participant, Participant's spouse or Participant's Dependent who is enrolled in an accident or health plan of the Employer becomes entitled to Medicare or Medicaid (other than coverage consisting solely of benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), the Participant may cancel or reduce health coverage under the Employer's Plan. Loss of Medicare or Medicaid entitlement would allow the Participant to add health coverage under the Employer's Plan.
- (e) Family Medical Leave Act. If an Employee is taking leave under the rules of the Family Medical Leave Act, the Employee may revoke previous elections and re-elect benefits upon return to work.
- (f) COBRA Qualifying Event. If an Employee has a COBRA qualifying event (a reduction in hours of the Employee, or a Dependent ceases eligibility), the Employee may increase his pre-tax contributions for coverage under the Employer's Plan if a COBRA event occurs with respect to the Employee, the Employee's spouse or Dependent. The COBRA rule does not apply to COBRA coverage under another Employer's Plan.
- (g) Changes in Eligibility for Adult Children. To the extent the Employer amends a plan listed in Item F of the Adoption Agreement that provides benefits that are excluded from an Employee's income under Code Section 105 to provide that Adult Children (as defined in Section 2.04(c)) are eligible to receive benefits under the plan, an Eligible Employee may make or change an election under this Plan to add coverage for the Adult Child and to make any corresponding change to the Eligible Employee's coverage that is consistent with adding coverage for the Adult Child.
- (h) Cancellation due to reduction in hours of service. A Participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:
 - (i) The Participant has been in an employment status under which the Participant was reasonably expected to average at least 30 hours of service per week and there is a change

in that Participant's status so that the Participant will reasonably be expected to average less than 30 hours of service per week after the change, even if that reduction does not result in the Participant ceasing to be eligible under the group health plan; and

- (ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant, and any related individuals who cease coverage due to the cancellation, in another plan that provides minimum essential coverage with the new coverage effective no later than the first day of the second month following the month that includes the date the original coverage is cancelled.
- (i) Cancellation due to enrollment in a Qualified Health Plan. A participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:
- (i) The Participant is eligible for a Special Enrollment Period (as defined in Code Section 9801(f)) to enroll in a Qualified Health Plan (as described in section 1311 of the Patient Protection and Affordable Care Act (PPACA)) through a competitive marketplace established under section 1311(c) of PPACA (Marketplace), pursuant to guidance issued by the Department of Health and Human Services and any other applicable guidance, or the Participant seeks to enroll in a Qualified Health Plan through a Marketplace during the Marketplace's annual open enrollment period; and
 - (ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant and any related individuals who cease coverage due to the cancellation in a Qualified Health Plan through a Marketplace for new coverage that is effective beginning no later than the day immediately following the last day of the original coverage that is cancelled.

Notwithstanding anything to the contrary in this Section 4.02, the change in election rules in this Section 4.02 do not apply to the Medical Expense Reimbursement Plan, or may not be modified with respect to the Medical Expense Reimbursement Plan if the Plan is being administered by a Recordkeeper other than the Employer, unless the Employer and the Recordkeeper otherwise agree in writing.

4.03 OTHER EXCEPTIONS TO IRREVOCABILITY OF ELECTIONS. Other exceptions to the irrevocability of election requirement permit mid-year election changes and apply to all qualified benefits except for Medical Expense Reimbursement Plans, as follows:

- (a) Change in Cost. If the cost of a benefit package option under the Plan significantly increases during the plan year, Participants may (i) make a corresponding increase in their salary reduction amount, (ii) revoke their elections and make a prospective election under another benefit option offering similar coverage, or (iii) revoke election completely if no similar coverage is available, including in spouse or dependent's plan. If the cost significantly decreases, employees may elect coverage even if they had not previously participated and may drop their previous election for a similar coverage option in order to elect the benefit package option that has decreased in cost during the year. If the increased or decreased cost of a benefit package option under the Plan is insignificant, the participant's salary reduction amount shall be automatically adjusted.
- (b) Significant curtailment of coverage.

- (i) With no loss of coverage. If the coverage under a benefit package option is significantly curtailed or ceases during the Plan Year, affected Participants may revoke their elections for the curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage.
- (ii) With loss of coverage. If there is a significant curtailment of coverage with loss of coverage, affected Participants may revoke election for curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage, or drop coverage if no similar benefit package option is available.
- (c) Addition or Significant Improvement of Benefit Package Option. If during the Plan Year a new benefit package option is added or significantly improved, eligible employees, whether currently participating or not, may revoke their existing election and elect the newly added or newly improved option.
- (d) Change in Coverage of a Spouse or Dependent Under Another Employer's Plan. If there is a change in coverage of a spouse, former spouse, or Dependent under another employer's plan, a Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of the spouse or Dependent. This rule applies if (1) mandatory changes in coverage are initiated by either the insurer of spouse's plan or by the spouse's employer, or (2) optional changes are initiated by the spouse's employer or by the spouse through open enrollment.
- (e) Loss of coverage under other group health coverage. If during the Plan Year coverage is lost under any group health coverage sponsored by a governmental or educational institution, a Participant may prospectively change his or her election to add group health coverage for the affected Participant or his or her spouse or dependent.

- 4.04 CASH BENEFIT: Available amounts not used for the purchase of benefits under this Plan may be considered a cash benefit under the Plan payable to the Participant as taxable income to the extent indicated in Item E of the Adoption Agreement.
- 4.05 PAYMENT FROM EMPLOYER'S GENERAL ASSETS: Payment of benefits under this Plan shall be made by the Employer from Elective Contributions which shall be held as a part of its general assets.
- 4.06 EMPLOYER MAY HOLD ELECTIVE CONTRIBUTIONS: Pending payment of benefits in accordance with the terms of this Plan, Elective Contributions may be retained by the Employer in a separate account or, if elected by the Employer and as permitted or required by regulations of the Internal Revenue Service, Department of Labor or other governmental agency, such amounts of Elective Contributions may be held in a trust pending payment.
- 4.07 MAXIMUM EMPLOYER CONTRIBUTIONS: With respect to each Participant, the maximum amount made available to pay benefits for any Plan Year shall not exceed the Employer's Contribution specified in the Adoption Agreement and as provided in this Plan.

SECTION V

GROUP MEDICAL INSURANCE BENEFIT PLAN

- 5.01 PURPOSE: These benefits provide the group medical insurance benefits to Participants.
- 5.02 ELIGIBILITY: Eligibility will be as required in Items F(1), F(3), and F(4) of the Adoption Agreement.
- 5.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Items F(1), F(3), and F(4) of the Adoption Agreement.
- 5.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.
- 5.05 COBRA: To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA, Participants and Dependents shall be entitled to continued participation in this Group Medical Insurance Benefit Plan by contributing monthly (from their personal assets previously subject to taxation) 102% of the amount of the premium for the desired benefit during the period that such individual is entitled to elect continuation coverage, provided, however, in the event the continuation period is extended to 29 months due to disability, the premium to be paid for continuation coverage for the 11 month extension period shall be 150% of the applicable premium.
- 5.06 SECTION 105 AND 106 PLAN: It is the intention of the Employer that these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 105 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention. It is also the intention of the Employer to comply with the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 as outlined in the policies identified in the Adoption Agreement.
- 5.07 CONTRIBUTIONS: Contributions for these benefits will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.
- 5.08 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT: Notwithstanding anything to the contrary herein, the Group Medical Insurance Benefit Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).

SECTION VI

DISABILITY INCOME BENEFIT PLAN

- 6.01 PURPOSE: This benefit provides disability insurance designated to provide income to Participants during periods of absence from employment because of disability.
- 6.02 ELIGIBILITY: Eligibility will be as required in Item F(2) of the Adoption Agreement.
- 6.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(2) of the Adoption Agreement.

- 6.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the Disability Income Benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.
- 6.05 SECTION 104 AND 106 PLAN: It is the intention of the Employer that the premiums paid for these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 104 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.
- 6.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.

SECTION VII

GROUP AND INDIVIDUAL LIFE INSURANCE PLAN

- 7.01 PURPOSE: This benefit provides group life insurance benefits to Participants and may provide certain individual policies as provided for in Item F(5) of the Adoption Agreement.
- 7.02 ELIGIBILITY: Eligibility will be as required in Item F(5) of the Adoption Agreement.
- 7.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(5) of the Adoption Agreement.
- 7.04 TERMS, CONDITIONS, AND LIMITATIONS: The terms, conditions, and limitations of the group life insurance are specifically described in the Policy identified in the Adoption Agreement.
- 7.05 SECTION 79 PLAN: It is the intention of the Employer that the premiums paid for the benefits described in Item F(5) of the Adoption Agreement shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan to the extent provided in Code Section 79, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.
- 7.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement. Any individual policies purchased by the Employer for the Participant will be owned by the Participant.

SECTION VIII

MEDICAL EXPENSE REIMBURSEMENT PLAN

- 8.01 PURPOSE: The Medical Expense Reimbursement Plan is designed to provide for reimbursement of Eligible Medical Expenses (as defined in Section 8.04) that are not reimbursed under an insurance plan, through damages, or from any other source. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Sections 105 and 106, for Participants who elect this benefit and all provisions of this Section VIII shall be construed in a manner consistent with that intention.
- 8.02 ELIGIBILITY: The eligibility provisions are set forth in Item F(7) of the Adoption Agreement.

8.03 TERMS, CONDITIONS, AND LIMITATIONS:

- a. Accounts. The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Medical Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.
- b. Maximum benefit. The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's Elective Contribution allocated to the program during the Plan Year, not to exceed the maximum amount set forth in Item F(7) of the Adoption Agreement.
- c. Claim Procedure. In order to be reimbursed for any medical expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of expense as determined by the Reimbursement Recordkeeper. Forms for reimbursement of Eligible Medical Expenses must be submitted no later than the last day of the third month following the last day of the Plan Year during which the Eligible Medical Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.
- d. Funding. The funding of the Medical Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administrative expenses become due and payable under this Medical Expense Reimbursement Plan.
- e. Forfeiture. Subject to Section 8.06 and 8.07, any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Medical Expenses incurred during the Participant's participation during the Plan Year shall be forfeited and shall remain assets of the Plan. With respect to a Participant who terminates employment with the Employer and who has not elected to continue coverage under this Plan pursuant to COBRA rights referenced under Section 8.03(f) herein, such Participant shall not be entitled to reimbursement for Eligible Medical Expenses incurred after his termination date regardless if such Participant has any amounts of Employer Contributions remaining to his credit. Upon the death of any Participant who has any amounts of Employer Contributions remaining to his credit, a dependent of the Participant may elect to continue to claim reimbursement for Eligible Medical Expenses in the same manner as the Participant could have for the balance of the Plan Year.
- f. COBRA. To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA ("COBRA"), a Participant and a Participant's Dependents shall be entitled to elect continued participation in this Medical Expense Reimbursement Plan only through the end of the plan year in which the qualifying event occurs, by contributing monthly (from their personal assets previously subject to taxation) to the Employer/Administrator, 102% of the amount of desired reimbursement through the end of the Plan Year in which the qualifying event occurs. Specifically, such individuals will be eligible for COBRA continuation coverage only if they have a positive Medical Expense Reimbursement Account balance on the date of the qualifying event. Participants who have a deficit balance in their Medical Expense Reimbursement Account on the

date of their qualifying event shall not be entitled to elect COBRA coverage. In lieu of COBRA, Participants may continue their coverage through the end of the current Plan Year by paying those premiums out of their last paycheck on a pre-tax basis.

- g. Nondiscrimination. Benefits provided under this Medical Expense Reimbursement Plan shall not be provided in a manner that discriminates in favor of Employees or Dependents who are highly compensated individuals, as provided under Section 105(h) of the Code and regulations promulgated thereunder.
- h. Uniform Coverage Rule. Notwithstanding that a Participant has not had withheld and credited to his account all of his contributions elected with respect to a particular Plan Year, the entire aggregate annual amount elected with respect to this Medical Expense Reimbursement Plan (increased by any Carryover to the Plan Year), shall be available at all times during such Plan Year to reimburse the participant for Eligible Medical Expenses with respect to this Medical Expense Reimbursement Plan. To the extent contributions with respect to this Medical Expense Reimbursement Plan are insufficient to pay such Eligible Medical Expenses, it shall be the Employer's obligation to provide adequate funds to cover any short fall for such Eligible Medical Expenses for a Participant; provided subsequent contributions with respect to this Medical Expense Reimbursement Plan by the Participant shall be available to reimburse the Employer for funds advanced to cover a previous short fall.
- i. Uniformed Services Employment and Reemployment Rights Act. Notwithstanding anything to the contrary herein, this Medical Expense Reimbursement Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).
- j. Proration of Limit. In the event that the Employer has purchased a uniform coverage risk policy from the Recordkeeper, then the Maximum Coverage amount specified in Section F.7 of the Adoption Agreement shall be pro rated with respect to (i) an Employee who becomes a Participant and enters the Plan during the Plan Year, and (ii) short plan years initiated by the Employer. Such Maximum Coverage amount will be pro rated by dividing the annual Maximum Coverage amount by 12, and multiplying the quotient by the number of remaining months in the Plan Year for the new Participant or the number of months in the short Plan Year, as applicable.
- k. Continuation Coverage for Certain Dependent Children. In the event that benefits under the Medical Expense Reimbursement Plan does not qualify for the exception from the portability rules of HIPAA, then, effective for Plan Years beginning on or after October 9, 2009, notwithstanding the foregoing provisions, coverage for a Dependent child who is enrolled in the Medical Expense Reimbursement Plan as a student at a post-secondary educational institution will not terminate due to a medically necessary leave of absence before a date that is the earlier of:
 - the date that is one year after the first day of the medically necessary leave of absence; or
 - the date on which such coverage would otherwise terminate under the terms of the Plan.

For purposes of this paragraph, “medically necessary leave of absence” means a leave of absence of the child from a post-secondary educational institution, or any other change in enrollment of the child at the institution, that: (i) commences while the child is suffering from a serious illness or injury; (ii) is medically necessary; and (iii) causes the child to lose student status for purposes of coverage under the terms of the Plan. A written certification must be provided by a treating physician of the dependent child to the Plan in order for the continuation coverage requirement to

apply. The physician's certification must state that the child is suffering from a serious illness or injury and that the leave of absence (or other change in enrollment) is medically necessary.

8.04 ELIGIBLE MEDICAL EXPENSES:

- a. Eligible Medical Expense in General. The phrase 'Eligible Medical Expense' means any expense incurred by a Participant or any of his Dependents (subject to the restrictions in Sections 8.04(b) and (c)) during a Plan Year that (i) qualifies as an expense incurred by the Participant or Dependents for medical care as defined in Code Section 213(d) and meets the requirements outlined in Code Section 125, (ii) is excluded from gross income of the Participant under Code Section 105(b), and (iii) has not been and will not be paid or reimbursed by any other insurance plan, through damages, or from any other source. Notwithstanding the above, capital expenditures are not Eligible Medical Expenses under this Plan.
- b. Expenses Incurred After Commencement of Participation. Only medical care expenses incurred by a Participant or the Participant's Dependent(s) on or after the date such Participant commenced participation in the Medical Expense Reimbursement Plan shall constitute an Eligible Medical Expense.
- c. Eligible Expenses Incurred by Dependents. For purposes of this Section, Eligible Medical Expenses incurred by Dependents defined in Section 2.04(c) are eligible for reimbursement if incurred after March 30, 2010; Eligible Medical Expenses incurred by Dependents defined in Sections 2.04(a) and (b) are eligible for reimbursement if incurred either before or after March 30, 2010 (subject to the restrictions of Section 8.04(b)).
- d. Health Savings Accounts. If the Employer has elected in Item F.8 of the Adoption Agreement to allow Eligible Employees to contribute to Health Savings Accounts under the Plan, then for a Participant who is eligible for and elects to contribute to a Health Savings Accounts, Eligible Medical Expenses shall be limited as set forth in Item F.8 of the Adoption Agreement.

8.05 USE OF DEBIT CARD: In the event that the Employer elects to allow the use of debit cards ("Debit Cards") for reimbursement of Eligible Medical Expenses under the Medical Expense Reimbursement Plan, the provisions described in this Section shall apply.

- a. Substantiation. The following procedures shall be applied for purposes of substantiating claimed Eligible Medical Expenses after the use of a Debit Card to pay the claimed Eligible Medical Expense:
 - (i) If the dollar amount of the transaction at a health care provider equals the dollar amount of the co-payment for that service under the Employer's major medical plan of the specific employee-cardholder, the charge is fully substantiated without the need for submission of a receipt or further review.
 - (ii) If the merchant, service provider, or other independent third-party (e.g., pharmacy benefit manager), at the time and point of sale, provides information to verify to the Recordkeeper (including electronically by e-mail, the internet, intranet, or telephone) that the charge is for a medical expense, the charge is fully substantiated without the need for submission of a receipt or further review.

- b. Status of Charges. All charges to a Debit Card, other than co-payments and real-time substantiation as described in Subsection (a) above, are treated as conditional pending confirmation of the charge, and additional third-party information, such as merchant or service provider receipts, describing the service or product, the date of the service or sale, and the amount, must be submitted for review and substantiation.
- c. Correction Procedures for Improper Payments. In the event that a claim has been reimbursed and is subsequently identified as not qualifying for reimbursement, one or all of the following procedures shall apply:
 - (i) First, upon the Recordkeeper's identification of the improper payment, the Eligible Employee will be required to pay back to the Plan an amount equal to the improper payment.
 - (ii) Second, where the Eligible Employee does not pay back to the Plan the amount of the improper payment, the Employer will have the amount of the improper payment withheld from the Eligible Employee's wages or other compensation to the extent consistent with applicable law.
 - (iii) Third, if the improper payment still remains outstanding, the Plan may utilize a claim substitution or offset approach to resolve improper claims payments.
 - (iv) If the above correction efforts prove unsuccessful, or are otherwise unavailable, the Eligible Employee will remain indebted to the Employer for the amount of the improper payment. In that event and consistent with its business practices, the Employer may treat the payment as it would any other business indebtedness.
 - (v) In addition to the above, the Employer and the Plan may take other actions they may deem necessary, in their sole discretion, to ensure that further violations of the terms of the Debit Card do not occur, including, but not limited to, denial of access to the Debit Card until the indebtedness is repaid by the Eligible Employee.
- d. Intent to Comply with Rev. Rul. 2003-43. It is the Employer's intent that any use of Debit Cards to pay Eligible Medical Expenses shall comply with the guidelines for use of such cards set forth in Rev. Rul. 2003-43, and this Section 8.05 shall be construed and interpreted in a manner necessary to comply with such guidelines.

8.06 GRACE PERIOD: If the Employer elects in Section F.7 of the Adoption Agreement to permit a Grace Period with respect to the Medical Reimbursement Plan, the provisions of this Section 8.06 shall apply. Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2005-42, a Participant who has unused contributions relating to the Medical Reimbursement Plan from the immediately preceding Plan Year, and who incurs Eligible Medical Expenses for such qualified benefit during the Grace Period, may be paid or reimbursed for those Eligible Medical Expenses from the unused contributions as if the expenses had been incurred in the immediately preceding Plan Year. For purposes of this Section, 'Grace Period' shall mean the period extending to the 15th day of the third calendar month after the end of the immediately preceding Plan Year to which it relates. Eligible Medical Expenses incurred during the Grace Period shall be reimbursed first from unused contributions allocated to the Medical Reimbursement Plan for the prior Plan Year, and then from unused contributions for the current Plan Year, if participant is enrolled in current Plan Year.

8.07 CARRYOVER: If the Employer elects in Section F.7 of the Adoption Agreement to permit a Carryover with respect to the Medical Reimbursement Plan, the provisions of this Section 8.07 shall apply.

Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2013-71, the Carryover for a Participant who has an amount remaining unused as of the end of the run-off period for the Plan Year, may be used to pay or reimburse Eligible Medical Expenses during the following entire Plan Year. The Carryover does not count against or otherwise affect the Maximum benefit set forth in Section 8.03 (b). Eligible Medical Expenses incurred during a Plan Year shall be reimbursed first from unused contributions for the current Plan Year, and then from any Carryover carried over from the preceding Plan Year. Any unused amounts from the prior Plan Year that are used to reimburse a current Plan Year expense (a) reduce the amounts available to pay prior Plan Year expenses during the run-off period, (b) must be counted against any Carryover amount from the prior Plan Year, and (c) cannot exceed the maximum Carryover from the prior Plan Year. If the Employer elects to apply Section 8.06 in Section F.7 of the Adoption Agreement, this Section 8.07 shall not apply.

- 8.08 **QUALIFIED RESERVIST DISTRIBUTIONS:** Notwithstanding anything in the Plan to the contrary, an individual who, by reason of being a member of a reserve component (as defined in 37 U.S.C. § 101), is ordered or called to active duty for a period in excess of 179 days or for an indefinite period may elect to receive a distribution of all or a portion of the unused Elective Contributions in his or her Account relating to the Medical Expense Reimbursement Plan if the distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under the Plan for the Plan Year that includes the date of such order or call. If the distribution is for the entire amount of unused Elective Contributions available in the Medical Expense Reimbursement Plan, then no additional reimbursement requests will be processed for the remainder of the Plan Year.

SECTION IX

DEPENDENT CARE REIMBURSEMENT PLAN

- 9.01 **PURPOSE:** The Dependent Care Reimbursement Plan is designed to provide for reimbursement of certain employment-related dependent care expenses of the Participant. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Section 129, for Participants who elect this benefit, and all provisions of this Section IX shall be construed in a manner consistent with that intention.
- 9.02 **ELIGIBILITY:** The eligibility provisions are set forth in Item F(6) of the Adoption Agreement.
- 9.03 **TERMS, CONDITIONS, AND LIMITATIONS:**
- a. **Accounts.** The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Dependent Care Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.
 - b. **Maximum Benefit.** The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's allocation to the program during the Plan Year not to exceed the maximum amount set forth in Item F(6) of the adoption agreement.

For purpose of this Section IX, the phrase "earned income" shall mean wages, salaries, tips and other employee compensation, but only if such amounts are includible in gross income for the taxable year. A Participant's spouse who is physically or mentally incapable of self-care as described in Section 9.04(a)(ii) or a spouse who is a full-time student within the meaning of Code Section 21(e)(7) shall be deemed to have earned income for each month in which such spouse is so disabled (or a full-time student). The amount of such deemed earned income shall be \$250 per month in the case of one Dependent and \$500 per month in the case of two or more Dependents.

- c. Claim Procedure. In order to be reimbursed for any dependent care expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense from an independent third party acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of the expense as determined by the Reimbursement Recordkeeper. Claims for reimbursement of Eligible Dependent Care Expenses must be submitted no later than the last day of the third month following the last day of the Plan Year during which the Eligible Dependent Care Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of the incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.
- d. Funding. The funding of the Dependent Care Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administration expenses become due and payable under this Dependent Care Expense Reimbursement Plan.
- e. Forfeiture. Any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Dependent Care Expenses incurred during the Plan Year shall be forfeited and remain assets of the Plan.
- f. Nondiscrimination. Benefits provided under this Dependent Care Reimbursement Plan shall not be provided in a manner that discriminates in favor of Highly Compensated Employees (as defined in Code Section 414(q)) or their dependents, as provided in Code Section 129. In addition, no more than 25 percent of the aggregate Eligible Dependent Care Expenses shall be reimbursed during a Plan Year to five percent owners, as provided in Code Section 129.

9.04 DEFINITIONS:

- a. "Dependent" (for purposes of this Section IX) means any individual who is:
 - (i) a Participant's qualifying child (as defined in Code Section 152 (c)) who has not attained the age of 13; or
 - (ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively) or the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the taxpayer for more than half of the taxable year. For purposes of this Dependent Care Reimbursement Plan, an individual shall be considered physically or mentally incapable of self-care if, as a result of a physical or mental defect, the individual is incapable of caring for his or her hygienic or nutritional needs, or requires full-time attention of another person for his or her own safety or the safety of others.

- b. "Dependent Care Center" (for purposes of this Section IX) shall be a facility which:
- (i) provides care for more than six individuals (other than individuals who reside at the facility);
 - (ii) receives a fee, payment, or grant for providing services for any of the individuals (regardless of whether such facility is operated for profit); and
 - (iii) satisfies all applicable laws and regulations of a state or unit of local government.
- c. "Eligible Dependent Care Expenses" (for purposes of this Section IX) shall mean expenses incurred by a Participant which are:
- (i) incurred for the care of a Dependent of the Participant or for related household services;
 - (ii) paid or payable to a Dependent Care Service Provider; and
 - (iii) incurred to enable the Participant to be gainfully employed for any period for which there are one or more Dependents with respect to the Participant.
- "Eligible Dependent Care Expenses" shall not include expenses incurred for services outside the Participant's household for the care of a Dependent unless such Dependent is (i) a qualifying child (as defined in Code Section 152 (c)) under the age of 13, or (ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively)), who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year, or (iii) the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year. Eligible Dependent Care Expenses shall be deemed to be incurred at the time the services to which the expenses relate are rendered.
- d. "Dependent Care Service Provider" (for purposes of this Section IX) means:
- (i) a Dependent Care Center, or
 - (ii) a person who provides care or other services described in Section 9.04(b) and who is not a related individual described in Section 129(c) of the Code.

SECTION X

HEALTH SAVINGS ACCOUNTS

- 10.01 PURPOSE: If elected by the Employer in Section F.8 of the Adoption Agreement, the Plan will permit pre-tax contributions to the Health Savings Account, and the provisions of this Article X shall apply.
- 10.02 BENEFITS: A Participant can elect benefits under the Health Savings Accounts portion of this Plan by electing to pay his or her Health Savings Account contributions on a pre-tax salary reduction basis. In addition, the Employer may make contributions to the Health Savings Account for the benefit of the Participant.
- 10.03 TERMS, CONDITIONS AND LIMITATION:
- a. Maximum Benefit. The maximum annual contributions that may be made to a Participant's Health Savings Account under this Plan is set forth in Section F.8 of the Adoption Agreement.

- b. Mid-Year Election Changes. Notwithstanding any to the contrary herein, a Participant election with respect to contributions for the Health Savings Account shall be revocable during the duration of the Plan Year to which the election relates. Consequently, a Participant may change his or her election with respect to contributions for the Health Savings Account at any time.

10.04 RESTRICTIONS ON MEDICAL REIMBURSEMENT PLAN: If the Employer has elected in Section F.8 of the Adoption Agreement both Health Savings Accounts under this Plan and the Medical Expense Reimbursement Plan, then the Eligible Medical Expenses that may be reimbursed under the Medical Reimbursement Plan for Participants who are eligible for and elect to participate in Health Savings Accounts shall be limited as set forth in Section F.8 of the Adoption Agreement.

10.05 NO ESTABLISHMENT OF ERISA PLAN: It is the intent of the Employer that the establishment of Health Savings Accounts are completely voluntary on the part of Participants, and that, in accordance with Department of Labor Field Assistance Bulletin 2004-1, the Health Savings Accounts are not “employee welfare benefit plans” for purposes of Title I of ERISA.

SECTION XI

AMENDMENT AND TERMINATION

11.01 AMENDMENT: The Employer shall have the right at any time, and from time to time, to amend, in whole or in part, any or all of the provisions of this Plan, provided that no such amendment shall change the terms and conditions of payment of any benefits to which Participants and covered dependents otherwise have become entitled to under the provisions of the Plan, unless such amendment is made to comply with federal or local laws or regulations. The Employer also shall have the right to make any amendment retroactively which is necessary to bring the Plan into conformity with the Code. In addition, the Employer may amend any provisions or any supplements to the Plan and may merge or combine supplements or add additional supplements to the Plan, or separate existing supplements into an additional number of supplements.

11.02 TERMINATION: The Employer shall have the right at any time to terminate this Plan, provided that such termination shall not eliminate any obligations of the Employer which therefore have arisen under the Plan.

SECTION XII

ADMINISTRATION

12.01 NAMED FIDUCIARIES: The Administrator shall be the fiduciary of the Plan.

12.02 APPOINTMENT OF RECORDKEEPER: The Employer may appoint a Reimbursement Recordkeeper which shall have the power and responsibility of performing recordkeeping and other ministerial duties arising under the Medical Expense Reimbursement Plan and the Dependent Care Reimbursement Plan provisions of this Plan. The Reimbursement Recordkeeper shall serve at the pleasure of, and may be removed by, the Employer without cause. The Recordkeeper shall receive reasonable compensation for its services as shall be agreed upon from time to time between the Administrator and the Recordkeeper.

12.03 POWERS AND RESPONSIBILITIES OF ADMINISTRATOR:

- a. General. The Administrator shall be vested with all powers and authority necessary in order to amend and administer the Plan, and is authorized to make such rules and regulations as it may deem necessary to carry out the provisions of the Plan. The Administrator shall determine any questions arising in the administration (including all questions of eligibility and determination of amount, time and manner of payments of benefits), construction, interpretation and application of the Plan, and the decision of the Administrator shall be final and binding on all persons.
- b. Recordkeeping. The Administrator shall keep full and complete records of the administration of the Plan. The Administrator shall prepare such reports and such information concerning the Plan and the administration thereof by the Administrator as may be required under the Code or ERISA and the regulations promulgated thereunder.
- c. Inspection of Records. The Administrator shall, during normal business hours, make available to each Participant for examination by the Participant at the principal office of the Administrator a copy of the Plan and such records of the Administrator as may pertain to such Participant. No Participant shall have the right to inquire as to or inspect the accounts or records with respect to other Participants.

12.04 COMPENSATION AND EXPENSES OF ADMINISTRATOR: The Administrator shall serve without compensation for services as such. All expenses of the Administrator shall be paid by the Employer. Such expenses shall include any expense incident to the functioning of the Plan, including, but not limited to, attorneys' fees, accounting and clerical charges, actuary fees and other costs of administering the Plan.

12.05 LIABILITY OF ADMINISTRATOR: Except as prohibited by law, the Administrator shall not be liable personally for any loss or damage or depreciation which may result in connection with the exercise of duties or of discretion hereunder or upon any other act or omission hereunder except when due to willful misconduct. In the event the Administrator is not covered by fiduciary liability insurance or similar insurance arrangements, the Employer shall indemnify and hold harmless the Administrator from any and all claims, losses, damages, expenses (including reasonable counsel fees approved by the Administrator) and liability (including any reasonable amounts paid in settlement with the Employer's approval) arising from any act or omission of the Administrator, except when the same is determined to be due to the willful misconduct of the Administrator by a court of competent jurisdiction.

12.06 DELEGATIONS OF RESPONSIBILITY: The Administrator shall have the authority to delegate, from time to time, all or any part of its responsibilities under the Plan to such person or persons as it may deem advisable and in the same manner to revoke any such delegation of responsibilities which shall have the same force and effect for all purposes hereunder as if such action had been taken by the Administrator. The Administrator shall not be liable for any acts or omissions of any such delegate. The delegate shall report periodically to the Administrator concerning the discharge of the delegated responsibilities.

12.07 RIGHT TO RECEIVE AND RELEASE NECESSARY INFORMATION: The Administrator may release or obtain any information necessary for the application, implementation and determination of this Plan or other Plans without consent or notice to any person. This information may be released to or obtained from any insurance company, organization, or person subject to applicable law. Any individual claiming benefits under this Plan shall furnish to the Administrator such information as may be necessary to implement this provision.

12.08 CLAIM FOR BENEFITS: To obtain payment of any benefits under the Plan a Participant must comply with the rules and procedures of the particular benefit program elected pursuant to this Plan under which the Participant claims a benefit.

12.09 GENERAL CLAIMS REVIEW PROCEDURE: This provision shall apply only to the extent that a claim for benefits is not governed by a similar provision of a benefit program available under this Plan or is not governed by Section 12.10.

- a. Initial Claim for Benefits. Each Participant may submit a claim for benefits to the Administrator as provided in Section 12.08. A Participant shall have no right to seek review of a denial of benefits, or to bring any action in any court to enforce a claim for benefits prior to his filing a claim for benefits and exhausting his rights to review under this section.

When a claim for benefits has been filed properly, such claim for benefits shall be evaluated and the claimant shall be notified of the approval or the denial within (90) days after the receipt of such claim unless special circumstances require an extension of time for processing the claim. If such an extension of time for processing is required, written notice of the extension shall be furnished to the claimant prior to the termination of the initial ninety (90) day period which shall specify the special circumstances requiring an extension and the date by which a final decision will be reached (which date shall not be later than one hundred and eighty (180) days after the date on which the claim was filed.) A claimant shall be given a written notice in which the claimant shall be advised as to whether the claim is granted or denied, in whole or in part. If a claim is denied, in whole or in part, the claimant shall be given written notice which shall contain (a) the specific reasons for the denial, (b) references to pertinent plan provisions upon which the denial is based, (c) a description of any additional material or information necessary to perfect the claim and an explanation of why such material or information is necessary, and (d) the claimant's rights to seek review of the denial.

- b. Review of Claim Denial. If a claim is denied, in whole or in part, the claimant shall have the right to request that the Administrator review the denial, provided that the claimant files a written request for review with the Administrator within sixty (60) days after the date on which the claimant received written notification of the denial. A claimant (or his duly authorized representative) may review pertinent documents and submit issues and comments in writing to the Administrator. Within sixty (60) days after a request is received, the review shall be made and the claimant shall be advised in writing of the decision on review, unless special circumstances require an extension of time for processing the review, in which case the claimant shall be given a written notification within such initial sixty (60) day period specifying the reasons for the extension and when such review shall be completed (provided that such review shall be completed within one hundred and twenty (120) days after the date on which the request for review was filed.) The decision on review shall be forwarded to the claimant in writing and shall include specific reasons for the decision and references to plan provisions upon which the decision is based. A decision on review shall be final and binding on all persons.
- c. Exhaustion of Remedies. If a claimant fails to file a request for review in accordance with the procedures herein outlined, such claimant shall have no rights to review and shall have no right to bring action in any court and the denial of the claim shall become final and binding on all persons for all purposes.

12.10 SPECIAL CLAIMS REVIEW PROCEDURE: The provisions of this Section 12.10 shall be applicable to claims under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan, effective on the first day of the first Plan Year beginning on or after July 1, 2002, but in no event later than January 1, 2003, provided such plans are subject to ERISA.

- a. Benefit Denials: The Administrator is responsible for evaluating all claims for reimbursement under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan.

The Administrator will decide a Participant's claim within a reasonable time not longer than 30 days after it is received. This time period may be extended for an additional 15 days for matters beyond the control of the Administrator, including in cases where a claim is incomplete. The Participant will receive written notice of any extension, including the reasons for the extension and information on the date by which a decision by the Administrator is expected to be made. The Participant will be given 45 days in which to complete an incomplete claim. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the claim.

If the Administrator denies the claim, in whole or in part, the Participant will be furnished with a written notice of adverse benefit determination setting forth:

1. the specific reason or reasons for the denial;
 2. reference to the specific Plan provision on which the denial is issued;
 3. a description of any additional material or information necessary for the Participant to complete his claim and an explanation of why such material or information is necessary, and
 4. appropriate information as to the steps to be taken if the Participant wishes to appeal the Administrator's determination, including the participant's right to submit written comments and have them considered, his right to review (on request and at no charge) relevant documents and other information, and his right to file suit under ERISA with respect to any adverse determination after appeal of his claim.
- b. Appealing Denied Claims: If the Participant's claim is denied in whole or in part, he may appeal to the Administrator for a review of the denied claim. The appeal must be made in writing within 180 days of the Administrator's initial notice of adverse benefit determination, or else the participant will lose the right to appeal the denial. If the Participant does not appeal on time, he will also lose his right to file suit in court, as he will have failed to exhaust his internal administrative appeal rights, which is generally a prerequisite to bringing suit.

A Participant's written appeal should state the reasons that he feels his claim should not have been denied. It should include any additional facts and/or documents that the Participant feels support his claim. The Participant may also ask additional questions and make written comments, and may review (on request and at no charge) documents and other information relevant to his appeal. The Administrator will review all written comment the Participant submits with his appeal.

- c. Review of Appeal: The Administrator will review and decide the Participant's appeal within a reasonable time not longer than 60 days after it is submitted and will notify the Participant of its decision in writing. The individual who decides the appeal will not be the same individual who decided the initial claim denial and will not be that individual's subordinate. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the appeal, except that any medical expert consulted in connection with the appeal will be different from any expert consulted in connection with the initial claim. (The identity of a medical expert consulted in connection with the Participant's appeal will be provided.) If the decision on appeal affirms the initial denial of the Participant's claim, the Participant will be furnished with a notice of adverse benefit determination on review setting forth:

1. The specific reason(s) for the denial,
2. The specific Plan provision(s) on which the decision is based,
3. A statement of the Participant's right to review (on request and at no charge) relevant documents and other information,
4. If the Administrator relied on an "internal rule, guideline, protocol, or other similar criterion" in making the decision, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge to the Participant upon request," and
5. A statement of the Participant's right to bring suit under ERISA § 502(a).

12.11 PAYMENT TO REPRESENTATIVE: In the event that a guardian, conservator or other legal representative has been duly appointed for a Participant entitled to any payment under the Plan, any such payment due may be made to the legal representative making claim therefor, and such payment so made shall be in complete discharge of the liabilities of the Plan therefor and the obligations of the Administrator and the Employer.

12.12 PROTECTED HEALTH INFORMATION. The provisions of this Section will apply only to those portions of the Plan that are considered a group health plan for purposes of 45 CFR Parts 160 and 164. The Plan may disclose PHI to employees of the Employer, or to other persons, only to the extent such disclosure is required or permitted pursuant to 45 CFR Parts 160 and 164. The Plan has implemented administrative, physical, and technical safeguards to reasonably and appropriately protect, and restrict access to and use of, electronic PHI, in accordance with Subpart C of 45 CFR Part 164. The applicable claims procedures under the Plan shall be used to resolve any issues of non-compliance by such individuals. The Employer will:

- not use or disclose PHI other than as permitted or required by the plan documents and permitted or required by law;
- reasonably and appropriately safeguard electronic PHI created, received, maintained, or transmitted to or by the it on behalf of the Plan, in accordance with Subpart C of 45 CFR Part 164;
- implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI that it creates, receives, maintains, or transmits on behalf of the Plan;
- ensure that any agents including a subcontractors to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Employer with respect to such information;
- not use or disclose PHI for employment-related actions and decisions or in connection with any other employee benefit plan of the Employer;
- report to the Plan any use or disclosure of the information that is inconsistent with the permitted uses or disclosures provided for of which it becomes aware;
- make available PHI in accordance with 45 CFR Section 164.524;
- make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR Section 164.526;

- make available the information required to provide an accounting of disclosures in accordance with 45 CFR Section 164.528;
- make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services or his designee upon request for purposes of determining compliance with 45 CFR Section 164.504(f);
- if feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purposes for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and,
- ensure that the adequate separation required in paragraph (f)(2)(iii) of 45 CFR Section 164.504 is established.

For purposes of this Section, “PHI” is “Protected Health Information” as defined in 45 CFR Section 160.103, which means individually identifiable health information, except as provided in paragraph (2) of the definition of “Protected Health Information” in 45 CFR Section 160.103, that is transmitted by electronic media; maintained in electronic media; or transmitted or maintained in any other form or medium by a covered entity, as defined in 45 CFR Section 164.104.

SECTION XIII

MISCELLANEOUS PROVISIONS

- 13.01 **INABILITY TO LOCATE PAYEE:** If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited following a reasonable time after the date any such payment first became due.
- 13.02 **FORMS AND PROOFS:** Each Participant or Participant's Beneficiary eligible to receive any benefit hereunder shall complete such forms and furnish such proofs, receipts, and releases as shall be required by the Administrator.
- 13.03 **NO GUARANTEE OF TAX CONSEQUENCES:** Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant or a Dependent under the Plan will be excludable from the Participant's or Dependent's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant or Dependent.
- 13.04 **PLAN NOT CONTRACT OF EMPLOYMENT:** The Plan will not be deemed to constitute a contract of employment between the Employer and any Participant nor will the Plan be considered an inducement for the employment of any Participant or employee. Nothing contained in the Plan will be deemed to give any Participant or employee the right to be retained in the service of the Employer nor to interfere with the right of the Employer to discharge any Participant or employee at any time regardless of the effect such discharge may have upon that individual as a Participant in the Plan.
- 13.05 **NON-ASSIGNABILITY:** No benefit under the Plan shall be liable for any debt, liability, contract, engagement or tort of any Participant or his Beneficiary, nor be subject to charge, anticipation, sale, assignment, transfer, encumbrance, pledge, attachment, garnishment, execution or other voluntary or involuntary alienation or other legal or equitable process, nor transferability by operation of law.

13.06 SEVERABILITY: If any provision of the Plan will be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof will continue to be fully effective.

13.07 CONSTRUCTION:

- a. Words used herein in the masculine or feminine gender shall be construed as the feminine or masculine gender, respectively where appropriate.
- b. Words used herein in the singular or plural shall be construed as the plural or singular, respectively, where appropriate.

13.08 NONDISCRIMINATION: In accordance with Code Section 125(b)(1), (2), and (3), this Plan is intended not to discriminate in favor of Highly Compensated Participants (as defined in Code Section 125(e)(1)) as to contributions and benefits nor to provide more than 25% of all qualified benefits to Key Employees. If, in the judgment of the Administrator, more than 25% of the total nontaxable benefits are provided to Key Employees, or the Plan discriminates in any other manner (or is at risk of possible discrimination), then, notwithstanding any other provision contained herein to the contrary, and, in accordance with the applicable provisions of the Code, the Administrator shall, after written notification to affected Participants, reduce or adjust such contributions and benefits under the Plan as shall be necessary to insure that, in the judgment of the Administrator, the Plan shall not be discriminatory.

13.09 ERISA. The Plan shall be construed, enforced, and administered and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974 (as amended), the Internal Revenue Code of 1986 (as amended), and the laws of the State indicated in the Adoption Agreement. Notwithstanding anything to the contrary herein, the provisions of ERISA will not apply to this Plan if the Plan is exempt from coverage under ERISA. Should any provisions be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only will be deemed not to include the provision determined to be void.

SECTION XIV

TEMPORARY COVID RELIEF AMENDMENT

- 14.01 **PURPOSE:** In accordance with changes permitted under The Coronavirus Aid, Relief, and Economic Security Act, 2020, IRS Notice 2020-29, The Consolidated Appropriations Act, 2021, and IRS Notice 2021-15, Employer selected modifications to Plan language and procedures consistent with the following Plan options, as applicable. Notwithstanding any provision of the Plan to the contrary, as elected by the Employer in Item F of the Adoption Agreement, the Plan is hereby amended to adopt the following:
- a. Extended Claims Period: For unused amounts remaining in a Medical Expense Reimbursement Plan or a Dependent Care Reimbursement Plan under the Section 125 Plan as of the end of a grace period or plan year ending in 2020, the Participants may apply those unused amounts to pay or reimburse medical care expenses or dependent care expenses, respectively, incurred through December 31, 2020.
 - b. Mid-Year Election Changes: Each Participant who is eligible to make salary reduction contributions under the Plan may make prospective election changes (including an initial election) during calendar year 2020 regarding Group Medical Insurance, a Medical Expense Reimbursement Plan, or a Dependent Care Reimbursement Plan, regardless of whether the basis for the election change satisfies the criteria set forth in regular election change rules.
 - c. Mid-Year Election Changes for Medical Expense Reimbursement Plan: For plan years ending in 2021, Participants may modify their Medical Expense Reimbursement Plan elections on a prospective basis at any time during the year. No qualifying event is required.
 - d. Mid-Year Election Changes for Dependent Care Reimbursement Plan: For plan years ending in 2021, Participants may modify their Dependent Care Reimbursement Plan elections on a prospective basis at any time during the year. No qualifying event is required.
 - e. Extended Grace Period: For plan years ending in 2020 and/or 2021, the grace period for Medical Expense Reimbursement Plan and/or Dependent Care Reimbursement Plan is extended to 12 months.
 - f. Unlimited Carryover for Medical Expense Reimbursement Plan: All unused funds in the Medical Expense Reimbursement Plan may be carried over to 2021 (from plan year 2020) and/or 2022 (from plan year 2021). There is no carryover maximum.
 - g. Dependent Care Reimbursement Plan Age Increase: For Participants enrolled in the Dependent Care Reimbursement Plan for the 2020 Plan Year, the maximum age for children is extended from age 12 to age 13 when paying or reimbursing dependent care expenses incurred during the 2020 Plan Year. Additionally, amounts remaining at the end of the run-out period for the 2020 Plan Year shall be available to pay or reimburse otherwise-eligible dependent care expenses incurred during the 2021 Plan Year for a child who attained age 13 during the 2020 Plan Year (until the child turns age 14) or for another child who turns age 13 during the 2021 Plan Year.
 - h. Reimbursement for Non-Active Participants: Participants who cease participation in a Medical Expense Reimbursement Plan during 2020 or 2021 (for example, due to termination of employment) may continue to receive reimbursements from unused balances through the end of the plan year in which such participation ceased (including any grace period).
 - i. Dependent Care Reimbursement Plan Maximum Increase: For the 2021 calendar year only, Dependent Care Reimbursement Plan maximums may be increased to \$10,500 per family (\$5,250 for married individuals filing a joint return).

Eden Area Regional Occupational Programs






Section 125 Plan Document

Final Audit Report

2021-11-23

Created:	2021-11-23
By:	Teresa Allen (Teresa.Allen@americanfidelity.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvSvhhDPrl8EtOPcuAuljAQyGX3N7aC6j

"Eden Area Regional Occupational Programs Section 125 Plan Document" History

-  Document created by Teresa Allen (Teresa.Allen@americanfidelity.com)
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Signature Date: 2021-11-23 - 9:52:40 PM GMT - Time Source: server- IP address: 206.110.252.122
-  Agreement completed.
2021-11-23 - 9:52:40 PM GMT



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Request the Governing Board to approve the Addendum to the MOU with the California Homebuilding Foundation (CHF) to manage the Building Industry Technology Academy (BITA) for the 2021-2022 School Year

BACKGROUND

The California Building Industry Foundation (CBIF) was founded in 1978 by the California Building Industry Association (CBIA) and renamed as the California Homebuilding Foundation (CHF) in 2007.

The Foundation was created to house a widespread college scholarship program for students majoring in homebuilding and construction-related fields, dedicated to pursuing long-term careers in the industry.

The Building Industry Technology Academy (BITA) high school construction trades curriculum, created by the Building Industry Association of Orange County (BIAOC) in 2002, was acquired by CHF in 2012.

CURRENT SITUATION

The Eden Area ROP would like to continue partnering with BITA, a four-year construction trades training curriculum offered as a Career Technical Education (CTE) program. The curriculum and support services are provided to California high schools by the California Homebuilding Foundation (CHF). BITA has a-g approved program status with the University of California.

Our students will develop their career portfolio, participate in field trip experiences at industry sites, be exposed to networking opportunities with local businesses, and take advantage of internship opportunities. The original MOU was Board approved at the August 6, 2020 Governing Board meeting. The addendum that we are providing is to extend the term agreement for an additional 24 months. All terms and provisions from the original MOU also apply to the attached Addendum.

Fiscal Impact: Program provides \$5,000 towards materials for Construction Technology Program.

CONSENT CALENDAR

Addendum
Memorandum Of Understanding (MOU)
Between Action
For The California Homebuilding Foundation (CHF) & Eden ROP

This document constitutes an Addendum to Section 1 of the agreement between CHF and Eden ROP (District) signed on **August 6, 2020**.

The objective of this Addendum is to extend the term agreement for an additional twenty-four (24) Months, with to renew on **August 6, 2022**.

All terms and provisions from the original MOU also apply to this Addendum.

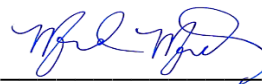
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by and through their authorized officers as of the day, month and year first written above.

For CHF:

By: _____

Terri Brunson, Executive Director
California Homebuilding Foundation
(CHF)
1215 K Street, #1200
Sacramento, CA 95814
(916) 340-3340
tbrunson@mychf.org

For Eden Area ROP:

By:  _____

Manuschka Michaud
Principal
Eden Area ROP
26316 Hesperian Blvd
Hayward, CA 94545
510-293-2904
mmichaud@edenrop.org

By: _____

Chair, CHF Board of Trustees

INFORMATION ITEMS

DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Midyear Review of the Superintendent's Goals

BACKGROUND

Each year the Governing Board develops goals for the Superintendent. The goals are designed to set a path for moving the organization forward and serve as the basis for the Superintendent's evaluation at the end of the school year.

CURRENT SITUATION

The Superintendent will provide an update on the progress and status of the goals identified for this school year.

RECOMMENDATION

Information only

SUPERINTENDENT'S GOALS 2021-2022

Develop and implement systems that support the success of all students

- Provide professional development opportunities for staff that support the socioemotional well-being of students
- Develop and implement plan to expand opportunities to support students who are struggling academically
- Regularly update and maintain technology that supports student learning
- Provide professional development to staff regarding anti-racist practices

Provide relevant, high quality, engaging CTE programs

- Provide professional development regarding culturally relevant instructional strategies
- Identify technology needs to support student learning
- Develop high impact work-based learning activities for students
- Apply for honors distinction from the UC system for courses earning college credit

Implement and maintain effective communication systems

- Identify a student information system that meets the unique data needs of the ROP
- Develop plan to utilize Office 365 applications to improve communication.
- Develop a marketing campaign that communicates the benefits of the ROP to external stakeholders.
- Strengthen our online presence as a tool to communicate the value of ROP programs
- Continue to foster strong relationships with staff, our district partners, and other stakeholders as advocates for the ROP

Monitor current funding and identify opportunities to increase and diversify funding streams

- Continue to develop strategic partnerships aligned to funding opportunities
- Continue to identify and apply for grants aligned to the ROP mission
- Develop a plan to maximize the use of one-time funds allocated to the ROP to support student learning while operating safely during the pandemic



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: First Reading of Governing Board Policies, Administrative Regulations and Exhibits 4000

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.

CURRENT SITUATION

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.

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

NUMBER	TYPE	TITLE	STATUS
4030	R	Nondiscrimination in Employment	Replace
4033	BP	Lactation Accommodation	Replace
4112.2	BP	Certification	Replace
4112.9 4212.9 4312.9	BP	Employee Notifications	Replace
4112.9 4212.9 4312.9	E	Employee Notification	New
4113	BP	Assignment	Replace
4113	R	Assignment	New
4119.11 4219.11 4319.11	BP	Sexual Harassment	Replace
4119.11 4219.11 4319.11	R	Sexual Harassment	Replace
4119.12 4219.12 4319.12	R	Title IX Sexual Harassment Complaint Procedures	New
4119.12 4219.12 4319.12	E	Title IX Sexual Harassment Complaint Procedures	New
4119.22 4219.22	BP	Dress and Grooming	Replace

4319.22			
4119.25 4219.25 4319.25	BP	Political Activities of Employees	New
4119.25 4219.25 4319.25	R	Political Activities of Employees	New
4119.42 4219.42 4319.42	BP	Exposure Control Plan for Bloodborne Pathogens	Replace
4119.42 4219.42 4319.42	R	Exposure Control Plan for Bloodborne Pathogens	Replace
4119.42 4219.42 4319.42	E	Exposure Control Plan for Bloodborne Pathogens	Replace
4119.43 4219.43 4319.43	BP	Universal Precautions	Replace
4119.43 4219.43 4319.43	R	Universal Precautions	Replace
4131	BP	Staff Development	Replace
4157 4257 4357	R	Employee Safety	Replace
4157.1 4257.1 4357.1	R	Work-Related Injuries	Replace
4158 4258 4358	BP	Employee Security	Replace
4158 4258 4358	R	Employee Security	New
4161.2 4261.2 4361.2	R	Personal Leaves	Replace
4216	BP	Probationary/Permanent Status	Replace

RECOMMENDATION

Information only

EdenAreaROP **SUPERINTENDENT'S MEMO**

To: Eden Area ROP Governing Board
From: Linda Granger, Superintendent
Date: February 3, 2022
Re: First Reading of Board Policies, Administrative Regulations and Exhibits 4000

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

Number	Type	Title	Explanation of Change	Status
4030	R	Nondiscrimination in Employment	Regulation updated to reflect NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, rather than the complaint procedures detailed in this regulation.	Replaces current EAROP Board Policy
4033	BP	Lactation Accommodation	Policy updated to reflect NEW LAW (SB 142) which mandates districts to adopt policy that addresses an employee's right to request lactation accommodation, the process by which the employee makes the request, the district's obligation to respond to the request, and the employee's right to file a complaint with the Labor Commissioner alleging any violation of the right to lactation accommodation. Policy also reflects provisions of SB 142 requiring districts to provide a lactation room or location with prescribed features, prohibiting districts from discriminating or retaliating against an employee who exercises the right to lactation accommodation, and authorizing districts with fewer than 50 employees to seek an exemption from the requirement to provide lactation accommodation if the district demonstrates that the requirement poses an undue hardship.	Replaces current EAROP Board Policy
4112.2	BP	Certification	Policy updated to clarify the hiring hierarchy if the district is unable to hire a person who possesses a clear or preliminary credential, including one who is approved for a limited assignment option. Policy reflects Commission on Teacher Credentialing (CTC) Coded Correspondence stating that, if the district needs to hire a person who has been granted a credential waiver by CTC, that person must qualify for a "variable term waiver." Policy also expands section on "National Board for Professional Teaching Standards Certification" to add examples of incentives that may encourage teacher participation.	Replaces current EAROP Board Policy
4112.9 4212.9 4312.9	BP	Employee Notifications	Policy updated to make change for gender neutrality and to revise legal references to reflect corresponding revisions in the Exhibit.	Replaces current EAROP

				Board Policy
4112.9 4212.9 4312.9	E	Employee Notification	Exhibit updated to add employee notifications related to (1) the rights of employees who are victims of crime or abuse; (2) potential exposure to COVID-19 at a district facility; (3) the right and procedure to access the district's injury and illness prevention program; (4) nondiscrimination on the basis of sex and contact information for the district's Title IX Coordinator; and (5) following an investigation of an alleged misconduct of a district police officer, the district's decision to impose discipline.	New
4113	BP	Assignment	Policy updated to reflect NEW LAW (AB 1219, 2019) which requires annual monitoring of the assignment of certificated employees at all schools, and requires the Commission on Teacher Credentialing (CTC) to administer a statewide system that produces an annual data file of vacancies and misassignments and provides districts an opportunity to submit additional evidence that an employee is legally authorized for the assignment. Policy also adds legal requirements to report misassignments in the school accountability report card and to use Williams uniform complaint procedures to address any complaint alleging teacher misassignment or vacancy.	Replaces current EAROP Board Policy
4113	R	Assignment	Regulation updated to make minor corrections for gender neutrality.	New
4119.11 4219.11 4319.11	BP	Sexual Harassment	Policy updated to clarify that, in some instances, it may be necessary to concurrently review a sexual harassment complaint under both the Title IX sexual harassment complaint procedures and the district's procedure reflecting state law, as described in AR 4030 - Nondiscrimination in Employment, in order to meet the applicable timelines. Policy also adds the requirement to provide supportive measures to the respondent as well as the complainant.	Replaces current EAROP Board Policy
4119.11 4219.11 4319.11	R	Sexual Harassment	Regulation updated to add section on "Definitions," including the federal definition of sexual harassment for purposes of applying the Title IX complaint procedures. Section identifying the Title IX Coordinator(s) moved and revised to reference CSBA's AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Section on "Notifications" adds federal requirement to disseminate the district's sexual harassment policy and procedures, along with the name and contact information of the Title IX Coordinator, by posting them in a prominent location on the district's web site and including them in any handbook provided to employees or employee organizations. New section on "Complaint Procedures" references the	Replaces current EAROP Board Policy

			applicable procedures and the responsibility of the district to take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.	
4119.12 4219.12 4319.12	R	Title IX Sexual Harassment Complaint Procedures	Regulation updated to clarify that a sexual harassment complaint that is dismissed or denied under Title IX may still be subject to review under state law pursuant to AR 4030 - Nondiscrimination in Employment and thus the two procedures should be implemented concurrently in order to meet the applicable timelines. Regulation also updated to clarify that the applicability of the Title IX sexual harassment complaint procedures is limited to conduct that allegedly occurs in an education program or activity over which the district exercises control; revise the timeframe for concluding the complaint process from 45 to 60 days; reflect the right to pursue civil law remedies; and add the requirement to maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.	New
4119.12 4219.12 4319.12	E	Title IX Sexual Harassment Complaint Procedures	New exhibit presents a sample of the required notification to employees, job applicants, and employee organizations regarding the district's Title IX sexual harassment policy, the district's Title IX coordinator, and grievance procedures pursuant to 34 CFR 106.8.	New
4119.22 4219.22 4319.22	BP	Dress and Grooming	Policy was updated to include no discrimination against employees based on hair texture and protective styles.	Replaces current EAROP Board Policy
4119.25 4219.25 4319.25	BP	Political Activities of Employees	Policy updated to recognize the importance of employee political activity, voting, and civic engagement, and reflect Pickering v. Board of Education Township High School District regarding the prohibition against dismissing or demoting an employee due to engagement in constitutionally protected political activity.	New
4119.25 4219.25 4319.25	R	Political Activities of Employees	Regulation updated to reflect law which makes it a misdemeanor to use any reproduction of the district's seal in any campaign literature or mass mailing with the intent to deceive voters, the prohibition against posting or distributing political campaign materials in classrooms or through distance learning platforms, and the court's decision in San Leandro Teachers Association v. Governing Board of San Leandro Unified School District regarding the district's ability to refuse to permit the use of school mailboxes for union communications involving candidate endorsements.	New

4119.42 4219.42 4319.42	BP	Exposure Control Plan for Bloodborne Pathogens	Policy updated to add the requirement that the district's exposure control plan for bloodborne pathogens be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7. Legal cites added for training and hepatitis B vaccination requirements, and material deleted regarding the exemption of designated first aid providers from the pre-exposure hepatitis B vaccination, which is repeated in the AR. Paragraph added to include the district's responsibility to implement follow-up procedures in the event of an exposure incident.	Replaces current EAROP Board Policy
4119.42 4219.42 4319.42	R	Exposure Control Plan for Bloodborne Pathogens	Regulation updated to add federal legal cites where applicable, add definition of personal protective equipment, and delete requirement to communicate hazards to employees through labels and signs, which is not applicable to school districts. Section on "Preventive Measures" expanded to include the provision of personal protective equipment, observance of universal precautions, and compliance with state regulations for needleless systems, needle devices, and non-needle sharps. Regulation also adds more detail regarding the exemption of certain first aid providers from the pre-exposure hepatitis B vaccine and adds required components of staff training.	Replaces current EAROP Board Policy
4119.42 4219.42 4319.42	E	Exposure Control Plan for Bloodborne Pathogens	Exhibit updated to clarify which employees are required to sign a statement when they decline to accept the hepatitis B vaccination offered by the district.	Replaces current EAROP Board Policy
4119.43 4219.43 4319.43	BP	Universal Precautions	Policy updated to include material formerly in the AR on the provision of information to employees regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B and appropriate methods to prevent exposure. Policy also adds optional paragraph regarding the inclusion of related information in employee handbooks.	Replaces current EAROP Board Policy
4119.43 4219.43 4319.43	R	Universal Precautions	Regulation updated to add a definition of occupational exposure and delete other unnecessary definitions. Section on "Employee Information" moved to BP. Section on "Infection Control Practices" revised to delete detailed requirements that are specifically applicable to employees identified as having occupational exposure, which are addressed in BP/AR 4119.42 - Exposure Control Plan for Bloodborne Pathogens, and to delete items with limited applicability in school settings.	Replaces current EAROP Board Policy
4131	BP	Staff Development	Policy updated to incorporate concepts of student well-being and social-emotional development and learning as it relates to professional development, to	Replaces current EAROP

			clarify that the development of the staff development program includes creating, reviewing and amending the program, to reflect the State Board of Education's California Digital Learning Integration and Standards Guidance regarding staff development in the use of technologies, to reference NEW LAW (AB 130, 2021) regarding requirements for districts offering technology-based instruction pursuant to an independent study program, and to expand the list of characteristics that are included in diverse student populations as related to staff development in meeting the needs of such students. Policy also updated to enhance staff development regarding school climate to include acceptance, civility, and positive behavioral interventions and supports, and staff development regarding student's mental and physical health to include social-emotional learning and trauma-informed practices.	Board Policy
4157 4257 4357	R	Employee Safety	Regulation updated to reflect NEW STATE REGULATION (Register 2020, No. 10) which requires that access to the district's injury and illness prevention program be provided to employees by either providing access in a reasonable time, place, and manner or providing unobstructed access through the district's server or web site. Regulation also updated to add material regarding the provision of facilities for quick drenching within the work area for immediate use when there is exposure to injurious corrosive materials. Regulation adds a section on "Protection from Communicable Diseases and Infections" which includes the development of an exposure control plan for bloodborne pathogens and strategies to prevent and mitigate infectious diseases, and a section on "COVID-19 Exposure" reflecting NEW LAW (AB 685, 2020) which specifies notifications that must be provided if the district receives notice of potential exposure to COVID-19 or the Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district work site that exposes employees to the risk of COVID-19.	Replaces current EAROP Board Policy
4157.1 4257.1 4357.1	R	Work-Related Injuries	Regulation updated to reflect NEW LAW (AB 1804, 2019) which requires that a report of death or serious injury or illness be immediately reported to Cal/OSHA by telephone or through an online mechanism established by Cal/OSHA, with clarification that districts may make the report by telephone or email until Cal/OSHA has an online mechanism available, and NEW LAW (AB 1805, 2019) which redefines "serious injury or illness." Regulation adds optional language regarding the responsibility of employees to document any incident, and combines options regarding the reporting of incidents to the insurance carrier or Department of Industrial Relations. Regulation also reflects NEW LAW (SB 1159, 2020) which provides	Replaces current EAROP Board Policy

			that an employee will be presumed to be entitled to workers' compensation benefits for illness or injury resulting from COVID-19 if the diagnosis was made within 14 days after the employee performed labor or services at the place of employment and other conditions are met.	
4158 4258 4358	BP	Employee Security	Policy updated to reflect law authorizing a district to petition, on behalf of an employee, for a gun violence restraining order prohibiting a person from owning, purchasing, possessing, or receiving a firearm. Policy also reflects law requiring a district to provide reasonable accommodations, upon request, to an employee who is a victim of domestic violence, sexual assault, or stalking. Policy adds a requirement of law to inform administrators and counselors, along with teachers, regarding certain crimes and offenses committed by students.	Replaces current EAROP Board Policy
4158 4258 4358	R	Employee Security	Regulation updated to more directly reflect law requiring a report to law enforcement of any attack, assault, or physical threat made against an employee by a student. Material in section on "Notice Regarding Student Offenses" reorganized to clarify the required notifications that must be made to staff pertaining to (1) student offenses that are grounds for suspension or expulsion and (2) any report received from a court that a student has been found to have committed a felony or misdemeanor involving specified offenses. In that section, paragraph on notifications that may be provided by a district police or security department deleted and moved into Note since its applicability is limited. New section on "Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking" reflects law requiring a district to provide reasonable accommodations, including, but not limited to, safety procedures or adjustments to a job structure, workplace facility, or work requirement, upon the request of an employee who is a victim of domestic violence, sexual assault, or stalking.	New
4161.2 4261.2 4361.2	R	Personal Leaves	Regulation updated to reflect NEW LAW (AB 2992, 2020) which extends leave for employees who are victims of domestic violence, sexual assault, or stalking to include employees who are victims of a crime that caused physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as a direct result of a crime. Regulation also reflects provisions of AB 2992 which require districts to inform employees of their rights for such leave and authorize employees, when an unscheduled absence occurs, to submit documentation from a victim advocate or any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited	Replaces current EAROP Board Policy

			to, a written statement signed by the employee or an individual acting on the employee's behalf.	
4216	BP	Probationary/Permanent Status	Policy updated to reflect change in law making the probationary period for classified employees 6 months.	Replaces current EAROP Board Policy

Regulation 4030: Nondiscrimination In Employment

Status: DRAFT

Original Adopted Date: 05/07/2020

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or person contracted to provide services to the Eden Area Regional Occupational Program (Eden Area ROP) shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4032 - Reasonable Accommodation)

The Eden Area ROP designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the Eden Area ROP's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the Eden Area ROP's nondiscrimination policies. The coordinator may be contacted at:

Human Resources Administrator

26316 Hesperian Blvd

Hayward, CA 94545

(510) 293-2916

mhenderson@edenrop.org

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in Eden Area ROP employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the Eden Area ROP has employees and post electronically on computers in a conspicuous location, the California Department of Fair Employment and Housing (DFEH) posters in regard to workplace discrimination and harassment and the rights of transgender employees (Government Code 12950)

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

2. Publicize the Eden Area ROP's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)

a. Including them in each announcement, bulletin, or application form that is used in employee recruitment

b. Posting them in staff lounges and other prominent locations

c. Posting them on the Eden Area ROP's website

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

3. Disseminate the Eden Area ROP's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)

a. Providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return

- b. Sending the policy via email with an acknowledgment return form
- c. Posting the policy on the Eden Area ROP intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
- d. Discussing the policy with employees upon hire and/or during a new hire orientation session
- e. Any other way that ensures employees receive and understand the policy

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

4. Provide to employees a handbook which contains information that clearly describes the Eden Area ROP's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

5. Provide training to employees, volunteers, and interns regarding the Eden Area ROP's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The Eden Area ROP may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

(cf. 4131/4231/4331-Staff Development)

6. Periodically review the Eden Area ROP's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure Eden Area ROP compliance with law

7. For any Eden Area ROP facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, the Eden Area ROP's coordinator for Nondiscrimination in Employment, or the Superintendent.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five school days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the Eden Area ROP's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee or student safety, the coordinator may discuss the complaint with the Superintendent or designee, Eden Area ROP legal counsel, or the Eden Area ROP's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Corrective Action: No more than 30 days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 working days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Governing Board with all information presented during the investigation. Upon receiving an appeal, the Governing Board shall schedule a hearing as soon as practicable. Any complaint against an Eden Area ROP employee shall be addressed in closed session in accordance with law. The Governing Board shall render its decision within 10 working days. The Governing Board's decision is final.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the Eden Area ROP, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-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
2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fvMYTIWMKA==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11027-11028	National origin and ancestry discrimination - https://simbli.eboardsolutions.com/SU/SYk7u9LttH4epGWfUlfjdg==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Gov. Code 11135	Unlawful discrimination
Gov. Code 11138	Rules and regulations
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12952	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Pen. Code 422.56	Definitions, hate crimes

Federal References

	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.6	Compliance information
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 104.8	Notice
34 CFR 106.8	Designation of responsible employee and adoption of grievance procedures
34 CFR 106.9	Dissemination of policy
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964, as amended
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs

Management Resources References

CA Dept of Fair Employment and Housing Publication

CA Dept of Fair Employment and Housing Publication

CA Dept of Fair Employment and Housing Publication

CA Dept of Fair Employment and Housing Publication

Court Decision

Court Decision

U.S. DOE Office for Civil Rights Publication

U.S. Equal Employment Opportunity Comm Publication

U.S. Equal Employment Opportunity Comm Publication

Website

Website

Website

Description

Transgender Rights in the Workplace

California Law Prohibits Workplace Discrimination and Harassment

Workplace Harassment Guide for California Employers

Your Rights and Obligations as a Pregnant Employee

Shephard v. Loyola Marymount, (2002) 102 Cal.Appl 4th 837

Thomson v. North American Stainless LP, (2011) 131 S.Ct. 863

Notice of Non-Discrimination, August 2010

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

EEOC Compliance Manual

California Department of Fair Employment and Housing - <https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyI8K40jw==>

U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==>

U.S. Equal Employment Opportunity Commission - <https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Cross References

0470

1240

1240

1312.3

1312.3

1312.3-E(1)

3312

3530

3530

3600

4000

4032

4033

Description

COVID-19 Mitigation Plan - <https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==>

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

Volunteer Assistance - <https://simbli.eboardsolutions.com/SU/YCbehdu5XHV0vJxUuUnGiw==>

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==>

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==>

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

Contracts - <https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==>

Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==>

Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==>

Consultants - <https://simbli.eboardsolutions.com/SU/coKmpzWaJpl8LkLTNHNi5g==>

Concepts And Roles - <https://simbli.eboardsolutions.com/SU/9Pyvflsh2ubiT9xmfmH2QpeQ==>

Reasonable Accommodation - <https://simbli.eboardsolutions.com/SU/eK452M5kQnYGHd40xSsBPA==>

Lactation Accommodation - <https://simbli.eboardsolutions.com/SU/eRD5ta84Usviq5aEm1r6dQ==>

4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/zGPPjgt7K9dEplusU4lp63iCg==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/Z6TjO5plus5g5iA3RBPebCWjw==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/eFJNlppHRKpxvL0KIAOZZA==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4112.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/o1z7Typlus5uslshdLslshKYteEqR0w==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMSD28thd0bsVO5A==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3I8ZiJCD1P9ag==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/HYX4UGxUyVZQWd9GZEkerMA==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/PvfT8K5PSplus0tb6PTidzaBw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4144	Complaints - https://simbli.eboardsolutions.com/SU/jMJUWWhbRaLqEmvhJ3ML13A==
4144	Complaints - https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wJrXvm28jplusOj2itiw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4211.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/BnlkVVtfoyUyzslshWSDhMGYA==

4211.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/6ybxABOtArZaDERAFrIT2A==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDolplusQdeSd0HGnnMg==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==
4212.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/sB0AT5rrYcXaooAbf9vAZQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpEGJCrA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/IRPC1EalM3FZbpiYMgcFdg==
4219.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/rEjewKS2O4tsVDHhupluslnIA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==
4244	Complaints - https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==
4244	Complaints - https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTmiUivWKcAA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/FFQqEQH5MfklBH4kTGD05A==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/fBMxOPowUQY7PCZX84mpluseA==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/80CK45UHrt7cWGHckJrplus9Q==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==

4312.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/ud67uJTB4wNslshw6TQJph0VA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/jjQvCL3R0BslshFhOudlvslshXEA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2slpOw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RNPPrp89iWr75pMkO30qU4A==
4319.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/3mYVl8gijyDLciZXW3Y4Sw==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
4344	Complaints - https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfb3g==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/KsmK287z0DJz6T0dpnv9w==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==

Policy 4033: Lactation Accommodation

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board recognizes the immediate and long-term health advantages benefits of breastfeeding for infants and mothers and desires to provide a supportive environment for any Eden Area Regional Occupational Program (Eden Area ROP) employee to express milk for her an infant child upon her returning to work following the birth of the child. The Governing Board prohibits discrimination, harassment, and/or retaliation against any Eden Area ROP employee who chooses for seeking an accommodation to express breast milk for her an infant child while at work.

(cf. 4030 - Nondiscrimination in Employment)

The Eden Area ROP shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child. (Labor Code 1030)

To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

As, Employees are encouraged to shall notify their the employee's supervisor or other appropriate personnel in advance of their intent to make use of the request an accommodations offered for employees who are nursing mothers. As needed, the supervisor shall The supervisor shall respond to the request and shall work with the employee to address make arrangements, and If needed, the supervisor shall address scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Lactation accommodations may be denied only in limited circumstances shall be granted in accordance with law unless circumstances exist as specified by law. (Labor Code 1031, 1032; 29 USC 207)

Before an employee's supervisor makes a determination is made to deny lactation accommodations to an employee, he/she the employee's supervisor shall consult with the Superintendent or designee. In any case in which When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The Eden Area ROP shall include this policy in its employee handbook or in any set of policies that the Eden Area ROP makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

(cf. 4112.9/4212.9/4312.9-Employee Notifications)

Break Time and Location Requirements

The Eden Area ROP shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031; 29 USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

(cf. 4144/4244/4344-Complaints)

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

2 CCR 11035-11051

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions - <https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimW/MyAuhwJw==>

Civ. Code 43.3

Ed. Code 200-262.4

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Lab. Code 1030-1034

Lab. Code 6382

Federal References

29 USC 207

Management Resources References

CA Department of Industrial Relations Publication

CA Department of Public Health Publication

CDC Publication

Fair Employment and Housing Commission Decision

Federal Register

Health Resources & Services Admin Publication

Office of the Surgeon General Publication

U.S. DoL, Wage and Hour Div., Publication

U.S. DoL, Wage and Hour Div., Publication

Website

Website

Website

Website

Website

Website

Website

Cross References

4030

4030

4112.9

4112.9

4144

4144

4161.8

4212.9

4212.9

4244

4244

4261.8

4312.9

4312.9

4344

4344

4361.8

Right of mothers to breastfeed in any public or private location -

<https://simbli.eboardsolutions.com/SU/tKltkyRURgnfRqiMZqO2kA==>

Educational equity; prohibition of discrimination on the basis of sex -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>

Definitions

Unlawful discriminatory employment practices

Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

Lactation Accommodation

Procedure for listing hazardous substances

Description

Fair Labor Standards Act

Description

Rest Periods/Lactation Accommodation, Frequently Asked Questions

Lactation Accommodation for Employers

Lactation Support Program Toolkit

Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 78, No. 244, pages 80073-70079

The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008

The Surgeon General's Call to Action to Support Breastfeeding, 2011

Frequently Asked Questions- Break Time for Nursing Mothers

Fact Sheet #73: Break Time for Nursing Mothers under the FLSA, rev. April 2018

California Department of Industrial Relations, Division of Labor and Standards Enforcement -

<https://simbli.eboardsolutions.com/SU/kTZJKgaEPd5TzhNmy4JIUA==>

California Department of Public Health -

<https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsgA==>

California Women, Infants and Children Program -

<https://simbli.eboardsolutions.com/SU/uX9Rd7MYC4uRGbt4zmV75w==>

Centers for Disease Control and Prevention -

<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Health Resources and Services Administration -

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

Office of the Surgeon General - <https://simbli.eboardsolutions.com/SU/ift1pL9m9VftplusGqceqCOKZQ==>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers -

<https://simbli.eboardsolutions.com/SU/xgPPvL3WAT7VoBAQqUJ7Xg==>

Description

Nondiscrimination In Employment - <https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==>

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==>

Employee Notifications - <https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==>

Employee Notifications - <https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==>

Complaints - <https://simbli.eboardsolutions.com/SU/jmJUWhbRaLqEmvhJ3ML13A==>

Complaints - <https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvpluslIn9w==>

Family Care And Medical Leave -

<https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCdr7g==>

Employee Notifications - <https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==>

Employee Notifications - <https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==>

Complaints - <https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBRQ==>

Complaints - <https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==>

Family Care And Medical Leave - <https://simbli.eboardsolutions.com/SU/JP4GvVUjr8P9CHfOCav43A==>

Employee Notifications - <https://simbli.eboardsolutions.com/SU/jjOvCL3R0BslshFhOudlvslshXEA==>

Employee Notifications - <https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==>

Complaints - <https://simbli.eboardsolutions.com/SU/81slshPFcSeJaoFtslshzpmvsRg==>

Complaints - <https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==>

Family Care And Medical Leave - <https://simbli.eboardsolutions.com/SU/KsmK287z0DJz6T0dpnv9w==>

Policy 4112.2: Certification

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board recognizes that the Eden Area Regional Occupational Program's (Eden Area ROP) ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or Eden Area ROP requirements for the position.

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

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

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

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to help them meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher ~~for~~ who is authorized in the subject or setting for each assignment ~~or, when necessary, a fully prepared teacher serving on a local assignment option.~~ Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds short-term staff permit issued by the CTC

2. An individual who ~~holds~~ is granted an emergency permit issued by the CTC or for whom a credential waiver has been granted by the CTC

~~The Board shall approve, as an action item at an open Board meeting, a notice of intent to employee a PIP applicant for a specific position.~~

3. An individual who has been granted a credential waiver by the CTC

Prior to requesting that the CTC issue an emergency permit ~~pursuant to item #3 above~~ or a limited assignment permit ~~which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization,~~ the Governing Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Governing Board as an action item at a regularly scheduled ~~public Governing open~~ Board meeting, with the entire Declaration of Need being included in

the Governing Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the Eden Area ROP's specified employment criteria for the position(s) and that the Eden Area ROP has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-#2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the Eden Area ROP estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Governing Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

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 80001-80674.6	Commission on Teacher Credentialing
Ed. Code 32340-32341	Unlawful issuance of a credential
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 44066	Limitations on certification requirements
Ed. Code 44200-44399.1	Teacher credentialing
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44300-44302	Emergency permit
Ed. Code 44325-44328	District interns
Ed. Code 44330-44355	Certificates and credentials
Ed. Code 44420-44440	Revocation and suspension of credentials
Ed. Code 44450-44468	University intern program
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills
Ed. Code 56060-56063	Substitute teachers in special education
Ed. Code 8360-8370	Qualifications of child care personnel

Federal References

	Description
20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.48	Parent notification regarding teacher qualifications

Management Resources References

	Description
Commission on Teacher Credentialing Publication	Waiver Requests Guidebook, 2015
Commission on Teacher Credentialing Publication	Credential Information Guide
Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Approved Add. and Amendments to Title 5 of the CCR Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016

Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession, 2009
Commission on Teacher Credentialing Publication	CL-667 Basic Skills Requirement
Commission on Teacher Credentialing Publication	CL-856 Provisional Internship Permit
Commission on Teacher Credentialing Publication	CL-858 Short-Term Staff Permit
Commission on Teacher Credentialing Publication	Subject Matter Authorization Guideline Book, 2012
Commission on Teacher Credentialing Publication	Supplementary Authorization Guideline Book, 2012
Commission on Teacher Credentialing Publication	The Administrator's Assignment Manual. rev. September 2007
Court Decision	Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534
Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification, 2018
Website	National Board Resource Center - https://simbli.eboardsolutions.com/SU/g0vplusStn5VnplusyM4J8jU2DSw==
Website	National Board for Professional Teaching Standards - https://simbli.eboardsolutions.com/SU/W4hc1FgK0ics8tTmuq7qslshw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==
Website	Commission on Teacher Credentialing, Credential Information Guide (for employers' use only) - https://simbli.eboardsolutions.com/SU/B9uurcEnh6RjWX7bEk1slshew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References

1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BYbcDFfdbC6Dc9TjachakQ==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/zGPPjgt7K9dEplusU4lp63iCg==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/5EbYsu5PAFJVbHAslshydsishGig==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4113	Assignment - https://simbli.eboardsolutions.com/SU/2NyBDtlcuASmbA3yRmjyQA==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/IDw3CuBnFDTcvfvFmdKz3Q==

4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/iUoZfku8qplusL9A2pCKzS3dQ==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/BnwnWmUC86HO6A1Pv8TC5Q==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/eewP9MaTI3ITpPD5D3GF4A==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/NWD7slshgeprX6jUKSTiGPfnQ==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8IZ0yz1FP4esRjBg==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4znoK8WBgb6NPQqsWiVK5w==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/6r3NsXjW5ypuShyZuTIDXg==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/h17BQHWBwFrsKEmLQLIPrQ==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/BbyzIM2pZtux15P2JhplusUxA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/FFQQeQH5MfkLBH4kTGDo5A==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEg0nHw==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wul5V6hXWcizpM6hydtxDg==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/fGs9Z4jK9BpVYfVXJgTrOQ==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/KsmK287z0DJJz6T0dpnv9w==

5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQToow==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==

Policy 4112.9: Employee Notifications

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide Eden Area Regional Occupational Program (Eden Area ROP) employees all notifications required by law and any other notifications ~~he/she~~ the Superintendent or designee believes will promote staff knowledge of the Eden Area ROP's policies, programs, activities, and operations.

When required by law, ~~Governing~~ Board policy, or administrative regulation, Eden Area ROP employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

13 CCR 1234	Reports regarding school buses and bus drivers - https://simbli.eboardsolutions.com/SU/SQau3DbO6CrkhKYsUmPVoA==
13 CCR 2480	Vehicle idling, limitations - https://simbli.eboardsolutions.com/SU/fsf0ysaXD9tFEJN0131FOw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11035-11051	Unlawful sex discrimination: pregnancy, childbirth and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status, alleged misconduct
8 CCR 3204	Employees exposed to bloodborne pathogens standard
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records, specifically - breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Notice of public hearing on year-round schedule
Ed. Code 44031	Personnel file contents, inspection
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices, certificated employees

Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
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 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures, districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified, administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 45113	Notification of charges, classified employees
Ed. Code 45117	Notice of layoff, classified employees
Ed. Code 45169	Employee salary data, classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Notice of public hearing on block schedule
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 5401	Workers' compensation, claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act, notification requirement
Pen. Code 11166.5	Employment, statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits

Federal References

Description

29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Dissemination of policy
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act, notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Cross References

1312.3

1312.3

1312.3-E(1)

2121

3260

3260

3513.3

3513.3

3514

3514.1

3514.1

3514.2

4020

4030

4030

4033

4112.5

Description

Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==>

Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==>

Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==>

Superintendent's Contract -

<https://simbli.eboardsolutions.com/SU/jVoYXjIX5Smq6jRw7fN3Yw==>

Fees And Charges -

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

Fees And Charges -

<https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==>

Tobacco-Free Schools -

<https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==>

Tobacco-Free Schools -

<https://simbli.eboardsolutions.com/SU/IDOrNwb4o0L0slsh08FKzDikQ==>

Environmental Safety -

<https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==>

Hazardous Substances -

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

Hazardous Substances -

<https://simbli.eboardsolutions.com/SU/2hidvln09FVkAxFs3VyoOg==>

Integrated Pest Management -

<https://simbli.eboardsolutions.com/SU/zLBELNz0oqwFZ1DBltoVdQ==>

Drug And Alcohol-Free Workplace -

<https://simbli.eboardsolutions.com/SU/ngQJZKSdGA5gKKvWvRNxEa==>

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==>

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==>

Lactation Accommodation -

<https://simbli.eboardsolutions.com/SU/eRD5ta84Usviq5aEm1r6dQ==>

Criminal Record Check -

<https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==>

4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/lSDKHixp7lpuk0NQfguWxg==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/IDw3CuBnFDTcvfvFmdKz3Q==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKZeSET7e8lu7odQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/SZdoNEsYhtPxaDaYA17cQ==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/l17IzduMHKo8put7kPOplusplusQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusQj2itiw==
4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/eapplus8slsha90VEMYhONwpP4W6Q==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/eewP9MaTI3ITpPD5D3GF4A==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/NWD7slshgeprX6jUKSTiGPfnQ==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==
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(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/6LbINqjFqOsRPmPUctyEzw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/IRPC1EalM3FZbpiYMgcFdg==

4219.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/YylaMaEJjnPdpqS7Ci4F0w==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTMiUivWKcAA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==
4257.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/tAof7ybCgzvDutAAPbRCg==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/slsh8oMjzcJGtcyVciXusC0bA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/BbyzIM2pZtux15P2JhplusUxA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEg0nHw==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/Qslshl8pC27P04Qodlt2Exzqw==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2slpOw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==
4319.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/VUIGSwOeV4CxaaW4YKtTw==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/J4cartGrEslshslsh5HVFg1ILREA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==
4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/xELGWyNkwxxwK9IGpbRRLJw==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wul5V6hXWcizpM6hydtxDg==

4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/fGs9Z4jK9BpVYfVXJgTrOQ==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/KsmK287z0DJJz6T0dpnv9w==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==

Policy 4212.9: Employee Notifications

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide Eden Area Regional Occupational Program (Eden Area ROP) employees all notifications required by law and any other notifications ~~he/she~~ **the Superintendent or designee** believes will promote staff knowledge of the Eden Area ROP's policies, programs, activities, and operations.

When required by law, ~~Governing~~ Board policy, or administrative regulation, Eden Area ROP employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

Policy 4312.9: Employee Notifications

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide Eden Area Regional Occupational Program (Eden Area ROP) employees all notifications required by law and any other notifications ~~he/she~~ **the Superintendent or designee** believes will promote staff knowledge of the Eden Area ROP's policies, programs, activities, and operations.

When required by law, ~~Governing~~ Board policy, or administrative regulation, Eden Area ROP employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

Exhibit**Descriptor Code: 4112.9****Descriptor Code: 4212.9****Descriptor Code: 4312.9****Employee Notifications**

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information on pesticides
Prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
Prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal
When/Whom	Education or Other Legal	Board Policy/ Administrative	

to Notify	Code	Regulation #	Subject
I. To All Employees (continued)			
To all employees	Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
If the district receives Tobacco Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To new employees upon hire and other employees upon request, in districts with 25 or more employees	Labor Code 230.1	AR 4161.2 4261.2 4361.2	Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse
With each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year
To every new employee, either	Labor Code	AR 4157.1	Workers' compensation

at the time employee is hired or by end of first pay period	3551	4257.1 4357.1	benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Within one day of receiving notice of potential exposure to COVID-19, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable	Labor Code 6409.6	AR 4157 4257 4357	Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
To all employees	8 CCR 3203	AR 4157 4257 4357	The right and procedure to access the injury and illness prevention program

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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I. To All Employees (continued)

To all employees	34 CFR 106.8	AR 4119.11 4219.11 4319.11	Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights
Annually	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress

II. To Certificated Employees

To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Education Code
22455.5

AR 4121

Criteria for membership in retirement system; right to elect membership at any time

Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation

To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
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When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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II. To Certificated Employees (continued)

By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To probationary and temporary certificated employees upon employment, and every July thereafter	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct

To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
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To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second year probationary employee	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
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When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
Before the end of the school year to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing
At least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
Upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave

When/Whom	Education or Other Legal	Board Policy/ Administrative
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to Notify	Code	Regulation #	Subject
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III. To Classified Employees (continued)

To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions

IV. To Administrative/Supervisory Personnel

To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
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When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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V. To Individual Employees Under Special Circumstances (continued)

Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the

auto-injector			district
To district police officer, within 30 days of decision to impose discipline	Government Code 3304	AR 3515.3	Decision to impose discipline, including the date that discipline will be imposed
To employee returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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V. To Individual Employees Under Special Circumstances (continued)

To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave,	29 CFR 825.300; 2 CCR 11049,	AR 4161.8 4261.8	Designation of leave as FMLA or non-FMLA; if not

Policy 4113: Assignment

Status: DRAFT

Original Adopted Date: 05/07/2020

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which ~~their~~ they are qualified pursuant to their certification preparation, certification, professional experience, and aptitude ~~qualify them~~.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the Eden Area Regional Occupational Program (Eden Area ROP) in accordance with ~~the Governing~~ Board policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers ~~to courses~~ based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching a course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare ~~him/her~~ the teacher to provide instruction in that subject.

When specifically authorized by law or regulation, the Superintendent or designee may, with the teacher's consent, assign a teacher to a position outside the teacher's credential authorization in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. Such assignments shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in Eden Area ROP records the statute or regulation under which the assignment is authorized.

If at any time a certificated employee is required by the Eden Area ROP to accept an assignment which the employee believes is not legally authorized by the employee's credential, the employee shall notify the Superintendent or designee, in writing, of the misassignment. Within 15 working days, the Superintendent or designee shall notify the employee of the legality of the assignment. If no action is taken by the Eden Area ROP, the employee shall provide written notification to the County Superintendent of Schools. No adverse action shall be taken against an employee who files a notice of misassignment. (Education Code 44258.9)

Vacancies and Misassignments

Annually, the Eden Area ROP shall review potential misassignments and vacant positions throughout the Eden Area ROP. Upon receiving notification from CTC of the availability of data regarding potential misassignments and vacant positions in the Eden Area ROP, the Superintendent shall review the data within 60 days. When necessary, the Superintendent or designee may respond by submitting additional documentation to the County Superintendent showing that an employee is legally authorized for an assignment and/or that a position identified as vacant was miscoded and a legally authorized employee is assigned to the position. (Education Code 44258.9)

If the Eden Area ROP subsequently receives, within 90 days of CTC's initial notification, a notification from the County Superintendent indicating that a certificated employee in the Eden Area ROP is assigned to a position for which the employee has no legal authorization, the Eden Area ROP shall correct the assignment within 30 calendar days. (Education Code 44258.9)

Any complaint alleging teacher misassignment or vacancy shall be filed and addressed through the Eden Area ROP's procedures specified in AR 1312.4 - Williams Uniform Complaint Procedures.

Equitable Distribution of Qualified and Experienced Teachers

The Superintendent or designee shall identify and address the equitable distribution of highly qualified and experienced teachers among Eden Area ROP schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. The Superintendent or designee shall annually report to the Board comparisons of teacher qualifications across Eden Area ROP schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

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 80003-80005	Credential authorizations
5 CCR 80020-80020.5	Additional assignment authorizations
5 CCR 80335	Performance of unauthorized professional services
5 CCR 80339-80339.6	Unauthorized certificated employee assignment
Ed. Code 33126	School accountability report card
Ed. Code 35035	Powers and duties of the superintendent; transfer authority
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 37616	Notice of public hearing on year-round schedule
Ed. Code 44225.6	Commission report to the legislature re: teachers
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44314	Subject matter programs, approved subjects
Ed. Code 44824	Assignment of teachers to weekend classes
Ed. Code 44955	Reduction in number of permanent employees
Gov. Code 3543.2	Scope of representation

Federal References

	Description
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6601-6651	Teacher and Principal Training and Recruiting Fund

Management Resources References

	Description
California Department of Education Publication	Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
California Department of Education Publication	California State Plan to Ensure Equitable Access to Excellent Educators
Commission on Teacher Credentialing Publication	Administrator's Assignment Manual - Updates and Revisions, May 2014
Commission on Teacher Credentialing Publication	The Administrator's Assignment Manual. rev. September 2007
U.S. Department of Education Guidance	Improving Teacher Quality State Grants: ESEA Title II, Part A , rev. October 5, 2006
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==

Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References

0415	Equity - https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/lkd0OQyrnd0CMAAnaMO7MAw==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BYbcDFfdbC6Dc9TjachakQ==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/zGPPjgt7K9dEplusU4lp63iCg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/00ko2OZRvFNf81Y4pxWAQQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/N3Bs1UMslshANAV8zGjSOSvsA==
4112.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/o1z7Typlus5uslshdLslshKYteEqR0w==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/ljdkHixp7lpuk0NQfguWxg==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/IDw3CuBnFDTcvfvFmdKz3Q==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4212.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/sB0AT5rrYcXaooAbf9vAZQ==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/FFQQeQH5MfkLBH4kTGDo5A==
4312.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/ud67uJTB4wNslshw6TQJph0VA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/fkPYjKSeWgdHBezNZ2ZcSw==

Regulation 4113: Assignment

Status: DRAFT

Original Adopted Date: Pending

Assignment to Departmentalized Classes Outside Credential Authorization

Any holder of a credential other than an emergency permit may be assigned, with consent, to teach departmentalized classes in grades K-12 regardless of the designations on the teaching credential, provided that the teacher's subject matter knowledge is verified prior to the assignment. (Education Code 44258.3)

Procedures for verifying a teacher's subject matter knowledge shall be developed and implemented by the Superintendent or designee with the involvement of appropriate subject matter specialists, including curriculum specialists, resource teachers, classroom teachers certified to teach the subject, staff assigned to regional subject matter projects or curriculum institutes, or college faculty. (Education Code 44258.3)

Procedures to be used for this purpose shall specify: (Education Code 44258.3)

1. One or more of the following ways in which subject matter competence shall be assessed:
 - a. Observation by subject matter specialists
 - b. Oral interviews
 - c. Demonstration lessons
 - d. Presentation of curricular portfolios
 - e. Written examinations
2. Specific criteria and standards for verifying subject matter knowledge by any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the subject matter to be taught, including demonstrated knowledge of the curriculum framework for the subject and the specific content of the Eden Area Regional Occupational Program's (Eden Area ROP) course of study for the subject at the grade level to be taught.

Whenever a teacher is assigned to teach departmentalized classes pursuant to Education Code 44258.3, the Superintendent or designee shall notify the exclusive representative of the Eden Area ROP's certificated employees. (Education Code 44258.3)

Assignment to Elective Courses Outside Credential Authorization

A full-time teacher with special skills and preparation outside the credential authorization may, with the teacher's consent and the prior approval of a district committee on assignments, be assigned to teach an elective course in the area of the special skills or preparation, excluding a course in English, mathematics, science, or social studies. (Education Code 44258.7)

The Superintendent or designee shall establish a committee on assignments, consisting of an equal number of teachers selected by teachers and school administrators selected by school administrators, to approve such assignments. (Education Code 44258.7)

Committee members shall serve a two-year term but may be reappointed using the same procedure as the initial appointment.

When determining whether a teacher is qualified for an assignment pursuant to Education Code 44258.7, the committee may consider the teacher's education, prior experience, observation by subject matter specialists, oral interviews, demonstration lessons, presentation of curricular portfolios, and/or written examinations.

Assignments approved by the committee shall be for a maximum of one school year, but may be extended by action of the committee upon application by the principal and teacher. (Education Code 44258.7)

Assignment to Special Schedules

The Superintendent or designee shall make every reasonable effort to accommodate the preferences of certificated staff when assigning them to schools with year-round or regular schedules. (Education Code 37616)

Full-time probationary or permanent classroom teachers employed by the Eden Area ROP prior to implementation of weekend classes shall not, without their written consent, be required to teach for more than 180 full days during a school year or for more than the number of full days during the preceding school year, whichever is greater. No teacher shall be assigned to work on a Saturday or Sunday if the teacher objects in writing that such assignment would conflict with religious beliefs or practices. (Education Code 44824)

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 80003-80005	Credential authorizations
5 CCR 80020-80020.5	Additional assignment authorizations
5 CCR 80335	Performance of unauthorized professional services
5 CCR 80339-80339.6	Unauthorized certificated employee assignment
Ed. Code 33126	School accountability report card
Ed. Code 35035	Powers and duties of the superintendent; transfer authority
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 37616	Notice of public hearing on year-round schedule
Ed. Code 44225.6	Commission report to the legislature re: teachers
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44314	Subject matter programs, approved subjects
Ed. Code 44824	Assignment of teachers to weekend classes
Ed. Code 44955	Reduction in number of permanent employees
Gov. Code 3543.2	Scope of representation

Federal References

	Description
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6601-6651	Teacher and Principal Training and Recruiting Fund

Management Resources References

	Description
California Department of Education Publication	Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
California Department of Education Publication	California State Plan to Ensure Equitable Access to Excellent Educators
Commission on Teacher Credentialing Publication	Administrator's Assignment Manual - Updates and Revisions, May 2014
Commission on Teacher Credentialing Publication	The Administrator's Assignment Manual. rev. September 2007
U.S. Department of Education Guidance	Improving Teacher Quality State Grants: ESEA Title II, Part A , rev. October 5, 2006
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References

Description

0415	Equity - https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/lkd0OQyrdn0CMAAnaMO7MAw==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BYbcDFfdbC6Dc9TjachakQ==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/zGPPjgt7K9dEplusU4lp63iCg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/00ko2OZRvFNf81Y4pxWAQQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/N3Bs1UMslshANAV8zGjSOSvsA==
4112.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/o1z7Typlus5uslshdLslshKYteEqR0w==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/ljdkHixp7lpuk0NQfguWxg==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/IDw3CuBnFDTcvfvFmdKz3Q==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4212.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/sB0AT5rrYcXaoAbf9vAZQ==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/FFQqEQH5MfklBH4kTGDo5A==
4312.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/ud67uJTB4wNslshw6TQJph0VA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/fkPYjKSeWgdHBezNZ2ZcSw==

Policy 4119.11: Sexual Harassment
Policy 4219.11: Sexual Harassment
Policy 4319.11: Sexual Harassment

Status: DRAFT

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

The following policy shall apply to all Eden Area Regional Occupational Program (Eden Area ROP) employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the Eden Area ROP.

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

~~(cf. 4030 - Nondiscrimination in Employme~~

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The ~~Governing~~ Board prohibits sexual harassment against ~~Eden Area Regional Occupational Program~~ (Eden Area ROP) employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

~~This policy shall apply to all Eden Area ROP employees and to other persons on Eden Area ROP property or with some employment relationship with the Eden Area ROP, such as interns, volunteers, contractors, and job applicants.~~

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

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

~~Any Eden Area ROP employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.~~

~~(cf. 4117.7/4317.7 - Employment Status Reports)~~

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

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

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation

2. Publicizing and disseminating the Eden Area ROP's sexual harassment policy to employees and others to whom the policy may apply

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough, and fair investigation of complaints

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the Eden Area ROP's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the Eden Area ROP's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any Eden Area ROP's employee who feels that they he/she has been sexually harassed in the performance of his/her their Eden Area ROP responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her their direct supervisor, an Eden Area ROP administrator, or the Eden Area ROP's Title IX Coordinator. another supervisor, the Eden Area ROP's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 – Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any Eden Area ROP employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

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	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Federal	Description
20 USC 1681-1688	Title IX prohibition against discrimination
34 CFR 106.1-106.9	Nondiscrimination on the basis of sex in education programs or activities
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	Description
Court Decision	Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	California Department of Fair Employment and Housing

Website [U.S. Department of Education, Office for Civil Rights](#)

Website [U.S. Equal Employment Opportunity Commission](#)

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9	Employee Notifications
4219.21	Professional Standards
4219.22	Dress And Grooming
4244	Complaints
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel

4312.9	Employee Notifications
4312.9	Employee Notifications
4317.7	Employment Status Reports
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
4344	Complaints
5145.7	Sexual Harassment
5145.7	Sexual Harassment

Regulation 4119.11: Sexual Harassment
Regulation 4219.11: Sexual Harassment
Regulation 4319.11: Sexual Harassment

Status: DRAFT

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

The following ~~This~~ administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

~~Prohibited -~~ Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, ~~made against another person of the same or opposite sex in the work or educational setting when:~~ regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
- 3.4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the Eden Area Regional Occupational Program (Eden Area ROP).

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. An Eden Area ROP employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Eden Area ROP's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

The Eden Area ROP designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Human Resources Administrator

26316 Hesperian Blvd., Hayward, CA 94545

(510) 293-2916

mhenderson@edenrop.org

Training

The Superintendent or designee shall ensure that all employees receive training regarding the Eden Area ROP's sexual harassment policies when hired and periodically thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the Eden Area ROP's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted to a supervisory position employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the Eden Area ROP, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The Eden Area ROP's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential Eden Area ROP and/or individual exposure or liability concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
Strategies to prevent harassment in the workplace
5. The essential elements of the Eden Area ROP's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the Eden Area ROP's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware

6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

7. The limited confidentiality of the complaint process

8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment

9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint

10. What to do if the supervisor is personally accused of harassment

11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. ~~Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider.~~ Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the Eden Area ROP does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the Eden Area ROP may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The Eden Area ROP shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the ~~Governing~~ Board policy and this administrative regulation shall: ~~(Education Code 231.5)~~

1. Be displayed in a prominent location in the main administrative building, Eden Area ROP district office, or other area of the school where notices of Eden Area ROP rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

2. Be provided to every Eden Area ROP employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any Eden Area ROP publication that sets forth the Eden Area ROP's comprehensive rules, regulations, procedures, and standards of conduct

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)

5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the Eden Area ROP that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment

2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples

4. The Eden Area ROP's complaint process available to the employee

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the Eden Area ROP shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in

consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

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

2 CCR 11006-11086

Description

[Discrimination in employment](#)

2 CCR 11021

[Discrimination in employment - retaliation](#)

2 CCR 11023

[Harassment and discrimination prevention and correction](#)

2 CCR 11024

[Required training and education on harassment based on sex, gender identity and expression, and sexual orientation](#)

2 CCR 11034

[Terms, conditions, and privileges of employment](#)

5 CCR 4900-4965

Nondiscrimination in elementary and secondary education programs

Ed. Code 200-262.4

[Educational equity; prohibition of discrimination on the basis of sex](#)

Gov. Code 12900-12996

Fair Employment and Housing Act

Gov. Code 12940

Unlawful discriminatory employment practices

Gov. Code 12950

Sexual harassment

Gov. Code 12950.1

Sexual harassment training

Lab. Code 1101

Political activities of employees

Lab. Code 1102.1

Discrimination: sexual orientation

Federal**Description**

20 USC 1681-1688

Title IX prohibition against discrimination

34 CFR 106.1-106.9

Nondiscrimination on the basis of sex in education programs or activities

34 CFR 106.51-106.61

Nondiscrimination on the basis of sex in employment in education program or activities

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

Management Resources**Description**

Court Decision

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Court Decision

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Court Decision

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Court Decision

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Court Decision

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Court Decision	Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	California Department of Fair Employment and Housing
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Equal Employment Opportunity Commission

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3600	Consultants
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.9	Employee Notifications
4112.9	Employee Notifications
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9	Employee Notifications
4219.21	Professional Standards

4219.22	<u>Dress And Grooming</u>
4244	<u>Complaints</u>
4244	<u>Complaints</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.9	<u>Employee Notifications</u>
4312.9	<u>Employee Notifications</u>
4317.7	<u>Employment Status Reports</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.22	<u>Dress And Grooming</u>
4344	<u>Complaints</u>
4344	<u>Complaints</u>
5145.7	<u>Sexual Harassment</u>
5145.7	<u>Sexual Harassment</u>

Regulation 4119.12: Title IX Sexual Harassment Complaint Procedures
Regulation 4219.12: Title IX Sexual Harassment Complaint Procedures
Regulation 4319.12: Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a ~~district~~ an Eden Area Regional Occupatioanl Program (Eden Area ROP) employee, while in an education program or activity in which an Eden Area ROP ~~district~~ school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. An ~~district~~ Eden Area ROP employee conditioning the provision of an ~~district~~ Eden Area ROPaid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the ~~district's~~ Eden Area ROP's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the Eden Area ROP's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the ~~district's~~ Eden Area ROP's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment or to the employee's direct supervisor or other ~~district~~ Eden Area ROP administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the ~~district~~ Eden Area ROP. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the Eden Area ROP's ~~district's~~ obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the district's Eden Area ROP's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district's Eden Area ROP shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's Eden Area ROP's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal

If a district's Eden Area ROP employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district's Eden Area ROP may, on an emergency basis, remove the student from the Eden Area ROP's district's education program or activity, provided that the district's Eden Area ROP conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's Eden Area ROP's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district's Eden Area ROP in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district's Eden Area ROP, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination

in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the ~~district~~ Eden Area ROP may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The ~~district~~ Eden Area ROP may facilitate an informal resolution process provided that the ~~district~~ Eden Area ROP: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The ~~district's~~ Eden Area ROP's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the ~~district's~~ Eden Area ROP's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the ~~district~~ Eden Area ROP may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

~~If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.~~

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the ~~district~~ Eden Area ROP includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the ~~district's~~ Eden Area ROP's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the ~~district~~ Eden Area ROP imposes on the respondent, and whether remedies designed to restore or preserve equal access to the ~~district's~~ Eden Area ROP's educational program or activity will be provided by the ~~district~~ Eden Area ROP to the complainant
6. The ~~district's~~ Eden Area ROP's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the ~~district's~~ Eden Area ROP's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the ~~district~~ Eden Area ROP shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the ~~district~~ Eden Area ROP shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The ~~district~~ Eden Area ROP shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the ~~district~~ Eden Area ROP shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the ~~district's~~ Eden Area ROP's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances.
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The ~~district~~ Eden Area ROP shall make such training materials publicly available on its web site, or if the ~~district~~ Eden Area ROP does not maintain a web site, available upon request by members of the public.

Exhibit**Descriptor Code: 4119.12****Descriptor Code: 4219.12****Descriptor Code: 4319.12****Title IX Sexual Harassment Complaint Procedures**

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the Eden Area Regional Occupational Program (Eden Area ROP) to issue the following notification to employees, job applicants, and employee organizations:

The Eden Area ROP does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The Eden Area ROP also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school Eden Area ROP to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the Eden Area ROP's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The Eden Area ROP has designated and authorized the following employee as the Eden Area ROP's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Human Resources Administrator
26316 Hesperian Blvd., Hayward, CA 94545
(510) 293-2916
mhenderson@edenrop.org

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During Eden Area ROP business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable Eden Area ROP complaint procedure.

To view an electronic copy of the Eden Area ROP's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 -

Title IX Sexual Harassment Complaint Procedures on the Eden Area ROP's web site at www.edenarearop.org.

~~To inspect or obtain a copy of the Eden Area ROP's sexual harassment policies and administrative regulations, please contact: _____ (insert location/phone/email of contact person)~~
~~_____.~~

~~Materials used to train the Title IX Coordinator, investigator(s), decision maker(s), and any person who facilitates an informal resolution process are also publicly available on the Eden Area ROP's web site or at the Eden Area ROP office upon request.~~

Policy 4119.22: Dress And Grooming

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that appropriate dress and grooming by Eden Area Regional Occupational Program (Eden Area ROP) employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

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

(cf. ~~4112.21/4212.21/4312.21~~ 4119.21/4219.21/4319.21 - Professional Standards)

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

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

The Eden Area ROP shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

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

The Eden Area ROP shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

~~In addition, the~~ The Eden Area ROP shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

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

State References

Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12949	Dress standards, consistency with gender identity
Gov. Code 3543.2	Scope of representation

Management Resources References

CA Dept of Fair Employment and Housing Publication	Transgender Rights in the Workplace
Court Decision	Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100
Court Decision	East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

Court Decision	Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189
Court Decision	San Mateo City School District v. PERB (1983) 33 Cal. 3d 850
Public Employment Relations Board Decision	Inglewood United School District (1985) 10 PERC P17, 000
Public Employment Relations Board Decision	Santa Ana Unified School District (1998) 22 PERC P29, 136
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511TsIsh2ew==
Website	California Department of Fair Employment and Housing - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==

Cross References

0415	Equity - https://simbli.eboardsolutions.com/SU/dcWsf6AesIshL8JWHgerrR08Q==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtsIshRzbmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/iUoZfku8qplusL9A2pCKzS3dQ==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/BnwnWmUC86HO6A1Pv8TC5Q==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzW==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/IRPC1EalM3FZbpiYMgcFdg==
4219.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2slIpOw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==
4319.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==

Policy 4219.22: Dress And Grooming

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that appropriate dress and grooming by Eden Area Regional Occupational Program (Eden Area ROP) employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

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

(cf. ~~4112.21/4212.21/4312.21~~ 4119.21/4219.21/4319.21-Professional Standards)

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

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

The Eden Area ROP shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

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

The Eden Area ROP shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

~~In addition, the~~ The Eden Area ROP shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Policy 4319.22: Dress And Grooming

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that appropriate dress and grooming by Eden Area Regional Occupational Program (Eden Area ROP) employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

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

(cf. ~~4112.21/4212.21/4312.21~~ 4119.21/4219.21/4319.21 - Professional Standards)

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

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

The Eden Area ROP shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

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

The Eden Area ROP shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

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This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Policy 4119.25: Political Activities Of Employees
Policy 4219.25: Political Activities Of Employees
Policy 4319.25: Political Activities Of Employees

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of political activity, voting, and civic engagement, and respects the right of Eden Area Regional Occupational Program (Eden Area ROP) employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the Eden Area ROP.

Eden Area ROP employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and Eden Area ROP policy.

Employees shall refrain from prohibited political activities identified in law, Board policy, and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

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	Description
Ed. Code 38130-38139	Civic Center Act
Ed. Code 51520	Prohibited solicitations on school premises
Ed. Code 7050-7057	Political activities of school officers and employees
Elec. Code 18304	Prohibition against use of district seal in campaign literature
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 82041.5	Mass mailing
Gov. Code 8314	Unlawful use of state resources
Pen. Code 424	Embezzlement and falsification of accounts by public officers
Public Employment Relations Board Rulings	City of Sacramento, (2019) PERB Dec. No. 2702m
Management Resources	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

PERB Ruling

San Diego Community College District, (2001) PERB Dec.
No.1467

Website

[California Attorney General's Office](#)

Website

[California Public Employment Relations Board](#)

Website

[CSBA](#)

Cross References

Code

1325

Description

[Advertising And Promotion](#)

3512

[Equipment](#)

3512-E(1)

[Equipment](#)

4040

[Employee Use Of Technology](#)

4040-E(1)

[Employee Use Of Technology](#)

4118

[Dismissal/Suspension/Disciplinary Action](#)

4119.1

[Civil And Legal Rights](#)

4119.21

[Professional Standards](#)

4119.21-E(1)

[Professional Standards](#)

4119.22

[Dress And Grooming](#)

4218

[Dismissal/Suspension/Disciplinary Action](#)

4218

[Dismissal/Suspension/Disciplinary Action](#)

4219.1

[Civil And Legal Rights](#)

4219.21

[Professional Standards](#)

4219.22

[Dress And Grooming](#)

4319.1

[Civil And Legal Rights](#)

4319.21

[Professional Standards](#)

4319.21-E(1)

[Professional Standards](#)

4319.22

[Dress And Grooming](#)

6144

[Controversial Issues](#)

Regulation 4119.25: Political Activities Of Employees

Status: DRAFT

Regulation 4219.25: Political Activities Of Employees

Regulation 4319.25: Political Activities Of Employees

Original Adopted Date: Pending

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

Eden Area Regional Occupational Program (Eden Area ROP) employees shall not:

1. Use Eden Area ROP funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054, 7056; Government Code 8314)
2. Use the Eden Area ROP's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the Eden Area ROP (Elections Code 18304)
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
5. Use Eden Area ROP equipment for the preparation or reproduction of political campaign materials
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on Eden Area ROP property
7. Disseminate political campaign materials through the Eden Area ROP's mail service, e-mail, or staff mailboxes
8. Use students to write, address, or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

~~Political Activities of Employee Organizations~~

~~Employee organizations shall not use Eden Area ROP funds, services, supplies, or equipment, such as staff mailboxes or the Eden Area ROP mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)~~

~~No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during~~

nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

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	Description
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Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
PERB Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	California Attorney General's Office
Website	California Public Employment Relations Board
Website	CSBA

Cross References

Code	Description
1325	Advertising And Promotion
3512	Equipment
3512-E(1)	Equipment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action

4119.1	<u>Civil And Legal Rights</u>
4119.21	<u>Professional Standards</u>
4119.21-E(1)	<u>Professional Standards</u>
4119.22	<u>Dress And Grooming</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4219.1	<u>Civil And Legal Rights</u>
4219.21	<u>Professional Standards</u>
4219.22	<u>Dress And Grooming</u>
4319.1	<u>Civil And Legal Rights</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.22	<u>Dress And Grooming</u>
6144	<u>Controversial Issues</u>

Policy 4119.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: 05/07/2020

As part of its commitment to provide a safe and healthful healthy work environment, the Governing Board recognizes the importance of developing an exposure control plan protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.21-Administering Medication and Monitoring Health Conditions)

(cf. 5141.6-School Health Services)

The exposure control plan shall be consistent with the Eden Area Regional Occupational Program's (Eden Area ROP) injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the Eden Area ROP's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the Eden Area ROP shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in Eden Area ROP practices.

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

State References

8 CCR 3204

Description

Employees exposed to bloodborne pathogens standard

8 CCR 5193

California bloodborne pathogens standard

Lab. Code 142.3

Authority of Cal/OSHA to adopt standards

Lab. Code 144.7

Requirement to amend standards

Lab. Code 6401.7

Injury and illness prevention program

Federal References

Description

29 CFR 1910.1030

OSHA bloodborne pathogens standards

Gov. Code 3543.2

Scope of bargaining

Management Resources References

Description

CA Department of Industrial Relations Publication

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

CA Department of Industrial Relations Publication Exposure Control Plan for Bloodborne Pathogens, 2001

CA Department of Industrial Relations Publication Frequently Asked Questions About the Bloodborne Pathogens Standard

Website California Department of Industrial Relations, Occupational Safety and Health -
<https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==>

Website U.S. Department of Labor, Occupational Safety and Health Administration -
<https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==>

Website Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Cross References

3514.1 Hazardous Substances -
<https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==>

3514.1 Hazardous Substances -
<https://simbli.eboardsolutions.com/SU/2hidvIno9FVkAxFS3VyoOg==>

3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==>

3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==>

4119.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==>

4119.41 Employees With Infectious Disease -
<https://simbli.eboardsolutions.com/SU/Pvft8K5PSplus0tb6PTidzaBw==>

4119.43 Universal Precautions -
<https://simbli.eboardsolutions.com/SU/DjhBwstLrZNY2NYTCBC13w==>

4119.43 Universal Precautions -
<https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==>

4131 Staff Development -
<https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKK8eqAV4yg==>

4131 Staff Development -
<https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiacyw==>

4157 Employee Safety -
<https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==>

4157 Employee Safety -
<https://simbli.eboardsolutions.com/SU/NUi9ljnCBslshj1GBQM8Xslsh95A==>

4219.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==>

4219.41 Employees With Infectious Disease -
<https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==>

4219.43 Universal Precautions -
<https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==>

4219.43 Universal Precautions -
<https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==>

4257 Employee Safety -
<https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBL7VejXVw==>

4257 Employee Safety -
<https://simbli.eboardsolutions.com/SU/VO4JacyT52vMpEQtLynupQ==>

4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/VUIIGSwOeV4CxaaW4YKtTw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/LQIMthUd3bBwKMxWIEdPKg==
5142	Safety - https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==
5142	Safety - https://simbli.eboardsolutions.com/SU/gBptJJIRDmlpgi15Ja3ktA==
9011	Disclosure Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==

Policy 4219.42: Exposure Control Plan for Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: 05/07/2020

As part of its commitment to provide a safe and healthful healthy work environment, the Governing Board recognizes the importance of developing an exposure control plan protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.21-Administering Medication and Monitoring Health Conditions)

(cf. 5141.6-School Health Services)

The exposure control plan shall be consistent with the Eden Area Regional Occupational Program's (Eden Area ROP) injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the Eden Area ROP's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the Eden Area ROP shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in Eden Area ROP practices.

Policy 4319.42: Exposure Control Plan for Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: 05/07/2020

As part of its commitment to provide a safe and healthful healthy work environment, the Governing Board recognizes the importance of developing an exposure control plan protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.21-Administering Medication and Monitoring Health Conditions)

(cf. 5141.6-School Health Services)

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(cf. 4157/4257/4357-Employee Safety)

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Regulation 4119.42: Exposure Control Plan For Bloodborne Pathogens
Regulation 4219.42: Exposure Control Plan For Bloodborne Pathogens
Regulation 4319.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

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

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193(b); 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee's duties. (8 CCR 5193(b); 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193(b); 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193(b))

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193(b); 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193(b); 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b); 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The Eden Area Regional Occupational Program's (Eden Area ROP) written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193(e); 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which The Eden Area ROP's exposure determination shall be made without regard to the employee's use of personal protective equipment and shall include a list of:

a. All job classifications in which all employees have occupational exposure

- b. Job classifications in which some employees have occupational exposure
- c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above

(cf. 5141.21-Administring Medication and Monitoring Health Conditions)
(cf. 5141.6-School Health Services)

2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation :

- a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, such as including universal precautions, general and specific engineering and work practice controls, and personal protective equipment

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

- b. Hepatitis B vaccination
- c. Bloodborne pathogen post-exposure evaluation and follow-up
- d. Communication of hazards to employees, including labels, signs, through information and training
- e. Recordkeeping , including medical records, training records, and a log of sharps injuries

3. The Eden Area ROP's procedure for evaluating documenting the route(s) of exposure and the circumstances surrounding under which exposure incidents occurred

4. An effective procedure for gathering information about each exposure incident involving a sharp, as required for the log of sharps injuries

5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents documented in the sharps injury log

6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments

7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in a patient's care determines, in the reasonable exercise of clinical judgment, that the use of an engineering control would jeopardize an individual's the employee's safety or the success of a medical, dental or nursing procedure involving the individual employee

8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193(e); 29 CFR 1910.1030)

- 1. Reflect new or modified tasks and procedures affecting occupational exposure
- 2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the Eden Area ROP, reflect progress in document consideration and implementation of appropriate commercially available implementing the use of needleless systems and needle devices and sharps with engineered sharps injury protection
- 3. Include new or revised employee positions with occupational exposure

4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The Eden Area ROP's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193 (c); 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls as defined above, to eliminate or minimize employee exposure to bloodborne pathogens, and shall regularly examine and update controls. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193(d); 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the Eden Area ROP shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8 CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by for medical reasons. (8 CCR 5193(f); 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193(f); 29 CFR 1910.1030)

The Superintendent or designee may exempt designated first aid providers from the pre-exposure hepatitis B vaccine in accordance with 8 CCR 5193 (f). from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Information and Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program containing the elements required by state regulations, during working hours and at no cost to the employee. This program shall be offered at the time of initial assignment to tasks where occupational exposure may take place, and at least annually thereafter, and whenever a change of tasks or procedures affects the employee's exposure. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193(g); 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193~~(g)~~)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193~~(f)~~)

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. ~~The exposure incident shall be recorded within 14 working days of the date the incident is reported to the Eden Area ROP.~~ (8 CCR 5193~~(e)~~; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193(e); 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h. The employee's opinion about whether any other engineering, administrative or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193(f); 29 CFR 1910.1030)

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is infeasible or is prohibited by law
3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C and HIV serological status
4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the Eden Area ROP relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193(f); 29 CFR 1910.1030)

The Eden Area ROP shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193(f))

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 4112.9/4219.9/4312.9-Employee Notifications)

~~Medical records for~~ The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record ~~each employee with occupational exposure~~ shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193(h); 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place and manner, no later than 15 days after the request is made. (8 CCR 3204(e))

Records shall be maintained as follows: (8 CCR 3204(d), 5193(h); 29 CFR 1910.1030)

1. ~~The M~~medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

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

8 CCR 3204

8 CCR 5193

Lab. Code 142.3

Lab. Code 144.7

Description

Employees exposed to bloodborne pathogens standard

California bloodborne pathogens standard

Authority of Cal/OSHA to adopt standards

Requirement to amend standards

Lab. Code 6401.7

Federal

29 CFR 1910.1030

Gov. Code 3543.2

Management Resources

CA Department of Industrial Relations
Publication

CA Department of Industrial Relations
Publication

CA Department of Industrial Relations
Publication

Website

Website

Website

Notice

Unique Policy

Injury and illness prevention program

Description

OSHA bloodborne pathogens standards

Scope of bargaining

Description

A Best Practices Approach for Reducing Bloodborne
Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

Frequently Asked Questions About the Bloodborne
Pathogens Standard

[California Department of Industrial Relations, Occupational
Safety and Health](#)

[U.S. Department of Labor, Occupational Safety and Health
Administration](#)

[Centers for Disease Control and Prevention](#)

Description

This policy is unique to the district/COE and is not connected
to an existing CSBA sample policy or included in regular
quarterly updates from CSBA.

Cross References

Code

3514.1

3514.1

3530

3530

4119.23

4119.41

4119.43

4119.43

4131

4131

4157

4157

4219.23

4219.41

4219.43

4219.43

Description

[Hazardous Substances](#)

[Hazardous Substances](#)

[Risk Management/Insurance](#)

[Risk Management/Insurance](#)

[Unauthorized Release Of Confidential/Privileged Information](#)

[Employees With Infectious Disease](#)

[Universal Precautions](#)

[Universal Precautions](#)

[Staff Development](#)

[Staff Development](#)

[Employee Safety](#)

[Employee Safety](#)

[Unauthorized Release Of Confidential/Privileged Information](#)

[Employees With Infectious Disease](#)

[Universal Precautions](#)

[Universal Precautions](#)

4257	<u>Employee Safety</u>
4257	<u>Employee Safety</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4319.41	<u>Employees With Infectious Disease</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
5142	<u>Safety</u>
5142	<u>Safety</u>
9011	<u>Disclosure Of Confidential/Privileged Information</u>

Exhibit

Descriptor Code: 4119.42

Descriptor Code: 4219.42

Descriptor Code: 4319.42

Exposure Control Plan For Bloodborne Pathogens

HEPATITIS B VACCINE DECLINATION

In accordance with 8 CCR 5193 and 29 CFR 1910.1030, the Eden Area Regional Occupational Program (Eden Area ROP) makes the hepatitis B vaccine available to employees who may reasonably be expected to have contact with blood or other potentially infectious materials in the performance of their duties. Any employee who declines this vaccine is required to read and sign the following statement:

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

Employee Name (Please print)

Signature

Date

Policy 4119.43: Universal Precautions

Status: DRAFT

Original Adopted Date: 05/07/2020

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the Eden Area Regional Occupational Program (Eden Area ROP).

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.6 - School Health Services)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the Eden Area ROP's exposure control plan for bloodborne pathogens or other safety procedures.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

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

State References

8 CCR 3203

Description

Injury and illness prevention program

8 CCR 5193

California bloodborne pathogens standard

Gov. Code 3543.2

Scope of representation

H&S Code 117600-118360

Handling and disposal of regulated waste

H&S Code 120875

Information on AIDS, AIDS-related conditions, and hepatitis B

H&S Code 120880

Notification to employees re AIDS, AIDS-related conditions, and hepatitis B

Lab. Code 6401.7

Injury and illness prevention program

Federal References

29 CFR 1910.1030

Description

OSHA bloodborne pathogens standards

Management Resources References

CDC and Prevention Publication

Description

Hepatitis B Questions and Answers for the Public

Website	American Federation of Teachers - https://simbli.eboardsolutions.com/SU/f8tXIPpEFKty5QFmgplusDDXQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGShp9oA==

Cross References

Description

3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/kjPwlaBN4nOOYvwUHkdZ1g==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/g5PMFxZIThRnOPcplI79Hg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/DEDQMTclL2LReSslshUbwCFuA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIz40DSa1c7mTns8w==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/Pvft8K5PSplus0tb6PTidzaBw==
4119.42	Exposure Control Plan For Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CslshIfDPq6IA==
4119.42	Exposure Control Plan For Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/pshclC7wzn1rm5QJ2w4a0g==
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWI0slshmNzKw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcmNsVozQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/NUi9ljnCBslshj1GBQM8Xslsh95A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==
4219.42	Exposure Control Plan for Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==
4219.42	Exposure Control Plan for Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==
4219.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/6EMCiTQOZEIEGxk31LqzAQ==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==

4257	Employee Safety - https://simbli.eboardsolutions.com/SU/VO4JacyT52vMpFQtLynupQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/jjQvCL3R0BslshFhOudlvslshXEA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==
4319.42	Exposure Control Plan for Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==
4319.42	Exposure Control Plan for Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/SkmJjzMjG76R7fVH4lcJBQ==
4319.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/LQIMthUd3bBwKMxWlEdPKg==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAcOpDJJng==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhpOT0Kof6xmw==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTlplus2vQ==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==

Policy 4219.43: Universal Precautions

Status: DRAFT

Original Adopted Date: 05/07/2020

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the Eden Area Regional Occupational Program (Eden Area ROP).

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.6 - School Health Services)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B.

This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the Eden Area ROP's exposure control plan for bloodborne pathogens or other safety procedures.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

Policy 4319.43: Universal Precautions

Status: DRAFT

Original Adopted Date: 05/07/2020

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the Eden Area Regional Occupational Program (Eden Area ROP).

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(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.24 - Specialized Health Care Services)

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(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

Regulation 4119.43: Universal Precautions
Regulation 4219.43: Universal Precautions
Regulation 4319.43: Universal Precautions

Status: DRAFT

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

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including but not limited to semen, vaginal secretions and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV) and other bloodborne pathogens. (8 CCR 5193(b); 29 CFR 1910.1030)

Occupational exposure means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

Employee Information

The Superintendent or designee shall distribute to employees information provided by the California Department of Education regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

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

(cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens)

Infection Control Practices

For the prevention of infectious disease, the district shall:

1. The Superintendent or designee shall ensure that the worksite is effectively maintained the worksite in a clean and sanitary condition, and shall implement an appropriate written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d))

(cf. 4119.42/4219.42/4319.42-Exposure Control Plan for Bloodborne Pathogens)

2. When necessary for employees with Where occupational exposure to bloodborne pathogens, remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment, such as gloves, masks, and outer garments, at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))
3. The Superintendent or designee shall pProvide handwashing facilities which are readily accessible to employees, or, if not feasible, When provision of handwashing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.

2. 1. Use personal protective equipment as appropriate.

a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

3. 2. Wash hands and other skin surfaces thoroughly with soap and running water:

a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials

b. Immediately after removing gloves or other personal protective equipment

3. When handwashing facilities are not available, the employee shall use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.

4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.

5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.

6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs or forceps to clean up broken glassware which may be contaminated.

7. Use effective patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.24 - Specialized Health Care Services)

a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.

b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

c. Disposable sharps shall not be reused.

8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.

a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193(d)(3)(D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.

b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.6 - School Health Services)

(cf. 6145.2 - Athletic Competition)

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.

8 CCR 3203	Injury and illness prevention program
8 CCR 5193	California bloodborne pathogens standard
Gov. Code 3543.2	Scope of representation
H&S Code 117600-118360	Handling and disposal of regulated waste
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
Lab. Code 6401.7	Injury and illness prevention program

Federal

29 CFR 1910.1030

Management Resources

CDC and Prevention Publication

Website

Website

Website

Website

Website

Description

OSHA bloodborne pathogens standards

Description

Hepatitis B Questions and Answers for the Public

[American Federation of Teachers](#)

[California Department of Industrial Relations, Occupational Safety and Health](#)

[U.S. Department of Labor, Occupational Safety and Health Administration](#)

[California Department of Public Health](#)

[Centers for Disease Control and Prevention](#)

Cross References

Code

3515.3

3515.3

4112.9

4112.9

4119.41

4119.42

4119.42

4119.42-E(1)

4131

4131

4157

4157

4212.9

4212.9

4219.41

Description

[District Police/Security Department](#)

[District Police/Security Department](#)

[Employee Notifications](#)

[Employee Notifications](#)

[Employees With Infectious Disease](#)

[Exposure Control Plan For Bloodborne Pathogens](#)

[Exposure Control Plan For Bloodborne Pathogens](#)

[Exposure Control Plan For Bloodborne Pathogens](#)

[Staff Development](#)

[Staff Development](#)

[Employee Safety](#)

[Employee Safety](#)

[Employee Notifications](#)

[Employee Notifications](#)

[Employees With Infectious Disease](#)

4219.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4219.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4219.42-E(1)	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4257	<u>Employee Safety</u>
4257	<u>Employee Safety</u>
4312.9	<u>Employee Notifications</u>
4312.9	<u>Employee Notifications</u>
4319.41	<u>Employees With Infectious Disease</u>
4319.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4319.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4319.42-E(1)	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
5141	<u>Health Care And Emergencies</u>
5141	<u>Health Care And Emergencies</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.22	<u>Infectious Diseases</u>
5141.22	<u>Infectious Diseases</u>

Policy 4131: Staff Development

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board believes that, in order to maximize student learning, and achievement, and well-being, certificated staff members must be continuously learning and improving relevant their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills, and become informed about changes in pedagogy and subject matter, and strengthen practices related to social-emotional development and learning.

(cf. 6111 - School Calendar)

The Superintendent or designee shall involve teachers, site and Eden Area Regional Occupational Program (Eden Area ROP) administrators, and others, as appropriate, when creating, reviewing, and amending the Eden Area ROP's staff development program. The Superintendent or designee shall ensure that the Eden Area ROP's staff development program is aligned with Eden Area ROP priorities for student learning, achievement and well-being, school improvement objectives, the local control and accountability plan, and other district and school plans.

The ~~Eden Area Regional Occupational Program's~~ (Eden Area ROP) staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and Eden Area ROP academic standards

(cf. 6011 - Academic Standards)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.2 - World/Foreign Language Instruction)

(cf. 6142.3 - Civic Education)

(cf. 6142.5 - Environmental Education)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

2. Use of effective, subject-specific teaching methods, strategies, and skills

3. Use of technologies to enhance instruction and learning, including face-to-face, remote, or hybrid instruction

(cf. 0440 - District Technology Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 6163.4 - Student Use of Technology)

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students with characteristics specified in Education Code 200 and/or 220, Government Code 11135, and/or Penal Code 422.55 of various racial and ethnic groups, students with disabilities, English learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 5147 - Dropout Prevention)

(cf. 6141.5 - Advanced Placement)

(cf. 6171 - Title I Programs)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

(cf. 6178 - Career Technical Education)

6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their student's education

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, acceptance, tolerance, and discipline, and civility including conflict resolution, and hatred prevention, and positive behavioral interventions and supports

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.9 - Hate-Motivated Behavior)

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

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

(cf. 6162.5 - Student Assessment)

10. Knowledge of topics related to student mental and physical health, safety, and welfare, which may include social-emotional learning and trauma-informed practices

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

11. Knowledge of topics related to employee health, safety, and security

(cf. 3514.1 - Hazardous Substances)

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

(cf. 4119.42/4219.42/4319.42- Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 4158/4258/4358 - Employee Security)

Professional learning opportunities offered by the Eden Area ROP shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The Eden Area ROP's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

(cf. 4115 - Evaluation/Supervision)

The Governing Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Governing Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Governing Board may revise the program as necessary to ensure that the staff development program supports the Eden Area ROP's priorities for student achievement and well-being.

(cf. 0500 - Accountability)

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 13025-13044

5 CCR 80021

5 CCR 80021.1

5 CCR 80023-80026.6

Ed. Code 44032

Description

Professional development and program improvement

Short-term staff permit

Provisional internship permit

Emergency permits

Travel expense payment

Ed. Code 44259.5	Standards for teacher preparation
Ed. Code 44277	Professional growth programs for individual teachers
Ed. Code 44300	Emergency permits
Ed. Code 44325-44328	District interns
Ed. Code 44450-44468	University intern program
Ed. Code 44570-44578	Inservice training, secondary education
Ed. Code 44830.3	Employing district interns
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 48980	Parental notifications
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56240-56245	Staff development; service to persons with disabilities
Ed. Code 99200-99206	Subject matter projects
Gov. Code 3543.2	Scope of representation

Federal References

20 USC 6601-6702

Description

Preparing, Training and Recruiting High Quality Teachers and Principals

Management Resources References

Commission on Teacher Credentialing Publication
CSBA Publication
Public Employment Relations Board Decision
Website
Website
Website
Website

Description

California Standards for the Teaching Profession, 2009
Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013
United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085
California Department of Education, Professional Learning - <https://simbli.eboardsolutions.com/SU/6bLIOPS8loxYhnRS6AIVXA==>
California Subject Matter Projects - <https://simbli.eboardsolutions.com/SU/V8lhEdN7VFeWyKdgye07Bg==>
Commission on Teacher Credentialing - <https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==>
CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

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1240

Description

Vision - <https://simbli.eboardsolutions.com/SU/GllqpXYMteQaeUk8Y3SYaA==>
Philosophy - <https://simbli.eboardsolutions.com/SU/emLAXslshVXgslshhZ9nt8SVEfow==>
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/lkd0OQyrdrn0CMAAnaMO7MAW==>
Accountability - <https://simbli.eboardsolutions.com/SU/pUslshJLoR2Vu1eqoHS41AdTg==>
Volunteer Assistance - <https://simbli.eboardsolutions.com/SU/grfk2plusfw2DJWZ6WMvvpA==>

1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==
3100	Budget - https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/XLktfuwIU9hrvqU1VXOLAA==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/v3LgWNRJV4M7aMue9vIREQ==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/ZE3BkJ3FTPLYugS2BVI7QA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Fw==
3350	Travel Expenses - https://simbli.eboardsolutions.com/SU/a1BZLoXsem6RSwpNmK9lw==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/qlgRokKiaelGogYplusozYX5Q==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/Kslsh3hLxYkml5BAswY90tNzg==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==
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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/I8RKMawepXwJKODuncGAw==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==
3516.3	Earthquake Emergency Procedure System - https://simbli.eboardsolutions.com/SU/1enfLm3E9JABCBFJvUhnIA==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/9Pyvflsh2ubiT9xmfmH2QpeQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8Nrx4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/NQ5v4ZCezKjaSAplus9H4iFEg==
4100	Certificated Personnel - https://simbli.eboardsolutions.com/SU/QfqMPAug6plusslshSwaq8plusGoRRw==

4112.2	Certification - https://simbli.eboardsolutions.com/SU/00ko2OZRvFNf81Y4pxWAQQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/N3Bs1UMslshANAV8zGjSOSysA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/2NyBDtlcuASmbA3yRmjyQA==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/lsdkHixp7lpuk0NQfguWxg==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/iUoZfku8qplusL9A2pCKzS3dQ==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/BnwnWmUC86HO6A1Pv8TC5Q==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/PvFT8K5PSplus0tb6PTidzaBw==
4119.42	Exposure Control Plan For Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CslshlDPq6lA==
4119.42	Exposure Control Plan For Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/pshclC7wzn1rm5QJ2w4a0g==
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens - https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWlOslshmnZKw==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==
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4157	Employee Safety - https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/NUi9ljnCBslshj1GBQM8Xslsh95A==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZA0yoM9vjFJplussMw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxlRJQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==
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4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==
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4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/6r3NsXjW5ypuShyzuTIDXg==
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4257	Employee Safety - https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==
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4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==
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4358	Employee Security - https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkJjg==
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4361	Leaves - https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABElc3h6Q==
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5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKEq3o9g==
5131	Conduct - https://simbli.eboardsolutions.com/SU/khy9JclBSozBYblA6slshuRw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
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5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0TOKof6xmw==
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5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==
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5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/k7xftZvOPpi977gdgTbxvA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/fkPYjkSeWgdHBezNZ2ZcSw==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/hPSNzLmNwRGOGLo0TLZ3Ww==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/gviLvXQygezatRplusXrmxdzA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/PNE3zaoxi3vI9FPnZKmb6Q==

6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/KGOZjglkMPmOrvAslshEI88rQ==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==

**Regulation 4157: Employee Safety
Regulation 4257: Employee Safety
Regulation 4357: Employee Safety**

Status: DRAFT

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

The Superintendent or designee shall provide ~~and implement~~ safety devices, and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace ~~adequate to render the employment and place of employment safe and healthful~~. (Labor Code 6401)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

Injury and Illness Prevention Program

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

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

1. The name/position of the person(s) with authority and responsibility for implementing the program.

2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but not be limited to:

a. Recognition of employees who follow safe and healthful work practices

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)

b. Training and retraining programs

c. Disciplinary actions

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

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

3. A system for communicating with employees, in a form readily understandable by all employees, on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:

a. Meetings

b. Training programs

c. Posting

d. Written communications

e. A system of anonymous notification by employees about hazards

f. A labor/management safety and health committee

4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:

a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace

b. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

5. A procedure for investigating occupational injury or illness.

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

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

7. Provision of training and instruction as follows:

a. To all new employees

b. To all employees given new job assignments for which training has not previously been received

c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard

d. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard

e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~6. Submit recommendations to assist in the evaluation of employee safety suggestions.~~

~~7. Upon request of Cal/OSHA, verify abatement action taken by the Eden Area ROP to abate citations issued by Cal/OSHA.~~

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

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

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

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

2. Unobstructed access to the Eden Area ROP's injury and illness prevention program through the Eden Area ROP's server or web site, which allows an employee to review, print, and email the current version of the Eden Area ROP's injury and illness prevention program

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

Hearing Protection

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

Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030-32034)

First Aid and Medical Services

~~The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)~~

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

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect and

first aid materials and replenish them as necessary. (8 CCR 3400)

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

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

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.

2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.

(cf. 5141.6 - School Health Services)

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

Protection from Communicable Diseases and Infections

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

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

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

COVID-19 Exposure

If the Eden Area ROP receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.

2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the Eden Area ROP plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the Eden Area ROP is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any Eden Area ROP workplace or performance of an Eden Area ROP operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the Eden Area ROP shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

added by Gabriela Juarez 1 minute ago

Policy Reference Disclaimer:

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State	Description
8 CCR 3203	Injury and illness prevention program
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave

Gov. Code 3543.2

Lab. Code 132a

Lab. Code 3300

Lab. Code 6305

Lab. Code 6310

Lab. Code 6400-6413.5

Lab. Code 6401.7

Federal

17 CFR 2508

29 CFR 1910.95

29 CFR 651-678

8 CFR 14000-14316

8 CFR 3204

8 CFR 5193

Management Resources

Department of Industrial Relations
Publication

Website

Website

Website

Website

Website

Scope of representation

Workers' compensation; nondiscrimination

Definitions

Occupational safety and health standards; special order

Retaliation for filing complaint prohibited

Responsibilities and duties of employers and employees

Injury and illness prevention program

Description

Reporting of communicable diseases

Noise standards

Occupational safety and health

Occupational injury or illness reports and records

Access to employee exposure and medical records

Bloodborne pathogens

Description

Guide to Developing Your Workplace Injury and Illness
Prevention Program, rev. August 2005

[National Institute for Occupational Safety and Health](#)

[U.S. Department of Labor, Occupational Safety and Health
Administration](#)

[California Department of Industrial Relations, Occupational
Safety and Health](#)

[National Hearing Conservation Association](#)

[Centers for Disease Control and Prevention](#)

Cross References

Code

0450

0450

0470

3514

3514.1

3514.1

3516

3516

3516.5

3530

Description

[Comprehensive Safety Plan](#)

[Comprehensive Safety Plan](#)

[COVID-19 Mitigation Plan](#)

[Environmental Safety](#)

[Hazardous Substances](#)

[Hazardous Substances](#)

[Emergencies And Disaster Preparedness Plan](#)

[Emergencies And Disaster Preparedness Plan](#)

[Emergency Schedules](#)

[Risk Management/Insurance](#)

3530	<u>Risk Management/Insurance</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.41	<u>Employees With Infectious Disease</u>
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.42-E(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.43	<u>Universal Precautions</u>
4119.43	<u>Universal Precautions</u>
4131	<u>Staff Development</u>
4131	<u>Staff Development</u>
4156.2	<u>Awards And Recognition</u>
4157.1	<u>Work-Related Injuries</u>
4158	<u>Employee Security</u>
4161.11	<u>Industrial Accident/Illness Leave</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4219.41	<u>Employees With Infectious Disease</u>
4219.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4219.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4219.42-E(1)	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4219.43	<u>Universal Precautions</u>
4219.43	<u>Universal Precautions</u>
4256.2	<u>Awards And Recognition</u>
4257.1	<u>Work-Related Injuries</u>
4258	<u>Employee Security</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
4319.41	<u>Employees With Infectious Disease</u>
4319.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4319.42	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4319.42-E(1)	<u>Exposure Control Plan for Bloodborne Pathogens</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
4331	<u>Staff Development</u>
4356.2	<u>Awards And Recognition</u>
4357.1	<u>Work-Related Injuries</u>

4358

[Employee Security](#)

4361.11

[Industrial Accident/Illness Leave](#)

Regulation 4157.1: Work-Related Injuries

Regulation 4257.1: Work-Related Injuries

Regulation 4357.1: Work-Related Injuries

Status: DRAFT

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

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

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

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

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

(cf. 4157/4257/4357 - Employee Safety)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

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

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

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

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

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

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

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

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

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

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

Policy Reference Disclaimer:

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State	Description
8 CCR 15596	Notice of employee rights
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 45192	Industrial accident and illness leave for classified employees
Lab. Code 3200-4855	Workers' compensation
Lab. Code 3212.86	COVID-19: critical workers pre-July 5, 2020
Lab. Code 3212.88	COVID-19: critical workers post-July 5, 2020
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 3600-3605	Conditions of liability
Lab. Code 3760	Report of injury to insurer
Lab. Code 4600	Provision of medical and hospital treatment by employer
Lab. Code 4906	Disclosures and statements
Lab. Code 5400-5413	Notice of injury or death
Lab. Code 6302	Definition of serious injury or illness
Lab. Code 6409.1	Reports

Management Resources

Department of Industrial Relations
Publication

Description

A Guidebook for Injured Workers, 2016

Department of Industrial Relations
Publication

Workers' Compensation Claim Form (DWC 1) & Notice of
Potential Eligibility

Department of Industrial Relations
Publication

Notice to Employees - Injuries Caused by Work

Department of Industrial Relations
Publication

Time of Hire Pamphlet

Website

[California Department of Industrial Relations, Division of
Workers Compensation](#)

Website

[California Department of Industrial Relations, Occupational
Safety and Health](#)

Cross References

Code

Description

1240

[Volunteer Assistance](#)

1240

[Volunteer Assistance](#)

3320

[Claims And Actions Against The District](#)

3530

[Risk Management/Insurance](#)

3530

[Risk Management/Insurance](#)

4032

[Reasonable Accommodation](#)

4112.9

[Employee Notifications](#)

4112.9

[Employee Notifications](#)

4113.4

[Temporary Modified/Light-Duty Assignment](#)

4154

[Health And Welfare Benefits](#)

4154

[Health And Welfare Benefits](#)

4157

[Employee Safety](#)

4157

[Employee Safety](#)

4161.1

[Personal Illness/Injury Leave](#)

4161.11

[Industrial Accident/Illness Leave](#)

4212.9

[Employee Notifications](#)

4212.9

[Employee Notifications](#)

4213.4

[Temporary Modified/Light-Duty Assignment](#)

4254

[Health And Welfare Benefits](#)

4254

[Health And Welfare Benefits](#)

4257

[Employee Safety](#)

4257

[Employee Safety](#)

4261.11

[Industrial Accident/Illness Leave](#)

4312.9

[Employee Notifications](#)

4312.9

[Employee Notifications](#)

4313.4	<u>Temporary Modified/Light-Duty Assignment</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.11	<u>Industrial Accident/Illness Leave</u>

Policy 4158: Employee Security

Policy 4258: Employee Security

Policy 4358: Employee Security

Status: DRAFT

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

The Governing Board expects a safe and orderly work environment for all employees. As part of the Eden Area Regional Occupational Program's (Eden Area ROP) comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or his/her the student's parent/guardian to recover damages for injury to the employee's person or his/her property caused by the student's willful misconduct that occurred on Eden Area ROP property, at a school or Eden Area ROP activity, or in retaliation for lawful acts of the employee in the performance of his/her the employee's duties. (Education Code 48904, 48905)

The Superintendent or designee shall ensure that employees receive training provide staff development in crisis prevention and intervention techniques, which in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, Tthe Superintendent or designee also shall inform teachers, in accordance with law, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, Eden Area ROP and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

The Governing Board requires eEmployees shall to take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The eEmployees shall use his/her own exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the Superintendent or designee immediately
2. Immediately notify the Superintendent or designee, who shall take appropriate action
3. Immediately call 911 and the Superintendent or designee

When informing the Superintendent or designee about the possession or seizure of a weapon or dangerous device, the an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Policy Reference Disclaimer:

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State	Description
CCP. 527.8	Workplace violence safety
Civ. Code 51.7	Freedom from violence or intimidation
Ed. Code 32210-32212	Willful disturbance, public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by pupil against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer of student records
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members

Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	School crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
W&I Code 827	Juvenile court proceedings; reports; confidentiality
W&I Code 828.1	District police or security department, disclosure of juvenile records
Management Resources	
Court Decision	Description City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	California Department of Education, Safe Schools
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3320	Claims And Actions Against The District
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4131	Staff Development
4131	Staff Development
4156.3	Employee Property Reimbursement

4157	Employee Safety
4157	Employee Safety
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4356.3	Employee Property Reimbursement
4357	Employee Safety
4357	Employee Safety
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5144	Discipline
5144	Discipline

Regulation 4158: Employee Security

Status: DRAFT

Original Adopted Date: Pending

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon Eden Area ROP records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)
- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former Eden Area ROP and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

2. Offenses Reported to the Eden Area ROP by a Court

- a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal. (Welfare and Institutions Code 827)
- b. The principal shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal thinks may need the information in order to work with the student

appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)
- d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the Eden Area ROP. If the student is returned to a different Eden Area ROP, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new Eden Area ROP of attendance. (Welfare and Institutions Code 827)
- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the Eden Area ROP shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

- 1. A transfer, reassignment, or modified schedule
- 2. A changed work telephone or work station
- 3. An installed lock
- 4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
- 5. Referral to a victim assistance organization
- 6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the Eden Area ROP. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

- 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 licensed medical professional or health care provider, domestic violence or sexual assault counselor, 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

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the Eden Area ROP except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The Eden Area ROP shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

The Superintendent or designee shall notify employees of the Eden Area ROP's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the Eden Area ROP and, in accordance with law, a fine and/or imprisonment.
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

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

CCP. 527.8

Civ. Code 51.7

Ed. Code 32210-32212

Description

[Workplace violence safety](#)

[Freedom from violence or intimidation](#)

Willful disturbance, public schools or meetings

Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by pupil against school employee
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48201	Transfer of student records
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 3543.2	Scope of representation
Gov. Code 995-996.4	Defense of public employees
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	School crimes
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials
W&I Code 827	Juvenile court proceedings; reports; confidentiality
W&I Code 828.1	District police or security department, disclosure of juvenile records

Management Resources

Court Decision

Website

Website

Description

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th
526

[California Department of Education, Safe Schools](#)

[CSBA](#)

Cross References

Code

0450

Description

[Comprehensive Safety Plan](#)

0450	Comprehensive Safety Plan
3320	Claims And Actions Against The District
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4131	Staff Development
4131	Staff Development
4156.3	Employee Property Reimbursement
4157	Employee Safety
4157	Employee Safety
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4256.3	Employee Property Reimbursement
4257	Employee Safety
4257	Employee Safety
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4331	Staff Development
4356.3	Employee Property Reimbursement
4357	Employee Safety
4357	Employee Safety
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131.7	Weapons And Dangerous Instruments

5131.7	<u>Weapons And Dangerous Instruments</u>
5141	<u>Health Care And Emergencies</u>
5141	<u>Health Care And Emergencies</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>

Regulation 4161.2: Personal Leaves

Regulation 4261.2: Personal Leaves

Regulation 4361.2: Personal Leaves

Status: DRAFT

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

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 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 the immediate family include: (Education Code 44985, 45194)

1. The mother, father, 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 seven days of their 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 ~~his/her~~ 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. 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 ~~or not~~ 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 where the need for leave 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 ~~his/her~~ immediate supervisor.

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 ~~his/her~~ 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 ~~his/her~~ the employee's regular earnings and any jury fees ~~he/she~~ received.

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 ~~his/her~~ the employee's regular earnings and any witness fees ~~he/she~~ received.

Leaves for Crime Victimsfor Judicial Proceedings

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she the employee is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes: (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 his/her supervisor 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, who is a victim of a crime that caused physical injury or that caused mental injury with a threat of physical injury, or 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 their rights 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)

added by Gabriela Juarez 5 minutes ago

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

CA Constitution Article 1, Section 8

Ed. Code 44036-44037

Ed. Code 44963

Ed. Code 44981

Ed. Code 44985

Description

[Religious discrimination](#)

Leaves of absence for judicial and official appearances

Power to grant leaves of absence (certificated)

Leave of absence for personal necessity

Leave of absence due to death in immediate family (certificated)

Ed. Code 44987	Service as officer of employee organization (certificated)
Ed. code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	Leaves of absence and vacations (classified)
Ed. Code 45194	Bereavement leave of absence (classified)
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity (classified)
Ed. Code 45210	Service as officer of employee organization (classified)
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days, purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms, enhancement of prison terms
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VII, Civil Rights Act of 1964
Management Resources	Description
Court Decision	Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association

Cross References

Code	Description
2121	Superintendent's Contract
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave

Policy 4216: Probationary/Permanent Status

Status: DRAFT

Original Adopted Date: 05/07/2020

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed 6 months of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the Eden Area ROP. Permanent employees will be evaluated annually.

The Governing Board desires to employ and retain highly qualified classified personnel to support the Eden Area Regional Occupational Program's (Eden Area ROP) educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term Eden Area ROP employment.

A probationary employee who has been employed by the Eden Area ROP for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the Eden Area ROP. (Education Code 45113, 45301)

Probationary employees shall receive 3 written performance evaluations by their supervisor during the probationary period at approximately 2 months, 3 months and 5 months. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

The Superintendent or designee Eden Area ROP may, without cause, dismiss an a new employee during the initial probationary period.

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

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed the probationary period one year of service in that position.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which he/she the employee was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

(cf. 4112.9/4212.9/4312.9-Employee Notifications)

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

State References

Ed. Code 45113

Description

Notification of charges, classified employees

Ed. Code 45240-45320

Merit system

Management Resources References

Website

Description

California School Employees Association -

<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

Cross References

4112.9

Description

Employee Notifications -

<https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==>

4112.9

Employee Notifications -

<https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==>

4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/NWD7slshgeprX6jUKSTiGPfnQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIJvP6B6ft5plusnng==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/Q0plusAPQXtrFrE5dqwAsBp9g==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/slsh8oMjzcJGtcyVciXusC0bA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/BbyzIM2pZtux15P2JhplusUxA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/jjOvCL3R0BslshFhOudlvslshXEA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/fGs9Z4jK9BpVYfVXJgTrOQ==

ACTION ITEMS

DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, Bylaws and Exhibits 5000, 6000, 7000 and 9000

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.

CURRENT SITUATION

The board policies and administrative regulations listed below have been updated based on the feedback and discussion at the December 9, 2021 Governing Board meeting.

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

NUMBER	TYPE	TITLE	STATUS
5113.1	Regulation	Chronic Absence and Truancy	Replace
5125	Regulation	Student Records	Replace
5131	Policy	Conduct	Replace
5131.2	Regulation	Bullying	Replace
5131.8	Policy	Mobile Communication Devices	New
5132	Policy	Dress and Grooming	Replace
5141.21	Regulation	Administering Medication and Monitoring	Replace
5141.22	Policy	Infectious Diseases	Replace
5141.22	Regulation	Infectious Diseases	Replace
5141.4	Policy	Child Abuse Prevention and Reporting	Replace
5141.4	Regulation	Child Abuse Prevention and Reporting	Replace
5141.52	Policy	Suicide Prevention	Replace
5141.52	Regulation	Suicide Prevention	Replace
5142	Policy	Safety	Replace
5142	Regulation	Safety	Replace
5144.1	Regulation	Suspension and Expulsion/Due Process	Replace
5145.12	Policy	Search and Seizure	Replace
5145.3	Policy	Nondiscrimination/Harassment	Replace
5145.3	Regulation	Nondiscrimination/Harassment	Replace
5145.6	Policy	Parental Notifications	Replace
5145.6	Exhibit	Parental Notifications	Replace
5145.7	Policy	Sexual Harassment	Replace
5145.7	Regulation	Sexual Harassment	Replace

5145.71	Regulation	Title IX Sexual Harassment Complaint Procedures	New
5145.71	Exhibit	Title IX Sexual Harassment Complaint Procedures	New
5145.9	Policy	Hate-Motivated Behavior	Replace
6143	Policy	Course of Study	Replace
6154	Policy	Homework/Makeup Work	Replace
6161.1	Regulation	Selection and Evaluation of Instructional Materials	Replace
7140	Policy	Architectural and Engineering Services	Replace
7140	Regulation	Architectural and Engineering Services	Replace
9012	Bylaw	Board Member Electronic Communications	Replace
9320	Bylaw	Meeting and Notices	Replace
9321	Bylaw	Closed Session	Replace
9321	Exhibit	Closed Session	Replace
9323	Bylaw	Meeting Conduct	Replace

RECOMMENDATION

It is recommended that the Governing Board approve the second reading and adoption of Governing Board Policies, Administrative Regulations, Bylaws and Exhibits 5000, 6000, 7000 and 9000.

Regulation 5113.1: Chronic Absence And Truancy

Status: DRAFT

Original Adopted Date: 06/05/2020

Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the Eden Area Regional Occupational Program (Eden Area ROP), exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the Eden Area ROP has made a conscientious effort to hold at least one conference with the student and the student's parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the Eden Area ROP has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)

For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5 and AR 5113 - Absences and Excuses. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the Superintendent, attendance supervisor, or designee shall communicate with the student and the student's parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

Whenever chronic absenteeism is linked to a health, social-emotional, family, or other nonschool issue, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and the student's family.

Regulation 5125: Student Records

Status: DRAFT

Original Adopted Date: 06/05/2020

Definitions

Student means any individual who is or has been in attendance at the Eden Area Regional Occupational Program (Eden Area ROP) and regarding whom the Eden Area ROP maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the Eden Area ROP that are directly related to an identifiable student and maintained by the Eden Area ROP, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the Eden Area ROP. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; ; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

3. Records of the law enforcement unit of the Eden Area ROP, subject to 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

4. Records created or received by the Eden Area ROP after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name

2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the Eden Area ROP reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the Eden Area ROP, whether routine or as a result of special circumstances, require access to information contained in student records.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities to the Eden Area ROP, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

Contractor or consultant is anyone with a formal written agreement or contract with the Eden Area ROP regarding the provision of services or functions outsourced to by the Eden Area ROP. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the Eden Area ROP and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of high school students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the Eden Area ROP may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

5. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

6. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

7. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

8. Any Eden Area ROP attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

9. An Eden Area ROP attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

10. Any probation officer, Eden Area ROP attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

11. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

12. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the Eden Area ROP (Education Code 49069.3)

(cf. 6164.6 - Identification and Education Under Section 504)

(cf. 6173.1 - Education for Foster Youth)

13. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

14. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

15. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

16. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the Eden Area ROP provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

17. Designated peace officers or law enforcement agencies in cases where the Eden Area ROP is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the Eden Area ROP, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the Eden Area ROP, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

Discretionary Access

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The Eden Area ROP enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the Eden Area ROP, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the Eden Area ROP discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The Eden Area ROP's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the Eden Area ROP shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining Eden Area ROP-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest
6. Law enforcement personnel seeking to enforce immigration laws

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

To provide copies of any student record, the Eden Area ROP may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

No additions or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49062.5; 5 CCR 437)

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the Eden Area ROP shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former student, the Eden Area ROP shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The Eden Area ROP is not required to modify records that the former student has not requested for modification or reissuance. (Education Code 49062.5)

(cf. 5145.3 - Nondiscrimination/Harassment)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student

2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student

4. Name and address of parent/guardian of minor student

a. Address of minor student if different from the above

b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

2. A log identifying persons or organizations who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or prohibition of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - State Academic Achievement Tests)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the Eden Area ROP speak a single primary language other than English, then the Eden Area ROP shall provide these notices in that language. Otherwise, the Eden Area ROP shall provide these notices in the student's home language insofar as practicable. The Eden Area ROP shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the Eden Area ROP and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. Eden Area ROP criteria for defining school officials and employees and for determining legitimate educational interest
5. Eden Area ROP policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the Eden Area ROP to comply with 20 USC 1232g

13. A statement that the Eden Area ROP forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Student Records from Social Media

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
 2. Provide a student with access to any information that the Eden Area ROP obtained from the student's social media activity and an opportunity to correct or delete such information
 3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the Eden Area ROP, whichever occurs first
 4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980
 5. If the Eden Area ROP contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the Eden Area ROP, the student, or the student's parent/guardian
 - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the Eden Area ROP notifies the third party that the student has turned 18 years of age or is no longer enrolled in the Eden Area ROP, whichever occurs first
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Policy 5131: Conduct

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using Eden Area Regional Occupational Program (Eden Area ROP) transportation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Governing Board policies and administrative regulations. Students and parents/guardians shall be notified of Eden Area ROP rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the Eden Area ROP

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, vaping or other prohibited substances

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)

9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy

(cf. 5131.8- Mobile Communication Devices)

(cf. 6163.4-Student Use of Technology)

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

11. Wearing of any attire that violates Eden Area ROP dress codes

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 Attendance Supervision)

(cf. 5113.1- District School Attendance Review Board)

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, an Eden Area ROP employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate Eden Area ROP rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Governing Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Governing Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or Eden Area ROP property, or substantially disrupts school activities.

Regulation 5131.2: Bullying

Status: DRAFT

Original Adopted Date: 06/05/2020

Examples of Prohibited Conduct

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the Eden Area Regional Occupational Program (Eden Area ROP) include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting or sharing on social networking sites, or posting embarrassing photos, videos, website, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying at the Eden Area ROP, including, but not limited to, the following:

1. Ensuring the establishment of clear rules for student conduct and implementation of strategies to promote a positive, collaborative school climate

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

2. Providing information to students, through student handbooks, web site and social media, and other age-appropriate means, about Eden Area ROP rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents, if necessary, increasing supervision and security in areas where bullying most often occurs,
5. Annually notifying Eden Area ROP employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying.(Education Code 32283.5)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the Eden Area ROP and its employees to prevent discrimination, harassment, intimidation, and bullying of Eden Area ROP students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

The Superintendent or designee shall post on the Eden Area ROP's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The Eden Area ROP's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the Eden Area ROP's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6
4. Eden Area ROP policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

(cf. 1113-District and School Web Sites)

Student Instruction

As appropriate, the Eden Area ROP shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and

appropriate online behavior.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

The Eden Area ROP shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students shall be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher or an administrator or any other available school employee.

When a report of bullying is submitted, the administrator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

(cf. 1312.3 - Uniform Complaint Procedures)

Within one business day of receiving such a report, a staff member shall notify an administrator of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to an administrator whether or not the alleged victim files a complaint.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, administrator, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with Eden Area ROP policies and regulations.

(cf. 5116.2-Involuntary Student Transfers)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

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

When appropriate, based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

Support Services

The Superintendent or designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement Eden Area ROP intervention protocols which may include, but are not limited to, referral to Eden Area ROP or community mental health services, other health professionals, and/or law enforcement.

Policy 5131.8: Mobile Communication Devices

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that the use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but could be disruptive of the instructional program in some circumstances. The Board permits limited use of mobile communication devices on campus in accordance with law and the following policy.

(cf. 0450-Comprehensive Safety Plan)
(cf. 5131.2-Bullying)
(cf. 5131.4 Student Disturbances)
(cf. 5131.9-Academic Honesty)
(cf. 5137-Positive School Climate)
(cf. 5141.52-Suicide Prevention)
(cf. 6163.4-Student Use of Technology)

Students may use cell phones, smart watches, pagers, or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any rules that individual school sites may impose.

Mobile communication devices shall be turned off during instructional time. However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education program

(cf. 6159-Individualized Education Program)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

When a school official reasonably suspects that a search of a student's mobile communication device will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12-Search and Seizure)
(cf. 5145.2-Freedom of Speech/Expression)

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and an Eden Area Regional Occupational Program (Eden Area ROP) employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or Eden Area ROP property or substantially disrupts school activities.

The Superintendent or designee shall inform students that the Eden Area ROP will not be responsible for a student's mobile communication device which is brought to campus or to a school activity and is lost, stolen, or damaged.

Policy 5132: Dress And Grooming

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Governing Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or causes a substantial disruption to the educational program.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

Eden Area Regional Occupational Program (Eden Area ROP) rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The Superintendent or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

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

(cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the Eden Area ROP's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

Regulation 5141.21: Administering Medication And Monitoring Health Conditions

Status: DRAFT

Original Adopted Date: 02/05/2015

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the Eden Area Regional Occupational Program (Eden Area ROP), including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - Asthma Management)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider written statements each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480)

3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

When Eden Area ROP employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized Eden Area ROP representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how Eden Area ROP employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the Eden Area ROP in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the Eden Area ROP and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the Eden Area ROP to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

When any Eden Area ROP employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code

49423, 49423.1; 5 CCR 602)

6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

7. Possible side effects of the medication

8. Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the Eden Area ROP shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish, and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

Eden Area ROP Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from qualified medical personnel.

The other designated Eden Area ROP personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement

2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered

4. Maintain for each student a medication log which may:

a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student

6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication

9. Keep all medication to be administered by the Eden Area ROP in a locked drawer or cabinet

10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects

11. Counsel other designated Eden Area ROP personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects,

omission, or overdose

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the office, or receive further medical assistance

14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors

The Superintendent or designee shall provide epinephrine auto-injectors to employees who have volunteered to administer them in an emergency and have received training. The volunteer employee may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

The Superintendent or designee may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

If the Eden Area ROP does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the Eden Area ROP for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

(cf. 3290 - Gifts, Grants and Bequests)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

(cf. 3580 - District Records)

Policy 5141.22: Infectious Diseases

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing a high-quality education for all students. The Superintendent or designee shall collaborate with local and state health officials to develop and regularly update a comprehensive plan for disease prevention that promotes preventative measures, mitigation, education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

The Superintendent or designee shall regularly review resources available from health experts to ensure that Eden Area ROP programs and operations are based on the most up-to-date information.

If the local health officer notifies the Eden Area ROP of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the Eden Area ROP shall take any action that the health officer deems necessary to control the spread of the disease. The Eden Area ROP shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

Students with Infectious Diseases

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school may work cooperatively with the student's parents/guardians to minimize exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

Regulation 5141.22: Infectious Diseases

Status: DRAFT

Original Adopted Date: 06/05/2020

Prevention and Mitigation Plan

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures
4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies
6. Procedures for the cancellation or alteration of extracurricular activities and field trips
7. Protocols for transportation of students
8. Information on effective hygiene practices
9. Processes for protecting students who are at higher risk from the disease
10. Programs that enhance a positive school climate and foster the emotional well-being of all students
11. Guidelines for cleaning and sanitization of district facilities and equipment
12. Protocols for visitors and outside groups that utilize district facilities
13. Staff training

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

Universal Precautions in the Classroom

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.
3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.

- a. For finger punctures, students shall use individual sterile lancets that have engineered sharps injury protection and shall not reuse them.
 - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
 - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.
- 4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
 - 5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.
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Policy 5141.4: Child Abuse Prevention And Reporting

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board is committed to supporting the safety and well-being of Eden Area Regional Occupational Program (Eden Area ROP) students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

In addition, student identification cards for students in grades 7-12 shall include the National Domestic Violence Hotline telephone number. (Education Code 215.5)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the Eden Area ROP's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the Eden Area ROP and/or school comprehensive safety plan. (Education Code 32282)

Eden Area ROP employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

Regulation 5141.4: Child Abuse Prevention And Reporting

Status: DRAFT

Original Adopted Date: 06/05/2020

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment (Penal Code 11165.5, 11165.6)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be legally privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)
6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; licensees, administrators, and employees of a licensed child day care facility; Head Start program teachers; Eden Area ROP police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on the person's training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, acting in a professional capacity or within the scope of employment, the mandated reporter has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety,

depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11165.9, 11166.05, 11167)

Any Eden Area ROP employee who reasonably believes to have observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school Eden Area ROP police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Such reports shall be made to the following agency(ies):

Alameda County Social Services
(name of appropriate agency)

24100 Amador Street, Hayward, CA 94544
(address)

(510) 259-1800
(phone number)

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall prepare and either send, fax, or electronically transmit to the appropriate agency a written follow-up report, which includes a completed California Department of Justice (DOJ) form (BCIA 8572). (Penal Code 11166, 11168)

The DOJ form may be obtained from the Eden Area ROP office or other appropriate agencies, such as the police department, sheriff's department, or county probation or welfare department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class

- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to the mandated reporter. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose the mandated reporter's identity to a supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, or within the first six weeks of employment if hired during the school year, the Superintendent or designee shall provide training on mandated reporting requirements to Eden Area ROP employees and persons working on their behalf who are mandated reporters. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services (CDSS). (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

Whenever CDSS or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform the person of the following requirements prior to the interview: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable the child to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those guidelines and/or procedures, an interpreter shall be provided.

To file a complaint against an Eden Area ROP employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee shall also file a report when obligated to do so pursuant to Penal Code 11166 using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 3200-3205.

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The Eden Area ROP also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of the person's position shall sign a statement indicating knowledge of the reporting obligations under Penal Code 11166 and compliance with such provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, the mandated reporter may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166) No employee shall be subject to any sanction by the Eden Area ROP for making a report unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166, 11172)
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Policy 5141.52: Suicide Prevention

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes that suicide is a leading cause of death among youth, prevention is a collective effort that requires stakeholder engagement, and school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior, its impact on students and families, and other trauma associated with suicide, the Superintendent or designee shall develop measures, strategies, practices, and supports for suicide prevention, intervention, and postvention.

In developing policy and procedures for suicide prevention, intervention, and postvention, the Superintendent or designee shall consult with school and community stakeholders, school-employed mental health professionals, suicide prevention experts. (Education Code 215)

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include administrators, counselors, psychologists, social workers, nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the Eden Area Regional Occupational Program (Eden Area ROP) risk manager or insurance carrier. The Superintendent or designee may also collaborate with county and/or city governments in an effort to align Eden Area ROP policy with any existing community suicide prevention plans.

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, interns, school counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers
2. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students
3. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
4. Crisis intervention procedures for addressing suicide threats or attempts
5. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

Eden Area ROP employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging Eden Area ROP employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

The Board shall review, and update as necessary, this policy at least every five years. The Board may, at its discretion, review the policy more frequently. (Education Code 215)

Regulation 5141.52: Suicide Prevention

Status: DRAFT

Original Adopted Date: 06/05/2020

Staff Development

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Additionally, staff development shall include research and information related to the following topics:

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe or traumatic stressor or loss, family instability, impulsivity, and other factors
3. Identification of students who may be at risk of suicide, including, but not limited to, warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum, promoting mental and emotional health, reducing the stigma associated with mental illness, and using safe and effective messaging about suicide
6. The importance of early prevention and intervention in reducing the risk of suicide
7. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
8. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for constant monitoring and supervision of the student, during the time the student is in the school's physical custody, while the immediate referral of the student to medical or mental health services is being processed
9. Eden Area Regional Occupational Program (Eden Area ROP) procedures for responding after a suicide has occurred
10. Common misconceptions about suicide

Student Identification Cards

Student identification cards for students in grades 9-12 shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number. (Education Code 215.5)

Intervention

Students shall be encouraged to notify a teacher, principal, counselor, designated reporter, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff

member shall promptly notify the principal, school counselor, or designated reporter, who shall implement Eden Area ROP intervention protocols as appropriate.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, discussed, or referred to with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment, or to report child abuse and neglect as required by Penal Code 11164-11174.3. (Education Code 49602)

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision and providing comfort to the student until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate steps to ensure the student's readiness for return to school and determine the need for ongoing support.

Postvention

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The Superintendent or designee shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed.

Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how to best discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the Eden Area ROP-designated spokesperson who shall not divulge confidential information. The Eden Area ROP's response shall not sensationalize suicide and shall focus on the Eden Area ROP's postvention plan and available resources.

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

Policy 5142: Safety

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and promotes student safety and well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs, and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 3515-Campus Security)

(cf. 3515.21-Unmanned Aircraft Systems (Drones))

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3530 - Risk Management/Insurance)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142.1 - Identification and Reporting of Missing Children)

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

(cf. 6163.2 - Animals at School)

(cf. 7111- Evaluating Existing Buildings)

Staff shall be responsible for the proper supervision of students at all times when students are subject to Eden Area Regional Occupational Program (Eden Area ROP) rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using Eden Area ROP transportation.

Student Identification Cards and Safety Information

Student identification cards of students in grades 9-12 shall have printed on them safety information, including the following: (Education Code 215.5, 217)

Regulation 5142: Safety

Status: DRAFT

Original Adopted Date: 06/05/2020

Each Superintendent or designee shall establish emergency procedures, rules for student conduct, and rules for the safe and appropriate use of school facilities, equipment and materials consistent with law, Governing Board policy, and administrative regulation. The rules shall be communicated to students, distributed to parents/guardians and readily available at the school at all times.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

Release of Students

Students shall be released during the school day only to the custody of an adult who is one of the following:

1. The student's custodial parent/guardian and noted on the current emergency card

(cf. 5021 - Noncustodial Parents)

2. An adult authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, provided the Superintendent or designee verifies the adult's identity

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. An authorized law enforcement officer acting in accordance with law

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

(cf. 5145.13-Response to Immigration Enforcement)

4. An adult taking the student to emergency medical care at the request of the Superintendent or designee

(cf. 5141 - Health Care and Emergencies)

Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the Eden Area ROP. (Education Code 32030, 32031, 32033)

(cf. 3260 - Fees and Charges)

1. The National Suicide Prevention Lifeline telephone number and, at the Eden Area ROP discretion, the Crisis Text Line and/or a local suicide prevention hotline telephone number
(cf. 5141.52 Suicide Prevention)

2. The National Domestic Violence Hotline

(cf. 5141.4-Child Abuse Prevention and Reporting)

Regulation 5144.1: Suspension And Expulsion/Due Process

Status: DRAFT

Original Adopted Date: Pending

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

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

Notice of Regulations

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

Grounds for Suspension and Expulsion: Grades K-12

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing prescription products (Education Code 48900(h))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

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

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

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

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

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

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

Additional Grounds for Suspension and Expulsion: Grades 9-12

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

Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

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

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

teacher so requests. (Education Code 48910)

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

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

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

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

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

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

Length of Suspension

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

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The Eden Area ROP may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency

situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

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

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

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

Maintenance of Records

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

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

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

Policy 5145.12: Search And Seizure

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, and only as authorized by law, Board policy, and administrative regulation, school officials may search students, their property, and/or Eden Area Regional Occupational Program (Eden Area ROP) property under their control and may seize illegal, unsafe, or otherwise prohibited items. School officials shall exercise discretion and use good judgment when conducting searches.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the Eden Area ROP's policy and administrative regulation and other legal issues, as appropriate.

Searches Based on Individualized Suspicion

School officials may search an individual student, the student's property, or Eden Area ROP property under the student's control when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the Eden Area ROP. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

Any search of a student, the student's property, or Eden Area ROP property under the student's control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, and student vehicles parked on Eden Area ROP property.

A student's personal electronic device may be searched only if a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two Eden Area ROP employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

Searches of Student Lockers and Desks

All student lockers and desks are the property of the Eden Area ROP. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Policy 5145.3: Nondiscrimination/Harassment

Status: DRAFT

Original Adopted Date: 06/05/2020

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within Eden Area Regional Occupational Program (Eden Area ROP), and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the Eden Area ROP's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at the Eden Area ROP school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived 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, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the Eden Area ROP's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the Eden Area ROP's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the Eden Area ROP's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the Eden Area ROP's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the Eden Area ROP to monitor, address, and prevent repetitive prohibited behavior.

Regulation 5145.3: Nondiscrimination/Harassment

Status: DRAFT

Original Adopted Date: 06/05/2020

The Eden Area Regional Occupational Program (Eden Area ROP) designates the individual(s) identified below as the employee(s) responsible for coordinating the Eden Area ROP's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the Eden Area ROP's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived 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, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Director of Educational Services

(title or position)

26316 Hesperian Blvd, Hayward, CA 94545

(address)

(510) 293-2903

(telephone number)

ealvite@edenrop.org

(email)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at school or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the Eden Area ROP's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through Eden Area ROP-supported communications
2. Post the Eden Area ROP's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Post in a prominent location on the Eden Area ROP web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the Eden Area ROP's Title IX Coordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the Eden Area ROP under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

- i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 - ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
 - iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
 - d. A link to the Title IX information included on the California Department of Education's (CDE) web site
5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
 6. Provide to students a handbook that contains age-appropriate information that clearly describes the Eden Area ROP's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
 7. Annually notify all students and parents/guardians of the Eden Area ROP's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the Eden Area ROP's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the Eden Area ROP will address any individual student's interests and concerns in private.
 8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the Eden Area ROP's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.
- If 15 percent or more of students enrolled speak a single primary language other than English, the Eden Area ROP's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the Eden Area ROP shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the Eden Area ROP's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the Eden Area ROP may use to provide a discrimination-free environment for all Eden Area ROP students, including transgender and gender-nonconforming students.
 10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
 11. At the beginning of each school year, inform each principal or designee of the Eden Area ROP's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of Eden Area ROP Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the Eden Area ROP's policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of Eden Area ROP policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in Eden Area ROP policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

The Eden Area ROP prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational

environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the Eden Area ROP and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The Eden Area ROP's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the Eden Area ROP of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the Eden Area ROP shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is the student's private information and the Eden Area ROP shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the Eden Area ROP has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the Eden Area ROP shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the Eden Area ROP pursuant to 34 CFR 99.31. Any Eden Area ROP employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to an Eden Area ROP employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the Eden Area ROP's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The Eden Area ROP shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless Eden Area ROP personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and,

if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the Eden Area ROP maintains sex-segregated facilities, such as restrooms, students shall be permitted to access facilities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the Eden Area ROP shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door. However, the Eden Area ROP shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
 5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the Eden Area ROP shall update the student's records. (Education Code 49062.5, 49070)
 6. Names and Pronouns: If a student so chooses, Eden Area ROP personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official Eden Area ROP record. However, inadvertent slips or honest mistakes by Eden Area ROP personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying Eden Area ROP policy.
 7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.
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Policy 5145.6: Parental Notifications

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the Eden Area Regional Occupational Program (Eden Area ROP) for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls at the Eden Area ROP during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled at the Eden Area ROP speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the Eden Area ROP's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Exhibit 5145.6

Parental Notifications

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2020 (SB 74, Ch. 6, Statutes of 2020) extends the suspension of these requirements through the 2020-21 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if Eden Area ROP has no web site and uses certain pesticides, integrated pest management plan
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	Eden Area ROP and site discipline rules
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5;5 CCR 4917; 34 CFR 106.8 32255.6	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, form for changing attendance, appeals process

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year, if Eden Area ROP receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career			
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
III. When Special Circumstances Occur			
In the event of a breach of security of Eden Area ROP records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2	Student has been excluded from school
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When Eden Area ROP is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When Eden Area ROP adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When student complains of sexual harassment	34 CFR 106.44, 106.45	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

IV. Special Education Notices

N/A

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. Classroom Notices			
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

Date Adopted:
PENDING

Policy 5145.7: Sexual Harassment

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The Eden Area Regional Occupational Program (Eden Area ROP) strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the Eden Area ROP's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the Eden Area ROP's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the web site, and including it in student and staff handbooks. All Eden Area ROP staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all Eden Area ROP students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the Eden Area ROP's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the Eden Area ROP's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the Eden Area ROP investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the Eden Area ROP will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students

during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law.

Record-Keeping

In accordance with law and Eden Area ROP policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the Eden Area ROP to monitor, address, and prevent repetitive harassing behavior in schools.

Regulation 5145.7: Sexual Harassment

Status: DRAFT

Original Adopted Date: 06/05/2020

Definitions

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any Eden Area ROP program or activity.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which the Eden Area ROP exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. An Eden Area ROP employee conditioning the provision of an Eden Area ROP aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the Eden Area ROP's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the Eden Area ROP and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator/Compliance Officer

The Eden Area ROP designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Director of Educational Services

(title or position)

26316 Hesperian Blvd, Hayward, CA 94545

(address)

(510) 293-2903

(telephone number)

ealvite@edenrop.org

(email)

Notifications

The Superintendent or designee shall notify students and parents/guardians that the Eden Area ROP does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the Eden Area ROP may be referred to the Eden Area ROP's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The Eden Area ROP shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the Eden Area ROP's Title IX Coordinator. (34 CFR 106.8)

A copy of the Eden Area ROP's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of Eden Area ROP rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any Eden Area ROP publication that sets forth the school's or Eden Area ROP's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook

provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the Eden Area ROP's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the Eden Area ROP's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable Eden Area ROP complaint procedures.

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and Eden Area ROP procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Regulation 5145.71: Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which an Eden Area Regional Occupational Program (Eden Area ROP) school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. An Eden Area ROP employee conditioning the provision of an Eden Area ROP aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the Eden Area ROP's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the Eden Area ROP's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the Eden Area ROP's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the Eden Area ROP. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the Eden Area ROP's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the Eden Area ROP's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Eden Area ROP's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased

security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The Eden Area ROP shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the Eden Area ROP's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the Eden Area ROP may remove a student from the Eden Area ROP's education program or activity, provided that the Eden Area ROP conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If an Eden Area ROP employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the Eden Area ROP's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the Eden Area ROP in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the Eden Area ROP, or sufficient circumstances prevent the Eden Area ROP from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the Eden Area ROP may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The Eden Area ROP shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The Eden Area ROP may facilitate an informal resolution process provided that the Eden Area ROP: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The Eden Area ROP's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the Eden Area ROP's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the Eden Area ROP may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the Eden Area ROP includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the Eden Area ROP's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the Eden Area ROP imposes on the respondent, and whether remedies designed to restore or preserve equal access to the Eden Area ROP's educational program or activity will be provided by the Eden Area ROP to the complainant
6. The Eden Area ROP's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the Eden Area ROP's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the Eden Area ROP shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

The Eden Area ROP's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the Eden Area ROP shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The Eden Area ROP shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

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

When an employee is found to have committed sexual harassment or retaliation, the Eden Area ROP shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of

responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the Eden Area ROP's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
 3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The Eden Area ROP shall make such training materials publicly available on its web site, or if the Eden Area ROP does not maintain a web site, available upon request by members of the public.
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NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the Eden Area ROP to issue the following notification to students at all grade levels and their parents/guardians:

\ The Eden Area ROP does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The Eden Area ROP also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school Eden Area ROP to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the Eden Area ROP's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education or both.

The Eden Area ROP has designated and authorized the following employee as the Eden Area ROP's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Director of Educational Services

(name and/or title/position)

26316 Hesperian Blvd., Hayward, CA 94545

(address)

(510) 293-2903

(telephone number)

ealivte@edenrop.org

(email address)

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During Eden Area ROP business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable Eden Area ROP complaint procedure.

To view an electronic copy of the Eden Area ROP's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures on the Eden Area ROP's web site at www.edenarearop.org.

To inspect or obtain a copy of the Eden Area ROP's sexual harassment policies and administrative regulations, please contact:

Director of Educational Services
26316 Hesperian Blvd, Hayward CA. 94545
(510) 293-2903
ealvite@edenrop.org

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the Eden Area ROP's web site or at the Eden Area ROP office upon request.

Policy 5145.9: Hate-Motivated Behavior

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived 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, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents in a timely manner when they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

As necessary, the Eden Area Regional Occupational Program (Eden Area ROP) shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

The Superintendent or designee shall provide staff with training that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

Rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the Eden Area ROP web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

Complaints

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the compliance officer responsible for coordinating the Eden Area ROP response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to

report the incident to a teacher, the principal, the Eden Area ROP compliance officer, or other staff member.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the Eden Area ROP uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Policy 6143: Courses Of Study

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes that a well-aligned sequence of courses fosters academic growth and provides for the best possible use of instructional time. The Eden Area Regional Occupational Program's (Eden Area ROP) course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful academically, professionally, and personally.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Superintendent or designee shall establish processes for ensuring the articulation of courses. As necessary, the Superintendent or designee shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which district students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, only utilizes prerequisites that are essential to success in a given program of course, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

The Eden Area ROP shall not provide any course separately on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or require or refuse participation by any of its students on any such basis. (5 CCR 4940)

Secondary Grades

The Eden Area ROP shall offer all otherwise qualified students in grades 9-12 a course of study that prepares them, upon graduation from high school, to attain entry-level employment skills in business or industry. (Education Code 51228)

The Superintendent or designee shall develop a process by which courses that meet California college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California for review and certification. The Superintendent or designee shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to all students in grades 9-12 and their parents/guardians, and shall make updated lists readily available. (Education Code 51229, 66204)

Policy 6154: Homework/Makeup Work

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

(cf. 6011 - Academic Standards)

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives.

(cf. 4131 - Staff Development)

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines shall also be included in student and/or parent/guardian handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their students.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their students' homework assignments are completed. When a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

Makeup Work

Students who are absent from school shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

(cf. 5113 - Absences and Excuses)

The Superintendent or designee shall notify parents/guardians that no student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

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

(cf. 5145.6 - Parental Notifications)

Suspended Students

When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

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

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

Regulation 6161.1: Selection And Evaluation Of Instructional Materials

Status: DRAFT

Original Adopted Date: 06/05/2020

Review Process

The Eden Area Regional Occupational Program (Eden Area ROP) review process for evaluating instructional materials shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members in accordance with Education Code 60002. The review process may also involve administrators, other staff who have subject-matter expertise, and students as appropriate. The Superintendent or designee shall seek input from stakeholders with diverse backgrounds and perspectives.

The Superintendent or designee may establish a CTE advisory committee to conduct the review of instructional materials.

The Superintendent or designee shall present to the Governing Board recommendations for instructional materials and documentation that supports the recommendations.

All recommended instructional materials shall be available for public inspection at the Eden Area ROP office.

When possible, the Eden Area ROP may pilot instructional materials in a representative sample of classrooms for a specified period of time during a school year, in order to determine the extent to which the materials support the Eden Area ROP's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Criteria for Selection and Adoption of Instructional Materials

In recommending instructional materials for adoption by the Board, the Superintendent or designee shall ensure that the materials:

1. Are aligned to the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE
2. Do not reflect adversely upon persons because of any characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 51501, 60044)
3. To the satisfaction of the Board, are accurate, objective, current, and suited to the needs and comprehension of Eden Area ROP students at their respective grade levels (Education Code 60045)
4. With the exception of literature and tradebooks, use proper grammar and spelling (Education Code 60045)
5. Do not expose students to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60048, 60200)
 - a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by SBE.
 - b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.
6. Meet the requirements of Education Code 60040-60043 for specific subject content, including, but not limited, accurately portraying society's cultural and racial diversity
7. Support the Eden Area ROP's adopted courses of study and curricular goals
8. Contribute to a comprehensive, balanced curriculum
9. Demonstrate reliable quality of scholarship as evidenced by:

- a. Accurate, up-to-date, and well-documented information
 - b. Objective presentation of diverse viewpoints
 - c. Clear, concise writing and appropriate vocabulary
 - d. Thorough treatment of subject matter
10. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
 11. Stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
 12. As appropriate, have corresponding versions available in languages other than English
 13. Include high-quality teacher's guides
 14. When available, include options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

In addition to meeting the above criteria as applicable, technology-based materials shall:

1. Be both available and comparable to other, equivalent instructional materials (Education Code 60052)
2. Be accessible to all students, including economically disadvantaged students, students with disabilities, and English learners
3. Protect the privacy of student data

Conflict of Interest

To ensure integrity in the evaluation and selection of instructional materials, individuals who are participating in the evaluation of instructional materials and are not otherwise designated in the Eden Area ROP's conflict of interest code shall sign a disclosure statement indicating that they:

1. Will not accept any emolument, money, or other valuable thing or inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

2. Are not employed by nor receive compensation from the publisher or supplier of the instructional materials or any person, firm, organization, subsidiary, or controlling entity representing it
 3. Do not have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the Eden Area ROP
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Policy 7140: Architectural And Engineering Services

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board desires to provide school facilities that support the educational program and meet all applicable safety and design standards. When required by law, the Board shall employ or contract with a licensed and certified architect and/or structural engineer to design and supervise the construction of the facilities.

(cf. 7110 Facilities Master Plan)

The architect and/or structural engineer shall be responsible for preparing all construction plans, specifications, and estimates and for the observation of the work of construction. (Education Code 17302)

To ensure compliance with state design and safety standards, preliminary and final plans for any state-funded school facility project, including Board-approved educational specifications for school design when necessary, shall be submitted to the California Department of Education and the Department of General Services, Division of the State Architect. (Education Code 17267; 5 CCR 14030-14032)

The Superintendent or designee shall devise a competitive process for the selection of architects, structural engineers, and other design professionals that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, the Superintendent or designee shall recommend architectural and engineering firms to the Governing Board. The Board for approval shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Governing Board need not select the lowest responsible bidder.

(cf. 3311 - Bids)

(cf. 3311.3 - Design-Build Contracts)

Regulation 7140: Architectural And Engineering Services

Status: DRAFT

Original Adopted Date: 06/05/2020

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Assures maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits Eden Area Regional Occupational Program (Eden Area ROP) employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

(cf. 9270 - Conflict of Interest)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications and estimates prepared by the architect or structural engineer shall become the property of the Eden Area ROP. The contract shall also specify terms and conditions for reuse within the Eden Area ROP of any plans prepared by the architect or structural engineer. (Education Code 17316)

A contract may be awarded to a single entity for both design and construction of any school facility in excess of \$1,000,000 in accordance with AR 3311.3 - Design-Build Contracts. (Education Code 17250.20)

(cf. 3311.3- Design-Build Contracts)

Bylaw 9012: Board Member Electronic Communications

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information within the Eden Area ROP and with members of the public. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting, circumvent the public's right to access records regarding Eden Area ROP business, or restrict access to a public forum.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

Examples of permissible electronic communications concerning Eden Area ROP business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the Board, as long as a majority of the Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the Board. A Board member is prohibited from responding directly to any communication from other Board members regarding matters that are within the subject matter jurisdiction of the Board or using digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. (Government Code 54952.2)

Whenever a Board member uses a social media platform to communicate with the public about Eden Area ROP business or Board activities, the Board member shall not block access to a member of the public based on the viewpoint expressed by that individual.

Board members may use electronic communications to discuss matters that do not pertain to Eden Area ROP business, regardless of the number of Board members participating in the discussion.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that the response does not necessarily reflect the views of the Board as a whole. The Board President and Superintendent will be included in the response. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate Eden Area ROP process. As appropriate, communication received from the media shall be forwarded to the designated Eden Area ROP spokesperson.

To the extent possible, electronic communications regarding any Eden Area ROP -related business shall be transmitted through an Eden Area ROP provided device or account. When any such communication is transmitted through a Board member's personal device or account, the Board member shall copy the communication to an Eden Area ROP electronic storage device for easy retrieval.

Bylaw 9320: Meetings And Notices

Status: DRAFT

Original Adopted Date: 06/05/2020

Meetings of the Governing Board are conducted for the purpose of accomplishing Eden Area Regional Occupational Program (Eden Area ROP) business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board or Eden Area ROP. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, an employee or Eden Area ROP official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or Eden Area ROP official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1, 54954.2)

Regular Meetings

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

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the Eden Area ROP's Internet web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the Eden Area ROP's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

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

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

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

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

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

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific Eden Area ROP business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the Eden Area ROP to address a

topic of local community concern

3. An open and noticed meeting of another body of the Eden Area ROP
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within Eden Area ROP boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the Eden Area ROP is a party
2. Inspect real or personal property which cannot conveniently be brought into the Eden Area ROP, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the Eden Area ROP has no meeting facility within its boundaries or if its principal office is located outside the Eden Area ROP
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the Eden Area ROP over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the Eden Area ROP but located outside the Eden Area ROP, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the Eden Area ROP's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another Eden Area ROP regarding the Board's potential employment of an applicant for Superintendent of the Eden Area ROP
10. Interview a potential employee from another Eden Area ROP

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

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

Teleconferencing

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

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

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

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Bylaw 9321: Closed Session

Status: DRAFT

Original Adopted Date: 06/05/2020

The Board is committed to complying with state open meeting laws and modeling transparency in its conduct of Eden Area Regional Occupational Program (Eden Area ROP) business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and specified below. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

In the open session preceding the closed session, the Board shall disclose the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. (Government Code 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly disclose any action taken in the closed session, the votes or abstentions thereon, and other disclosures specified below that are applicable to the matter being addressed. Such reports may be made in writing or orally at the location announced in the agenda for the closed session. (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary retyping is completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

Personnel Matters

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, performance evaluation, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

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

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of the right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss an employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to Eden Area ROP employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of an Eden Area ROP employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 4117.7/4317.7 - Employment Status Reports)

Matters Related to Students

If a public hearing would lead to the disclosure of confidential student information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. If a written request for open session is received from the parent/guardian or adult student, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session. (Education Code 35146, 48912, 49070)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)

(cf. 5125 - Student Records)

However, in taking final action, the Board shall not release any information in violation of student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name.

Security Matters

The Board may meet in closed session with the Governor, Attorney General, Eden Area ROP legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a three-fourths vote of the Board members present, or, if less

than three-fourths of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 9323.2 - Actions by the Board)

Agenda items related to these security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

The Board may meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the Eden Area ROP's plan for tactical responses. (Education Code 32281)

Real Property Negotiations

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the Eden Area ROP in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s), the property under negotiation, and the person(s) with whom the negotiator may negotiate. For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the Eden Area ROP negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the Eden Area ROP of its approval. (Government Code 54957.1)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion of the matter in open session would prejudice the Eden Area ROP's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the Eden Area ROP is a "party" has been initiated formally. (Government Code 54956.9(d)(1))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the Eden Area ROP, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(d)(2), (3))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

a. Facts and circumstances that might result in litigation against the Eden Area ROP but which the Eden Area ROP believes are not yet known to potential plaintiff(s) and which do not need to be disclosed.

b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the Eden Area ROP, which are already known to potential plaintiff(s) and which must be publicly disclosed before the closed session or specified on the agenda.

c. The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

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

d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.

e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat of litigation on the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(d)(4))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9 (d)(1), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the Eden Area ROP's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3) and shall specify the potential number of cases. When the Eden Area ROP expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(d)(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Following the closed session, the Board shall publicly report, as applicable: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.

2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the Eden Area ROP's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.

3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the Eden Area ROP shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the Eden Area ROP is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

When the board of the JPA has so authorized and upon advice of Eden Area ROP legal counsel, the Board may also meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA that has direct financial or liability implications for the Eden Area ROP. During the Governing Board's closed session, a Governing Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Governing Board members. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the name of the JPA, the closed session description used by the JPA, and the name of the Board member representing the Eden Area ROP on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report.

After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

Note: Pursuant to Government Code 54954.2, the agenda for each Governing Board meeting must contain a general description of each item to be discussed in closed session; see the accompanying Board bylaw. Specific agenda descriptions for most closed session items are provided in Government Code 54954.5. The district may use substantially similar language and should consult with legal counsel as necessary. The following Exhibit reflects Government Code 54954.5 and, where the law does not provide an agenda description for a matter that is an allowable use of closed session, presents examples of agenda descriptions that would inform the public of the purpose of the item without breaching confidentiality.

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT

Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYMENT

Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code 54957

Title: _____
(Specify position of employee being evaluated)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code 54957

(No additional information is required. An employee's dismissal or nonrenewal shall not be reported until the employee has first exhausted any right to a hearing or other administrative remedy.)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

Government Code 54957

(No additional information is required.)

**EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED
COMPENSATION PLAN**

Government Code 54957.10

(No additional information is required.)

Negotiations/Collective Bargaining

CONFERENCE WITH LABOR NEGOTIATORS

Government Code 54957.6

District-designated representatives:

(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization:

(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented employee:

(Specify position of unrepresented employee who is the subject of the negotiations.)

Matters Related to Students

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Education Code 35146

Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

CONFIDENTIAL STUDENT MATTER

Action under consideration:

(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation with: _____

(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation with: _____

(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: _____

(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)

District negotiator: _____

(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: _____

(Specify name of party, not agent.)

Under negotiation: _____

(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

Pending Litigation

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Government Code 54956.9(d)(1)

Name of case: _____

(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations.

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Government Code 54956.9(d)(2) or (3)

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3). Number of potential cases: _____

Or

Initiation of litigation pursuant to Government Code 54956.9(d)(4). Number of potential cases: _____

If applicable, facts and circumstances: _____
(The district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the district and that are known to potential plaintiff(s).)

Joint Powers Authority Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY Government Code 54956.95

Name of claimant(s): _____
(Specify name, except pursuant to Government Code 54961 when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name of agency against which the claim is made: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT Government Code 54956.96

Name of JPA: _____

Discussion will concern:

(Specify closed session description used by the JPA.)

Name of district representative on JPA board:

Names of agencies or titles of representatives attending the closed session as consultants or other representatives, if applicable: _____

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE Government Code 54956.75 *(No additional information is required.)*

Bylaw 9323: Meeting Conduct

Status: DRAFT

Original Adopted Date: 06/05/2020

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct Eden Area Regional Occupational Program (Eden Area ROP) business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or Eden Area ROP staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board members or staff member may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee

composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

In general, individual speakers will be allowed three minutes to address the Board on each agenda or nonagenda item, the Board will limit the total time for public input on each item to 20 minutes. However, in exceptional circumstances when necessary to ensure full opportunity for public input, the Board president may, with Board consent, adjust the amount of time allowed for public input, and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:

a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.

b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

c. The Board shall not prohibit public criticism of Eden Area ROP employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Annual Independent Auditor's Report for the Fiscal Year Ending June 30, 2021

BACKGROUND

Pursuant to the standards for financial and compliance audits, the Eden Area ROP is audited by an independent auditor in compliance with the Government Auditing Standards, issued by the Controller General of the United States, and Standards and Procedures for Audits of California K-12 Local Educational Agencies, as prescribed by the State Controller.

CURRENT SITUATION

For the Fiscal Year ending June 30, 2021, the Eden Area ROP exhibits compliance with the Governmental Accounting Standards Board (GASB) Statement No. 34 – Basic Financial Statement – and Management's Discussion and Analysis – for State and Local Governments. Included in the report is the Eden Area ROP management analysis of the Program's overall financial position called the Management Discussion and Analysis (MD&A). Per GASB Statement No. 34, fund financial statements now focus on major funds and they are prepared using the full accrual accounting method, including the reporting of major classes of capital assets.

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 Annual Independent Auditor's Report for the fiscal year ending June 30, 2021.



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Governing Board Reorganization

BACKGROUND

Annually, the Governing Board selects a Board President and Vice-President to perform the duties as specified in the Government Code.

CURRENT SITUATION

Now that reorganization of the member districts have been completed, the Eden Area ROP Governing Board will select a President and Vice-President to serve from February 2022 through January 2023. All members of the current Governing Board are eligible for election.

RECOMMENDATION

It is recommended that the Governing Board elect their new officers at tonight's meeting and approve the Governing Board reorganization.

DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Request the Governing Board to approve the Adoption of the Recommended Textbooks for the 2022-2023 School Year

BACKGROUND

In accordance with Board Policy and Administrative Regulation 6161.1 The Director or designee will administer the selection, ordering and implementation of textbooks throughout the Eden Area Regional Occupational Program (ROP).

Criteria and priorities for the selection of textbooks shall be based on local educational goals and objectives, State-approved instructional programs and criteria derived from any related curriculum frameworks, business/industry advisory committee and/or instructor input.

Adoption of textbooks by the Governing Board will be based upon recommendation made to the Board by the Director or designee.

The Board shall provide 10 days' notice for the public to view the textbooks prior to the Board meeting at which they will be reviewed for Board approval.

CURRENT SITUATION

Listed below are the recommended textbooks for the 2022-2023 school year. The books are available for review by the public upon request.

Pathway(s): Marketing, Entrepreneurship/Self Employment

PROGRAM	NEW TEXTBOOK	ISBN #	PUBLISHED	QTY	COST	OLD TEXTBOOK
Marketing	Marketing Dynamics	978-1-63126-625-6	2019	175	89.97	Marketing Essentials
Entrepreneurship	Entrepreneurship	978-1-63126-635-5	2018	160	89.96	Business Economics
Entrepreneurship II	Principals of Business, Marketing and Finance	978-1-63126-455-9	2017	409	89.97	Entrepreneurship II

RECOMMENDATION

It is recommended that the ROP Governing Board approve the adoption of the recommended textbooks for the 2022-2023 school year.



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the COVID-19 Relief Funds Plan for the 2021-2022 and 2022-2023 Fiscal Years

BACKGROUND

\$86.4 million was included in the State Budget for Regional Occupational Programs (ROP) that operate as a Joint Powers Authority (JPA) to support JPA ROPs to provide in-person instruction. The funds can be used to cover expenditures from fiscal years 2020-2021 through 2022-2023.

CURRENT SITUATION

The Eden Area ROP was allocated \$4,770,349 to support in-person operations for this fiscal year and the next fiscal year. Staff will present the board a plan for approval.

RECOMMENDATION

It is recommended that the Governing Board approve the COVID-19 Relief Funds plan for the 2021-2022 and 2022-2023 fiscal years.

EdenAreaROP

SUPERINTENDENT'S MEMO

To: Eden Area ROP Governing Board
From: Linda Granger, Superintendent
Date: February 3, 2022
Re: Funding to Support In-Person Instruction

With the passage of the State Budget for the 2021-2022 fiscal year, just over \$86 million was allocated to Joint Powers Authority (JPA) Regional Occupational Programs (ROP) to support the delivery of in person instruction for the 2020-2021 through 2022-2023 fiscal years. The funds were allocated to JPA ROPs based on 2019-2020 enrollment. The Eden Area ROP was allocated \$4,770,349 of these one-time funds.

To the recommendation regarding how to allocate these funds is based on the following principles:

- Address COVID-related expenditures allocated out of the general fund
- Invest in technology to meet current needs
- Maintain staffing to support students
- Support program needs relative to operating during a pandemic
- Stabilize funding through 2023-2024 fiscal year

COVID Related Expenditures

While the language in the State Budget, allows for looking back into the previous years and reallocating expenditures to these funds, since the books for last year are already closed, we will use these funds to cover the costs that we have incurred this year related to operating in-person such as the purchase of air purifiers, cleaning supplies, busing and the temporary positions approved by the Board related to operating in person.

Technology

After a year of operating virtually and districts moving to one-to-one student devices, the integration of technology into teaching remains with in-person instruction. This is pushing our network to, and sometimes beyond, capacity. Our network is a patchwork system that has been added to and modified incrementally over the years.

Maintaining the servers, cabling, switches, etc. has occurred at the point of failure and traffic has increased. The network needs to be overhauled to meet the current needs of our students and staff. In addition to new equipment, we will also need to contract for services to complete the upgrade of the system. Additionally, we need a new student information system to meet the data needs required for reporting.

Staffing

Throughout the past 9 years, we have been very successful in obtaining grants to support the implementation of Career Technical Education (CTE) programs. We currently are managing eight CTE grants to support student learning that all sunset within the next three years, if new rounds of any or all of these competitive grant programs are eliminated, or if we are not successful in applying in future rounds, we

would lose the support that these programs provide to students. Earmarking these funds as the various grants sunset will enable us to continue to provide students these services.

Program Needs

The cost of providing CTE programs is more expensive than traditional classes due to the volume of consumable supplies and specialized equipment needed. Inflation has taken a toll on our staff's ability to remain within their budget while meeting program needs. We would add funds to program budgets and resume our plan of upgrading equipment for one or two programs each year.

Career Technical Student Organization (CTSO) participation has been a struggle during the pandemic, allocating funds to support student participation will enable more of our students to take advantage of these programs.

Stabilize Funding

We anticipated some of the expenditures needed to provide in-person instruction, and those expenses have been built into our budget. To stabilize funding during the 2023-2024 fiscal year, earmarking the general fund dollars budgeted, but not used during the 2021-2022 and 2022-2023 fiscal years will provide stability in funding for the following year.

When all of these considerations are taken in total, below is what it looks like by the numbers:

		21-22	22-23	Total
Staffing				
Temporary and grant funded positions		\$ 131,668	\$ 565,734	\$ 697,402
Substitutes		\$ 102,000	\$ 95,000	\$ 197,000
Services				
Custodial contract		\$ 82,500	\$ 95,000	\$ 177,500
Student Information System		\$ 88,950	\$ 43,750	\$ 132,700
Busing to/from ROP Center		\$ 1,032,000	\$ 850,000	\$ 1,882,000
Operations				
COVID supplies		\$ 36,557		\$ 36,557
Used maintenance van		\$ 30,000		\$ 30,000
Program Maintenance/Improvement				
CTSO participation		\$ 50,000	\$ 65,000	\$ 115,000
Technology upgrades		\$ 300,000	\$ 450,000	\$ 750,000
program equipment/supplies		\$ 145,000	\$ 457,190	\$ 602,190
furniture replacement		\$ 50,000	\$ 100,000	\$ 150,000
Total Expenditure		\$ 2,048,675	\$ 2,721,674	\$ 4,770,349

We estimate that just over \$2.5 million of these expenditures will be reallocated from the general fund to stabilize our current offerings through the 2023-2024 school year to be allocated as follows:

		23-24
Grant funded positions		\$ 1,124,650
CTSO participation		\$ 75,000
Student Information System		\$ 43,750
		\$ 1,243,400
District CTE Support		\$ 1,293,702



DATE: February 3, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the adoption of Resolution 8-21/22: Career and Technical Education Month (February)

BACKGROUND

February has been designated as Career and Technical Education Month by the Association for Career and Technical Education (ACTE).

CURRENT SITUATION

Attached Resolution 8-21/22 recognizes the month as a celebration of the vital impact career and technical education makes upon our students' lives, our business and technical communities and the economic development of our country.

Once adopted, Resolution 8-21/22 will be sent to local and state officials to increase awareness.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 8-21/22: Career and Technical Education Month (February).

EdenAreaROP **RESOLUTION NO. 8-21/22**

Career and Technical Education Month: February

WHEREAS, February has been designated Career and Technical Education Month by the Association for Career and Technical Education; and

WHEREAS, profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system; and

WHEREAS, career and technical education provides Americans with a school-to-careers connection that is the backbone of a strong, well-educated workforce, which fosters productivity in business and industry and contributes to America's leadership in the international marketplace; and

WHEREAS, career and technical education gives high school students experience in practical, meaningful applications of basic skills such as reading, writing and mathematics, thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their fields and in their communities; and

WHEREAS, career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with career choices and potential satisfaction; and

WHEREAS, the ever-increasing cooperative efforts of career and technical educators, business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest and fastest growth in the next decade;

NOW THEREFORE, BE IT RESOLVED, that the Governing Board of the Eden Area Regional Occupational Program does hereby recognize February as

CAREER AND TECHNICAL EDUCATION MONTH

and urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual work skills and productivity.

PASSED AND ADOPTED by the following called vote this 3rd day of February 2022.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California

COMMUNICATION



Alameda County Office of Education

L. K. Monroe Superintendent of Schools

January 11, 2022

Mr. Juan Campos, President
Governing Board
Eden Area ROP
26316 Hesperian Blvd.
Hayward, CA 94545

RE: 2021-22 First Interim Budget Report

Dear President Campos,

Pursuant to Education Code (EC) Section 42131(a)(1), at each interim reporting period, the governing board or council (Board) of a Local Education Agency (LEA) is required to certify whether the LEA is able to meet its financial obligations for the remainder of the fiscal year and the following two years based on the financial and budgetary reports required by EC Section 42130 and may also include additional financial information known to the Board.

The Eden Area Regional Occupation Program (EAROP or ROP) filed a POSITIVE certification of the ROP's 2021-22 First Interim Budget Report based on standards and criteria for fiscal stability adopted by the State Board of Education pursuant to EC Section 33127. This Positive Certification is assigned to any LEA that will meet its financial obligations for the current and subsequent two fiscal years, including maintaining reserves equal or above the minimum required Reserve for Economic Uncertainties (REU).

Based on the Alameda County Office of Education's (ACOE) required review and analysis, the First Interim Budget Report approved by EAROP's Board on December 9, 2021, accurately reflects the financial status of the ROP. ACOE, therefore, concurs with the ROP's POSITIVE certification with our comments outlined below.

Multi-Year Budget Projections, Deficit Spending, and Reserves

The Multi-year Budget Projection (MYP) submitted with the 2021-22 First Interim Budget Report indicates deficit spending for the current year of \$103,861. However, for the subsequent two (2) fiscal years the ROP has projected surpluses of \$252,482 and \$74,941, respectively. While EAROP is able to maintain the required REU of five percent (5%) in all three years, the MYP includes \$504,084 in ongoing reductions to certificated and classified salaries in the fiscal year 2022-23 and 2023-24 due to the elimination of grant programs. ACOE encourages the ROP to create contingency plans for expenditure reductions, revenue enhancements, or a combination of the two to ensure adequate reserve levels are retained in the years ahead.

ROP Revenue & Member Districts

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

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

Sincerely,



L. K. Monroe
Alameda County Superintendent of Schools

cc: Governing Board, Eden Area ROP
Linda Granger, Superintendent, Eden Area ROP
Anthony Oum, Fiscal Services Administrator, Eden Area ROP
Dr. Candi Clark, Associate Superintendent of Business Services, ACOE
Shirene Moreira, Chief of District Business & Advisory Services, ACOE
Terah Studges-Owens, Director, District Advisory Services, ACOE