



# GOVERNING BOARD MEETING AGENDA

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

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**Thursday, December 9, 2021**  
**5:45 pm**

## GOVERNING BOARD MEMBERS

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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

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



Regular Meeting of the ROP Governing Board  
Date: Thursday, December 9, 2021  
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/87400830939?pwd=TS1NdGVrTEMvVnU1SWxpWXdnNN1U2UT09> to at the noticed meeting time.  
Meeting ID: **874 0083 0939**  
Passcode: **BdMitg50**

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 **874 0083 0939**, then press "#". Passcode: **8610408**

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

##### **Public Comment Instructions:**

- **To comment by video conference**, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129> -Raise-Hand-In-Webinar.
- **To comment by phone**, you will be prompted to "Raise Your Hand" by pressing "\*9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> -Joining-a-meeting-by-phone.

#### **AGENDA**

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

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

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

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

**I. Call to Order**

**II. Roll Call**

**III. Pledge of Allegiance**

**IV. Mission Statement**

**V. Approval of Agenda**

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

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

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

**Public Comment Instructions:**

- When it is time for the speakers to address the Board, your name will be called and you will then be unmuted and allowed to make public comments.
- Speakers should rename their Zoom profile names to their real names to expedite this process.
- After the comment, the microphone for the speaker's Zoom profile will be muted.

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

**VII. Student of the Month**

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

**VIII. Consent Calendar**

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

- A. Request the Governing Board to approve the Minutes of the Regular Governing Board Meeting of November 4, 2021 (pages 5-9)
- B. Request the Governing Board to approve the Bill Warrants (pages 10-16)
- C. Request the Governing Board to approve the Listed Donations-Roy Samol (page 17)
- D. Request the Governing Board to approve the Listed Donations-H & J Diaz Family Foundation (page 18)
- E. Request the Governing Board to approve the Revised Agreement with the East Bay Municipal Utility District (EBMUD) for Virtual Work-Based Learning Services for the 2021 Summer (pages 19-27)

- F. Request the Governing Board to approve the Agreement with the California School Boards Association District Services Corporation for GASB Roll Forward Report Services for the 2021-2022 School Year (pages 28-30)
- G. Request the Governing Board to approve the MOU with CRY-ROP for CTE TEACH for the 2021-2022 School Year (pages 31-35)

**IX. Information Items**

- A. Recognition of the Eden Area ROP Teacher of the Year (page 36)
- B. ROP Pathway Review- Welding and Materials Joining (pages 37-38)
- C. ROP Pathway Review- Patient Care (pages 39-40)
- D. Fall Advisory Committee Meetings (page 41)
- E. First Reading of Governing Board Policies, Administrative Regulations, Bylaws and Exhibits 5000, 6000, 7000 and 9000 (pages 42-251)

**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 (pages 252-300)
- B. Request the Governing Board to approve the 2021-2022 First Interim Report (page 301)
- 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 (pages 302-305)
- D. Request the Governing Board to approve the Ongoing Agreement with Infinite Campus for Student Information System Services for the High School Programs (pages 306-315)
- 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 (pages 316-331)

**XI. Superintendent's Report**

**XII. Governing Board Reports**

**XIII. Recess to Closed Session**

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

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

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

**XV. Adjournment**



**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Presentation of ROP Student of the Month Awards

## **BACKGROUND**

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

## **CURRENT SITUATION**

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

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

<b>STUDENT NAME</b>	<b>HIGH SCHOOL</b>	<b>ROP PROGRAM</b>	<b>INSTRUCTOR</b>
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

## **RECOMMENDATION**

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Information only

# CONSENT CALENDAR

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CONSENT CALENDAR



## Minutes of the Regular Meeting of the ROP Governing Board November 4, 2021

### I. Call to Order

Juan Campos, Board President, called the meeting to order at 5:45 p.m. on Thursday, November 4, 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	arrived at 5:50 pm
Gabriel Chaparro, Member	Hayward USD	
James Aguilar, Member	San Leandro USD	

Superintendent: Linda Granger, present

#### Eden Area ROP Administrators Present:

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

#### Eden Area ROP Staff Present:

Mikel Jackson	Sports Medicine Instructor
Laura Jagroop	Entrepreneurship Instructor
Gabriela Juarez	Executive Assistant
Marlene McDowell	First Responder (Fire Science/EMT) Instructor
Abraham Mendoza	Work-Based Learning Specialist
Kathrina Miranda	Business Engagement Specialist
Daniel Pareja	Automotive Refinishing Instructor
Amanda Rose	Culinary Science Instructor
Jayne Salinger	Work-Based Learning Specialist
Sukhi Sidhu	Career Counselor

#### Others Present:

Roman Muñoz	Lozano Smith
Don Vilfer	Lozano Smith
Students of the Month and their families	

### III. Pledge of Allegiance

Hannah Henriquez led the Pledge of Allegiance.

### IV. Mission Statement

Anthony James Bandril read the Eden Area ROP mission statement.

### V. Approval of Agenda

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

AYES: 3 (Aguilar, Campos, Chaparro)  
NOES: 0  
ABSTAIN: 0  
ABSENT: 1 (Theodore)

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

None

**VII. Student of the Month Awards**

The following students were honored by their teachers, ROP Staff and the Governing Board as students of the month for November 2021:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Hannah Henriquez	Mt. Eden High School	First Responder (Fire Science/EMT) II P	Marlene McDowell
Reyna M. Delgado	San Leandro High School	Entrepreneurship III P	Laura Jagroop
Anthony James Bandril	Mt. Eden High School	Culinary Science I P	Amanda Rose

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 October 7, 2021
- B. Bill Warrants
- C. Personnel Action Items
- D. Advisory Committee Members
- E. Agreement with AppleOne for IT Support Services for the 2021-2022 School Year
- F. Agreement with Eide Bailly for Fixed Assets Consulting Services for the 2021-2022 School Year
- G. Agreement with the National Center for Executive Leadership and School Board Development to Provide Support for the Administrative Team for the 2021-2022 and 2022-2023 School Years

Trustee Gabriel Chaparro seconded the motion.

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

**IX. Information Items**

**A. Business Partners of the Year**

Manuschka Michaud, presented the Business Partners of the Year. This year, the Eden Area ROP and the four member districts nominated a total of 8 Business Partners of the Year. The following business partners were introduced by the instructors or district partners who nominated them and were honored by the Eden Area ROP staff and the Governing Board as the 2021 Business Partners of the Year:

<b>NAME</b>	<b>COMPANY</b>
San Leandro Chamber of Commerce	San Leandro Chamber of Commerce
Melissa Marscin	Collision Repair Education Foundation
Roy Miles Jr.	Northstarr Media Group
Dirk Vanderlaan	Tesla
Paul Nguyen	City of Hayward
Todd Anglin	Anglin Insurance and Financial Services, Inc., State Farm
Brittany Albaugh	Construction Industry Education Foundation
Quency Phillips	Que Talent Agency

A plaque was shipped to each Business Partner of the Year. Each person was given an opportunity to say a few words.

Board President Juan Campos and Trustee Dot Theodore thanked the Business Partners of the Year for their dedication and commitment to the students.

**B. Principals' Breakfast**

Elaine Alvite, Director of Educational Services, shared that the annual Principals' Breakfast was held on September 29, 2021 via Zoom. Staff discussed current trends in CTE, Strong Workforce Grant Updates, work-based learning updates, enrollment, collaborative, COVID-19 contact tracing, as well as the services the Eden Area ROP can provide for all school sites.

**C. First Reading of Governing Board Policies and Administrative Regulations 0000, 2000 and 3000**

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:

<b>NUMBER</b>	<b>TYPE</b>	<b>TITLE</b>	<b>STATUS</b>
0430	Policy	Comprehensive Local Plan for Special Education	Rescind
0470	Policy	COVID-19 Mitigation Plan	Replace
2121	Policy	Superintendent's Contract	Replace
3110	Policy	Transfer of Funds	Replace

3230	Policy	Federal Grant Funds	Revise
3230	Regulation	Federal Grant Funds	Revise
3311.3	Regulation	Design-Build Contracts	Replace
3320	Regulation	Claims and Actions Against the District	Replace
3452	Policy	Student Activity Funds	Replace
3511.1	Policy	Integrated Waste Management	New
3511.1	Regulation	Integrated Waste Management	New
3515	Policy	Campus Security	Replace
3515.3	Policy	District Policy/Security Department	Replace
3515.3	Regulation	District Policy/Security Department	Replace
3530	Policy	Risk Management/Insurance	Replace
3530	Regulation	Risk Management/Insurance	Replace
3600	Policy	Consultants	Replace

The Governing Board agreed with the additions, deletion 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, Administrative Regulations and Exhibit**

Upon review of and a motion by Trustee James Aguilar and a second by Trustee Gabriel Chaparro the Governing Board approved the second reading and adoption of Governing Board Policies, Administrative Regulations and Exhibit.

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

### **B. Request the Governing Board to approve the Adoption of Resolution 5 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 November 9, 2021 through December 9, 2021**

Upon review of and a motion by Trustee Dot Theodore and a second by Trustee Gabriel Chaparro the Governing Board approved the adoption of Resolution 5 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 November 9, 2021 through December 9, 2021.

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

## **XI. Superintendent's Report**

Superintendent Granger was happy to report that Eden Area ROP had its WASC visit on October 25, 2021. This was the first virtual WASC visit experience and she thanked the staff and students for all their hard work as the logistics where no small undertaking. The feedback from the visiting committee was overwhelmingly positive. They spoke so highly of our students and programs. Superintendent Granger is looking forward to receiving the final report, review the recommendations and accreditation term.

Superintendent Granger also provided an update on the status of our grants. Round 4 of the Strong Workforce Program (SWP) grant was submitted October 15, 2021. The quarterly reports for the 6 SWP grants and Hayward Promise Neighborhood (HPN) grant were due and submitted at the end of October.

Superintendent Granger concluded her report by sharing that she was excited to attend an in-person ACSA Superintendency Council meeting for the first time in over a year. She represents ROPs on the council.

**XII. Governing Board Reports**

Trustee Juan Campos, San Lorenzo USD representative, thanked everyone for their partnership and hard work.

**XIII. Recess to Closed Session**

The meeting was called into closed session at 6:55 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 8:23 p.m.

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

Direction by legal counsel was given to the Board, however, no action was taken.

**XV. Adjournment**

The Governing Board meeting was adjourned in memory of Amairani Flores Nuñez, a San Lorenzo USD and Careers in Education student.

The meeting was adjourned at 8:25 p.m.

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

\_\_\_\_\_  
Linda Granger, Superintendent  
Clerk to the ROP Governing Board



**DATE:** December 9, 2021  
**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**

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The bill warrants submitted for approval are for the period of October 19, 2021 through November 10, 2021 and include test warrant numbers and voided warrants.

## **CONSENT CALENDAR**

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**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**PREPARED BY:** Craig Lang, Director of Adult Program  
**SUBJECT:** Request the Governing Board to approve the Listed Donations- Roy Samol

## **BACKGROUND**

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

## **CURRENT SITUATION**

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On November 23, 2021, Roy Samol donated electrical components for motor controls to the Eden Area ROP.

A letter of acceptance will be sent to the donor.

## **CONSENT CALENDAR**

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**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Listed Donations- H & J Diaz Family Foundation

## **BACKGROUND**

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

## **CURRENT SITUATION**

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On November 29, 2021, H & J Diaz Family Foundation made a monetary donation of \$1,000.00 to the Eden Area ROP.

A letter of acceptance will be sent to the donor.

## **CONSENT CALENDAR**

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**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Revised Agreement with the East Bay Municipal Utility District (EBMUD) for Virtual Work-Based Learning Services for the 2021 Summer

## **BACKGROUND**

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Previously, the East Bay Municipal Utility District (EBMUD) contracted with the Eden Area ROP to provide 3 scholarships of \$1,395 upon successful completion of their summer program.

## **CURRENT SITUATION**

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For the summer of 2021, EBMUD initially planned to provide up to three scholarships for students. The Board approved that agreement at the May 6, 2021 Governing Board meeting. Based on the interest and success of the previous year, EBMUD increased the program to include up to 8 students. This agreement represents the increase in funds provided for scholarships for the summer of 2021.

Fiscal Impact: The Eden Area ROP will receive up to \$8,370 for three scholarships.

## **CONSENT CALENDAR**

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## AGREEMENT

This Agreement is made and entered into by and between the East Bay Municipal Utility District ("EBMUD") and **Eden Area ROP** ("EAROP").

Whereas, EAROP administers an internship program to provide a virtual work-based learning experience to its students ("Students");

Whereas, EBMUD agrees to provide a virtual work-based learning environment for up to **six (6)** Students to the extent available;

Whereas, EBMUD agrees to provide supplemental funding to EAROP not to exceed **\$8,370 (up to \$1,395 per intern)** for the payment of scholarships to Students, in accordance with the schedule set forth in Exhibit A;

Whereas, EAROP agrees to apply these supplemental funds towards payment of a scholarship to each Student in an amount of \$1,395 for 90 hours of internship completed, the terms for which are attached hereto as Exhibit A;

EBMUD and EAROP agree as follows:

### I. GENERAL UNDERSTANDING

1. The parties understand and agree that the internship is primarily an intern-focused learning experience provided to Students currently enrolled in EAROP partner school districts; Castro Valley Unified School District, Hayward Unified School District and San Leandro Unified School District. EBMUD shall offer meaningful and challenging assignments intended to enhance the learning experience of Students assigned by EAROP to an internship placement offered by EBMUD.
2. The parties understand and agree that Students are not employees of EBMUD. EAROP understands and agrees that EAROP is solely responsible for providing scholarship payments and/or any other forms of compensation or benefits that may be due to Students arising from EAROP's internship program. EAROP agrees to provide a scholarship to each Student equivalent to \$1,395 per 90 internship hours worked (or an equivalent amount proportional to the total number of actual internship hours completed by each student and in no event less than state or federal minimum wage rates) in accordance with EAROP guidelines, and in accordance with any and all applicable local, federal and state laws. EAROP agrees to utilize the funds provided by EBMUD to award a scholarship to each Student who participates in the internship in accordance with this Agreement. EAROP agrees not to seek compensation or reimbursement of expenses from EBMUD resulting from EBMUD's agreement to provide internship assignments to EAROP's Students.

3. EAROP shall be solely responsible for administering the payment of such scholarships, including but not limited to any state and federal tax requirements, and for addressing and resolving any disputes raised by the Students regarding the processing of such scholarships.
4. The virtual program will run from **June 21, 2021** through **July 30, 2021**, and will require students to complete research projects related to the water and wastewater industry specific to their unit assignment, remotely attend weekly enrichment activities and remotely attend weekly meetings with their mentor. This program model is anticipated to take a total of **90 hours** to complete. Accordingly, for completion of the project, Eden Area ROP will provide each student a scholarship payment of \$1,395, of which EBMUD will supply the \$1,395 per student for this scholarship payment.
5. EAROP shall be responsible for recruiting, screening, and referring Students from its partner school districts with matching skills and interests for the internship placements. EBMUD will make the final selection of Students to be assigned to EBMUD. EBMUD shall be solely responsible for determining placement availability for Students and designating a work assignment for each Student.
6. Selected Students are required to virtually attend an EBMUD Orientation tentatively scheduled on **June 21, 2021**. **Jayne Salinger, Work Based Learning Specialist, or a designee,** will provide information and relevant materials to EBMUD Interns' Supervisors during said EBMUD Orientation.
7. The parties understand that in the event that a Student does not satisfactorily complete the internship program requirements set forth by EBMUD and EAROP, EBMUD has the discretion to release the Student from the program.
8. EBMUD understands and agrees to inform Students of its pertinent policies, procedures, processes and expectations for a successful learning experience. EBMUD further agrees to afford each Intern equal opportunity in all phases of the learning experience without discrimination because of race, color, religious creed, sex, gender, gender identity, gender expression, national origin, ancestry, age for individuals over forty years of age, disability (physical or mental, including AIDS and HIV), medical condition (cancer and genetic characteristics), genetic information, marital or domestic partnership status, sexual orientation, military or veterans status, pregnancy, family or medical leave status, pregnancy, pregnancy disability leave status, or any other status protected by state and federal laws.
9. **District Data Security Considerations:** During the internship, interns will not be using a District computer or accessing sensitive District records. They will not have any access to Customer Information, Employee Information, Facilities Information, Highly-Sensitive Personal Information, or Personal information as defined herein.

## DEFINITIONS

- 9.1 “Customer Information” means the name, address, phone number, account number and water usage data of any water or wastewater customer of EBMUD.
- 9.2 “Employee Information” means an employee identification number, personnel records and any Personal Information of an EBMUD employee.
- 9.3 “Facilities Information” means any data or records that could reveal details of critical EBMUD infrastructure or operations, including, but not limited to, reports, maps, drawings, databases, models, GIS information, and plans and schematics containing detailed information about EBMUD’s water and wastewater infrastructure that, if released, could compromise the safety, integrity, and operations of the public water and wastewater system. Examples include the locations of security systems and security devices, services, pipelines, interceptors, aqueducts, valves, pressure zones, or details about major facilities (i.e., wet weather processing, treatment plants, pumping plants, and storage structures).
- 9.4 EBMUD “Highly-Sensitive Personal Information” means an individual’s:
- 9.4.1 Government-issued identification numbers (including Social Security number, partial Social Security number, driver’s license number, or state-issued identification number);
  - 9.4.2 Financial account numbers, credit card numbers, debit card numbers, or credit report information, with or without any required security codes, access codes, personal identification numbers, or passwords that would permit access to an individual’s financial accounts; or
  - 9.4.3 Biometric, genetic, health, medical, or medical insurance data.
- 9.5 “Personal Information” means information provided to Authorized Students by or at the direction of EBMUD, information which is created or obtained by Authorized Students on behalf of EBMUD, or information to which access was provided to Authorized Students by or at the direction of EBMUD, in the course of their performance under this Agreement, that is:
- 9.5.1 Information that identifies or can be used to identify an individual (including, without limitation, names, signatures, addresses, telephone numbers, email addresses, and other unique identifiers);
  - 9.5.2 Information that can be used to authenticate an individual (including, without limitation, employee identification numbers, government-issued identification numbers, passwords or PINs, user identification and account access credentials or passwords, financial account numbers, credit or debit card numbers, credit report information, medical insurance data, answers to security questions, and other personal identifiers); and

### 9.5.3 All Highly-Sensitive Personal Information.

10. EBMUD designates **Sophia Gonzales, or designee, as the Site Supervisor** who will serve as the EBMUD contact for EAROP with all matters concerning the internship. This includes ensuring Students' EBMUD Supervisors complete and submit student timesheets, complete and submit any Student performance assessments required by EAROP, and complete and submit recommendation letters for their Student(s) prior to the end of the internship. This provision survives termination of this Agreement.
11. EAROP expressly agrees to defend, indemnify, and hold harmless EBMUD and its directors, officers, board members, agents and employees from and against any and all loss, liability, expense, claims, suits, and damages, including attorneys' fees, arising out of or resulting from EAROP, its officers', directors', board members', associates', employees', or other agents' negligent acts or willful misconduct, in the operation and/or performance under this Agreement.
12. a. EAROP shall take out and maintain during the life of the Agreement all the insurance required in this Agreement, and shall submit certificates, including Additional Insured Endorsements, for review and approval by EBMUD. The internship shall not commence until such insurance has been approved by EBMUD. The certificates shall be on forms provided by EBMUD. Acceptance of the certificates shall not relieve EAROP of any of the insurance requirements, nor decrease the liability of EAROP. EBMUD reserves the right to require EAROP to provide insurance policies for review by EBMUD.  
  
b. The insurance requirements under this Agreement shall be the greater of (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policies or proceeds available to the Named Insured. It is agreed that these insurance requirements shall not in any way act to reduce coverage that is broader or that includes higher limits than the minimums required herein. No representation is made that the minimum insurance requirements of this Agreement are sufficient to cover the obligations of EAROP.
13. EAROP shall take out and maintain during the life of the Agreement General Liability Insurance that provides protection from claims which may arise from operations or performance under this Agreement. If EAROP elects to self-insure (self-fund) any liability exposure during the contract period above \$50,000, EAROP is required to notify EBMUD immediately. Any request to self-insure must first be approved by EBMUD before the changed terms are accepted.

The amounts of insurance coverages shall not be less than the following:

- \$2,000,000/Occurrence, Bodily Injury, Property Damage - General Liability

In lieu of the above coverage amounts, if EAROP only has coverage for \$1,000,000/occurrence for each policy, EAROP can supplement its coverage with

Umbrella Insurance that specifically applies to coverage in the required amounts for automobile and general liability claims.

14. EAROP will provide Workers' Compensation coverage for Students injured while performing internship duties related to this Agreement. EAROP and its Workers Compensation Carrier agree to waive any rights of recovery against EBMUD regardless of the applicability of any insurance proceeds.
15. THE FOLLOWING COVERAGES OR ENDORSEMENTS MUST BE INCLUDED IN THE POLICY(IES):
  1. The EBMUD, its Directors, Officers and Employees are Additional Insureds in the policy(ies) as to work being performed under this agreement.

**ENDORSEMENT NO.** \_\_\_\_\_

2. The coverage is Primary and non-contributory to any other applicable insurance carried by the EBMUD.
3. The policy(ies) covers contractual liability.
4. The policy(ies) is written on an occurrence basis.
5. The policy(ies) covers EBMUD's Property in Consultant's care, custody and control.
6. The policy(ies) covers personal injury (libel, slander, and wrongful entry and eviction) liability.
7. The policy(ies) covers products and completed operations.
8. The policy(ies) covers the use of owned, non-owned and hired automobiles.
9. The policy(ies) will not be canceled nor the above coverages/endorsements reduced without 30 days written notice to East Bay Municipal Utility EBMUD at the address above.
16. The parties understand that the payment of EBMUD's supplemental funds to EAROP is contingent upon Students' satisfactory completion of the internship program requirements set forth by the parties. In the event that a Student is released from the internship prior to **July 30, 2021**, as determined by EBMUD in its sole discretion, the Student shall be awarded a pro-rated amount of the scholarship by EAROP as of the date of termination. EAROP shall refund to EBMUD any unused scholarship funds by the date specified in Exhibit A.

17. EAROP is solely responsible for ensuring that interns have the requisite technology and equipment (including computers and internet access) needed for them to participate in the virtual work-based learning opportunities provided by this internship.
18. Electronic Execution. Due to the COVID-19 public health emergency, the parties agree that this Agreement may be executed using electronic signatures in multiple counterparts, each of which shall, for all purposes, be deemed an original but which together shall constitute one and the same instrument, and the signature pages from any counterpart may be appended to any other counterpart to assemble fully executed documents, and counterparts of this Agreement may also be exchanged via email or other electronic means and any email or other electronic transmission of any party's signature shall be deemed to be an original signature for all purposes.

## II. TERM AND TERMINATION

1. This Agreement shall be effective from June 1, 2021 to September 15, 2021.
2. This Agreement may be terminated by the mutual written consent of both parties at any time for any reason.

This Agreement may be terminated by either party with thirty (30) days' written notice.

3. In the event of termination, EAROP shall refund to EBMUD any unused stipend funds by the date specified in Exhibit A.

*Derry Moten*

6/2/2021

\_\_\_\_\_  
DERRY MOTEN

\_\_\_\_\_  
DATE

Manager of Employee and Organizational Development  
**EBMUD**

*Linda Granger*

6/2/2021

\_\_\_\_\_  
LINDA GRANGER

\_\_\_\_\_  
DATE

Eden Area ROP Superintendent  
**EDEN AREA ROP**

**Approved as to Form:**

*Loures Matthew*

6/2/2021

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LOURDES MATTHEW  
Assistant General Counsel  
EBMUD Office of General Counsel

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DATE

**EXHIBIT A****East Bay Municipal Utility District (“EBMUD”) and Eden Area ROP (“EAROP”)****PAYMENT SCHEDULE**

Responsible Party	Tasks	Due Dates
EBMUD	Notifies EAROP of students’ participation in EBMUD internship	<b><u>June 28, 2021<sup>1</sup></u></b>
EAROP	Sends invoice to EBMUD for payment of supplemental funding for Students who have reported for first week of the program	<b><u>July 2, 2021</u></b>
EBMUD	Sends payment to EAROP	<b><u>July 30, 2021</u></b>
EAROP	Awards supplemental funding <sup>2</sup> to Students	<b>NO LATER THAN <u>August 6, 2021</u></b>
EAROP	Refunds any unused funds to EBMUD	<b>NO LATER THAN <u>September 3, 2021</u></b>

## Responsible Parties:

Eden Area ROP

C/O Linda Granger

26316 Hesperian Blvd.

Hayward, CA 94545

## EBMUD

C/O Sophia Gonzales

375 11<sup>th</sup> Street, MS 601

Oakland, CA 94607

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<sup>1</sup> Students will not work on July 5, 2021



**DATE:** December 9, 2021  
**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 the California School Boards Association District Services Corporation for GASB Roll Forward Report Services for the 2021-2022 School Year

## **BACKGROUND**

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Government Accounting Standards Board, Statement 74 (GASB 74) and Statement 75 (GASB 75) Public Agency is required to report as an expense on its financial statements, its liability for cost pertaining to its current and future retired employees' health and other post-employment benefits (OPEBs).

## **CURRENT SITUATION**

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The Eden Area ROP is permitted to GASB 74 and GASB 75 to calculate its liability (actuarial valuation) by an alternative measurement method (AMM). The most recent full actuarial valuation using the AMM report for the Eden Area ROP was completed in May 2021 for a valuation date as of 07/01/2019. To comply with GASB reporting, an updated roll forward valuation is required with an effective date of 07/01/2020.

## **CONSENT CALENDAR**

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# **GASB REPORTS Disclosure Report Service Agreement**

This GASB REPORTS Disclosure Report Agreement, ("Agreement"), is executed by Eden Area ROP (Public Agency), for the benefit of the California School Boards Association District Services Corporation ("CSBADSC").

## **RECITALS**

WHEREAS, pursuant to Governmental Accounting Standards Board, Statement 74 (GASB 74) and Statement 75 (GASB 75) Public Agency is required to report as an expense on its financial statements, its liability for costs pertaining to its current and future retired employees' health and other post-employment benefits (OPEBs); and

WHEREAS, Public Agency is permitted pursuant to GASB 74 and GASB 75 to calculate its liability (actuarial valuation) by an alternative measurement method; and

WHEREAS, CSBADSC offers actuarial valuation calculation service (GASB DISCLOSURE REPORT service) to public agencies.

NOW THEREFORE, in consideration of CSBADSC providing a GASB DISCLOSURE report for Public Agency, and for other good and valuable consideration the receipt and sufficiency of which Public Agency hereby acknowledges, Public Agency agrees as follows:

1. That Public Agency will pay CSBADSC a fee of \$1,500 upon completion of the actuarial valuation.
2. That Public Agency will pay CSBADSC an additional fee, at the rate of \$250 per hour or a fraction thereof, if it requests additional technical support related to the actuarial valuation, and the support would require the actuary's expertise.
3. That Public Agency acknowledges that accurate data is critical to calculating a reliable actuarial valuation and that CSBADSC is not liable for an incorrect actuarial valuation that is caused by erroneous data supplied by Public Agency.
4. That Public Agency acknowledges that CSBADSC will not be liable for any indirect, special, consequential, or incidental loss or damage to Public Agency or any other person for the use of or reliance on the Report. If the Report is incorrect, Public Agency shall have the right only to recover up to the limit of the fee it paid for the service.
5. That Public Agency acknowledges that the actuarial valuation may contain CSBADSC's work product and/or proprietary materials intended for Public Agency's use and benefit only, and that Public Agency may not disclose any such material to any third parties

without CSBADSC's prior consent. This shall by no means affect Public Agency's right or responsibility to distribute the actuarial valuation to any of its professional service providers which Public Agency may hold liable under a duty of confidentiality or to any regulatory or government agency when required by law.

6. That this Agreement shall be governed by and construed in accordance with the applicable laws of the State of California.
7. That Public Agency has carefully reviewed this Agreement and has agreed to each of its terms.

IN WITNESS WHEREOF, Public Agency duly executes this Agreement as follows:

Eden Area ROP

(Public Agency)

Signature:  \_\_\_\_\_

Name: Anthony Oum

Title: Fiscal Services Administrator

Date: 10/21/2021



**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the MOU with CRY-ROP for CTE TEACH for the 2021-2022 School Year

## **BACKGROUND**

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The Colton Redlands Yucaipa Regional Occupational Program (CRY-ROP), in partnership with the California Department of Education and Governor's Career Technical Education Initiative, is offering K-12 school districts, ROCPs, community colleges, and charter schools the opportunity to participate in a statewide program to fully develop CTE TEACH, a new teacher training program.

## **CURRENT SITUATION**

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CTE TEACH is similar to the Beginning Teacher Support and Assessment (BTSA) program for regular academic teachers and is designed to support the unique needs of new Career Technical Education teachers transitioning from industry to the classroom.

This program requires at least one Mentor Teacher to complete the number of designated hours assigned in this MOU of CTE TEACH program work including: conduction training following the CTE TEACH professional development curriculum, classroom visits/teacher observations, non-evaluate coaching related to classroom visits/teacher observations and other forms of technical assistance to support the beginning CTE teacher.

Compensation of up to \$15,000.00 for staff time plus travel and accommodation expenses is available through this project. The Eden Area ROP has applied and been selected to provide services via this program.

## **CONSENT CALENDAR**

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## **CTE TEACH Site Memorandum of Understanding**

This memorandum of understanding sets forth the terms of agreement between the Colton-Redlands-Yucaipa Regional Occupational Program (hereafter CRY-ROP) and

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(write name of participating educational agency)

(Educational Agency hereafter Participating Agency), with regards to participation in the CTE TEACH and CTE TEACH site program.

### **I. Background**

The California State Plan for Career and Technical Education, 2008-2012, identifies as an essential element of a world-class CTE system the need for initial preparation and on-going professional development of CTE educators. Since 2009, CRY-ROP's CTE TEACH department, in partnership with the California Department of Education, has offered a professional development program for K-12 school districts, ROCPs, community colleges, and charter schools to provide the demonstrated critical support needed for CTE teacher success.

Recognizing that many local educational agencies have a need for professional development activities to support CTE educators, CRY-ROP offers CTE TEACH site grant opportunities to eligible educational agencies.

### **II. Purpose of Agreement**

It is the purpose of this agreement to establish a cooperative and mutually beneficial relationship between the parties and to set forth the responsibilities of the parties as they relate to the implementation of the CTE TEACH professional development program for CTE educators.

### **III. Duration of Agreement**

The term of this agreement shall be from October 1, 2021 through and including June 30, 2022 unless modified or terminated in writing. The termination can be exercised by either party 30 days following written notice.

### **IV. Program Description**

The CTE TEACH program, administered by CRY-ROP, is a comprehensive professional development program modeled after their highly successful Teacher Induction Program (TIP) that has received Model Practices award recognition from the California Department of Education. This model professional development program replicates what was learned from the Teacher Induction Program and is designed for beginning career/technical education teachers to provide an effective transition from industry into the teaching profession. CTE TEACH involves administrative supervision overseeing the use of Mentor Teachers to provide structured training for beginning CTE educators, as well as technical assistance and informal observation intended to guide and support the new teacher related to the training. The CTE TEACH professional development training addresses all the teaching

practices proven to be effective and is presented in a sequenced and scaffolded structure that includes teaching methods, learning styles, lesson planning, CTE concepts, equity and diversity in the classroom, mandated reporting, and legal/ethical issues. This coordinated and comprehensive approach to professional development can enhance teacher success in the classroom and increase teacher retention in your program.

## **V. Special Provisions**

1. This agreement is entered into by the duly authorized officials of each respective party.
2. It is understood by both parties that each will fulfill its responsibility under the agreement in accordance with the provisions of law and regulations that govern their activities. Nothing in this agreement is intended to negate or otherwise render ineffective any such provisions or operating procedures. If at any time either party is unable to perform its functions under this agreement the affected party shall immediately provide written notice to the other party to establish a date for mutual termination of the agreement.
3. This MOU constitutes the entire agreement hereto with respect to the subject matter hereof, and supersedes any prior understanding or written or oral agreements between the parties with respect to the subject matter of this MOU. No amendment, modification or alteration of the terms of the MOU shall be binding on either party unless submitted in writing, dated subsequent to the date of this MOU, and is duly executed by both parties.
4. Neither party may incur any debt, obligation, expense or liability of any kind of the other party without the other party's written approval.
5. This agreement may be amended by the mutual written consent of the parties here to.

## **VI. Responsibilities of the Parties under Agreement**

In consideration of the mutual aims and desires of the parties to this agreement and in recognition of the benefit to be derived from the effective implementation of the program, the parties agree that their responsibilities under this agreement shall be as follows:

### **A. CRY-ROP shall:**

1. Pay the Participating Agency for CTE TEACH services rendered and as specified, the total stipend amount of up to \$7,500 per mentor for up to three mentors per site. Base ratio is 5 mentees per mentor. Each site Mentor can mentor more than five mentees, but not less if the site has fewer than six mentees. Each mentor will report up to 150 hours, at a rate of \$50.00 per service hour, (not to exceed \$7,500), building and executing grant required activities.
2. Furnish all information and forms necessary to the performance of this agreement.
3. Provide curriculum and training for Mentor Teachers.
4. Provide administrator support focusing on strategies and practices needed to implement the CTE TEACH program.
5. Monitor the performance of the Participating Agency in regards to responsibilities under this MOU and advise the Participating Agency of any and all concerns.

### **B. Participating Agency Shall:**

1. Identify at least one Participating Agency administrator that will oversee the CTE TEACH program on site. Specific responsibilities include the following:

- a. Be available for consultation with selected Mentor Teachers regarding instructional matters.
  - b. Attend a Statewide Advisory Meeting hosted by CRY-ROP via video conference – spring 2022.
  - c. Submit fully completed Quarter Reports and a final invoice at end of grant year. All sections of the Quarter Reports must be completed, if applicable. The last Quarter Report and invoice must be received no later than June 30, 2022. Note that funds are to be paid directly to mentors and may not be used for sub costs, software, instructional supplies, equipment, or indirect costs. The reports are due no later than 30 days after the end of each quarter:
    - i. ~~Quarter 1 ends September 31, 2021 - Report due by October 31, 2021~~
    - ii. Quarter 2 ends December 31, 2021 - Report due by January 31, 2022
    - iii. Quarter 3 ends March 31, 2022 - Report due by April 30, 2022
    - iv. Quarter 4 ends June 30, 2022 - Report due by **June 30, 2022 (No Exceptions)**
  - d. Administrators are responsible for reviewing Mentor logs for completeness and assurance that all tasks/activities align with the objectives of the grant.
  - e. Submit additional documentation and reports as required.
    - i. **Including a program impact report due April 30, 2022**
2. Identify at least one Mentor Teacher to complete the number of designated hours assigned in this MOU of CTE TEACH program work including: conducting training following the CTE TEACH professional development curriculum, classroom visits, teacher observations (including related non- evaluative coaching) and other forms of technical assistance to support the beginning CTE teacher. Specific responsibilities include the following:
- a. Complete online the CTE Teach Mentor Training modules available through CTE Online ([www.cteonline.org](http://www.cteonline.org)) by the end of second quarter, December 31, 2021. Mentors added to the grant after December 31, 2021 will have 30 days after notifying CTE teach to complete the online training.
  - b. Participate in the 5 webinars provided by CTE TEACH.
  - c. Attend a Statewide Advisory Meeting hosted by CRY-ROP via webinar, spring 2022.
  - d. Hold a minimum of 3 workshops outlined in the CTE TEACH curriculum for teachers.
  - e. Provide one-on-one time with individual teachers to discuss challenges via phone, email, or in person weekly.
  - f. Mentor and work closely with assigned teachers to provide support and assistance.
  - g. Provide information and guidance to teachers pertaining to instructional methodologies and resources, effective teaching strategies for classroom management, and lesson plan design and development.
  - h. Meet with assigned teachers and coordinate site visits, conducting teacher observations and providing peer coaching follow-up, and feedback pertaining to effective teaching strategies and student motivation.
  - i. Conduct a minimum of two teacher observations with feedback by June 2022 for each assigned teacher.
  - j. Be available on an “on-call” basis and visit or call each assigned teacher every month.
  - k. Function as a methodology specialist for specialty or content area as applicable.
  - l. Consult with teachers regarding instructional matters and site procedures, including attendance, record keeping, and forms.

- m. Coordinate and facilitate the sharing of resources and expertise. Consult with administrators regarding instructional matters.
- n. Serve as a professional role model for colleagues and favorably represent the site.
- o. Log their hours of instruction on the Mentor Teacher Activity Log and submit to the administrator in a timely manner.
- p. Submit additional documentation and reports as required.

## **VII. Failure to Provide Satisfactory Service, Abandonment of Program, Cancellation of Agreement**

If, at any time during the performance of this agreement, CRY-ROP and the California Department of Education determines, at their discretion, that Participating Agency's services have become unsatisfactory, or if at any time during the performance of this agreement CRY-ROP determines, at its sole discretion, to suspend indefinitely work on CTE TEACH, CRY-ROP shall have the right to cancel this agreement regarding the Participating Agency's services related to CTE TEACH. In the event of such cancellation, CRY-ROP shall give written notice to the Participating Agency of its intention to cancel thirty (30) days in advance of the effective date of the cancellation.

If the cancellation is for unsatisfactory performance, CRY-ROP shall be obligated to pay the Participating Agency only for those services deemed by CRY-ROP to be satisfactory as of the effective date of the cancellation or termination. If the cancellation is the result of CRY-ROP's decision to suspend indefinitely or abandon the work under this agreement, CRY-ROP shall be obligated to pay the Participating Agency only for those services performed by the Participating Agency through the effective date of cancellation or termination.


### **Approved By:**

Participating Agency Superintendent/Designee Information

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature:



Date: \_\_\_\_\_

Street: \_\_\_\_\_

CA City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

**Agency: Colton-Redlands-Yucaipa ROP**

**Name: Tracie Zerpoli**

**Title: Superintendent**

**Signature:**

**Date:**

**Mail MOU with original signature to:**

Colton-Redlands-Yucaipa ROP

Attention: CTE TEACH Chris McClung

1214 Indiana Ct.

Redlands, CA 92374

***This MOU must be printed and signed by the superintendent/designee and submitted to the appropriate governing body for consideration.***

# INFORMATION ITEMS

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**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** Recognition of the Eden Area ROP Teacher of the Year

## **BACKGROUND**

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Annually, ACOE hosts an elegant and inspirational award ceremony to honor a Teacher of the Year from each district and Regional Occupational Program. The Eden Area ROP participates in the annual event which gives the opportunity to provide some well-deserved recognition for the teaching staff.

## **CURRENT SITUATION**

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The Eden Area ROP Teacher of the Year for 2021 is Cheryl Gixti. Mrs. Gixti teaches Merchandising at Eden Area ROP center.

The Eden Area ROP is proud of Mrs. Gixti for her commitment and dedication to the students and staff of the Eden Area ROP, as well as her contributions to public education.

ACOE provided the Eden Area ROP with a short video clip that was shown during the Teacher of the Year event that will be presented at tonight's meeting.

## **RECOMMENDATION**

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Information only



**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** ROP Pathway Review-Welding and Materials Joining

## **BACKGROUND**

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

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

## **CURRENT SITUATION**

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The Welding and Materials Joining pathway is under the Manufacturing and Product Development sector. The Welding and Materials Joining pathway provides students with an understanding of manufacturing processes and systems common to careers in welding and related industries. The following pathway standards are based on, but not limited to, well established American Welding Society (AWS) EG2.0 Guidelines for the Entry Level Welder. Representative topics include the interpretation and layout of welded and assembled-part prints, cutting, mechanical bonding, joining, cohesive bonding, adhesive bonding, and mechanical fastening. The attached pathway review is for the following program(s): Welding Technology IP/IIP (ROP Center).

## **RECOMMENDATION**

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Information only

<b>SCHOOL DISTRICT:</b>	<b>EDEN AREA ROP</b>	<b>LOCATION:</b>	<b>Eden Area ROP</b>	
<b>PATHWAY:</b>	Welding and Materials Joining		<b>INSTRUCTORS:</b>	Barbara Juarez
Course Name		Enrollment as of 20-21 Year to Date	Enrollment as of 19-20 Year to Date	Enrollment as of 18-19 Year to Date
Welding Technology IP		26	55	33
Welding Technology IIP		11	N/A	N/A
<b>Comments:</b> <ul style="list-style-type: none"> <li>Required enrollment: Class enrollment maintained to sustain agreed master schedule for onsite and staffing.  <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO </li> <li>Retention rate (Active Enrollment divided by Year-to-date Enrollment):</li> </ul>				
<b>Text Book:</b> American Welding Society Fundamentals of Welding			<b>Edition:</b> Volume 1	
<b>NO.</b>	<b>YES</b>	<b>NO</b>		
1.	X		<b>ENROLLMENT</b> – Course meets current or future labor market news. <b>CLASS SCHEDULE:</b> AM/PM <b>SECTIONS PER YEAR:</b> 2 (Center) <b>MINS PER SECTION:</b> 3hrs Center <b>EXPECTED MINIMUM STUDENTS PER SECTION:</b> 25+	
2.	X		<b>AVAILABILITY OF QUALIFIED INSTRUCTOR</b> – Qualified/ Credentialed Instructor teaching course.	
3.	X		<b>LEADERSHIP</b> – Instructional leaders have sufficient time and resources to implement system improvements and work with their counterparts in other programs.	
4.	X		<b>CURRICULUM and INSTRUCTION</b> – Students are provided with a strong experience in and understanding of all aspects of industry.	
5.	X		<b>SCHOOL-TO-CAREER AND CAREER PATHWAY DEVELOPMENT</b> – Course is designed as part of a sequence of courses, career pathways, etc.	
6.	X		<b>ADVISORY COMMITTEE</b> – The course has been reviewed and recommended by a pre-established committee. <input checked="" type="checkbox"/> Yes, instructor was present at advisory meeting and minutes are on file at ROP <input type="checkbox"/> No, instructor was not present at advisory. Program was represented, at a joint industrial, by ROP personnel. Instructor MUST attend next advisory for program to meet compliance.	
7.	X		<b>LABOR MARKET NEEDS</b> – Course meets current or future labor market needs.	
8.	X		<b>WORK BASED LEARNING</b> – Course incorporates work based learning opportunities (i.e. guest speakers, field trips, mock interviews, or student organizations)	
9.	X		<b>COMMUNITY CLASSROOM AND COOPERATIVE VOCATIONAL EDUCATION</b> – Course incorporates community classroom and cooperative vocational education (i.e., job training, internships, or job shadowing )	
10.	X		<b>JOB PLACEMENT/FURTHER EDUCATION OPTIONS</b> – Course has potential for student job placement in entry-level positions or course prepares students for further training opportunities within the designed career pathway.	
11.	X		<b>FACILITIES AND EQUIPMENT ACCOMMODATION</b> <input type="checkbox"/> District will provide a facility which adequately accommodates the program. <input checked="" type="checkbox"/> EAROP will provide a facility which adequately accommodates the program. <input type="checkbox"/> District shares cost of equipment if program is cross utilized.	
<b>OTHER CONSIDERATIONS:</b>				
<input checked="" type="checkbox"/> A-G Credit for UC		<input type="checkbox"/> State and National Licensing or Certification		
<input checked="" type="checkbox"/> Community College Articulation		<input checked="" type="checkbox"/> Strong Business or Industry Partnership		
<input type="checkbox"/> Dual Enrollment		<input type="checkbox"/> Emerging Technologies -		
<b>COMPLIANCE CATEGORIES</b>				
<input checked="" type="checkbox"/> <b>R – Retain Program:</b> Program meets all criteria.		<input type="checkbox"/> <b>W - Watch Program:</b> All criteria not met. See areas that need to be complied with.		<input type="checkbox"/> <b>P - Probation:</b> Criteria is not being met. Program in danger of suspension.
		<input type="checkbox"/> <b>R – Reduce Program:</b> Downsizing program.		<input type="checkbox"/> <b>S/T - Suspend/ Terminate program.</b>

**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** ROP Pathway Review- Patient Care

## **BACKGROUND**

---

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

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

## **CURRENT SITUATION**

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The Patient Care pathway is under the Health Science and Medical Technology sector. The standards for the Patient Care pathway apply to occupations or functions involved in the prevention, treatment, and management of illness and the preservation of mental and physical well-being through the services offered by the medical and allied health professions. The standards specify the knowledge and skills needed by professional and technical personnel pursuing careers in this pathway. The attached pathway review is for the following program(s): Dental Assisting IP/IIP (ROP Center).

## **RECOMMENDATION**

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Information only

<b>SCHOOL DISTRICT:</b>		<b>EDEN AREA ROP</b>		<b>LOCATION:</b>		<b>Eden Area ROP</b>											
<b>PATHWAY:</b>		Patient Care		<b>INSTRUCTORS:</b>		Kathy O'Brien, Tammey Brown, Anissa Barrot											
Course Name		Enrollment as of 20-21 Year to Date		Enrollment as of 19-20 Year to Date		Enrollment as of 18-19 Year to Date											
Dental Assisting IP		33		38		28											
Dental Assisting IIP		10		N/A		N/A											
<b>Comments:</b> <ul style="list-style-type: none"> <li>Required enrollment: Class enrollment maintained to sustain agreed master schedule for onsite and staffing.  <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO </li> <li>Retention rate (Active Enrollment divided by Year-to-date Enrollment):</li> </ul>																	
<b>Textbook:</b> Modern Dental Assisting				<b>Edition:</b> 12 <sup>th</sup>													
<b>NO.</b>	<b>YES</b>	<b>NO</b>															
1.	X		<b>ENROLLMENT</b> – Course meets current or future labor market needs. <table border="1"> <tr> <td><b>CLASS SCHEDULE:</b> AM/PM</td> <td><b>SECTIONS PER YEAR:</b></td> <td><b>MINS PER SECTION:</b></td> <td colspan="2"><b>EXPECTED MINIMUM STUDENTS PER SECTION:</b></td> </tr> <tr> <td>2 (Center)</td> <td>2 (Center)</td> <td>3hrs Center</td> <td colspan="2">25+</td> </tr> </table>					<b>CLASS SCHEDULE:</b> AM/PM	<b>SECTIONS PER YEAR:</b>	<b>MINS PER SECTION:</b>	<b>EXPECTED MINIMUM STUDENTS PER SECTION:</b>		2 (Center)	2 (Center)	3hrs Center	25+	
<b>CLASS SCHEDULE:</b> AM/PM	<b>SECTIONS PER YEAR:</b>	<b>MINS PER SECTION:</b>	<b>EXPECTED MINIMUM STUDENTS PER SECTION:</b>														
2 (Center)	2 (Center)	3hrs Center	25+														
2.	X		<b>AVAILABILITY OF QUALIFIED INSTRUCTOR</b> – Qualified/ Credentialed Instructor teaching course.														
3.	X		<b>LEADERSHIP</b> – Instructional leaders have sufficient time and resources to implement system improvements and work with their counterparts in other programs.														
4.	X		<b>CURRICULUM and INSTRUCTION</b> – Students are provided with a strong experience in and understanding of all aspects of industry.														
5.	X		<b>SCHOOL-TO-CAREER AND CAREER PATHWAY DEVELOPMENT</b> – Course is designed as part of a sequence of courses, career pathways, etc.														
6.	X		<b>ADVISORY COMMITTEE</b> – The course has been reviewed and recommended by a pre-established committee. <input checked="" type="checkbox"/> Yes, instructor was present at advisory meeting and minutes are on file at ROP <input type="checkbox"/> No, instructor was not present at advisory. Program was represented, at a joint industrial, by ROP personnel. Instructor MUST attend next advisory for program to meet compliance.														
7.	X		<b>LABOR MARKET NEEDS</b> – Course meets current or future labor market needs.														
8.	X		<b>WORK BASED LEARNING</b> – Course incorporates work based learning opportunities (i.e. guest speakers, field trips, mock interviews, or student organizations)														
9.	X		<b>COMMUNITY CLASSROOM AND COOPERATIVE VOCATIONAL EDUCATION</b> – Course incorporates community classroom and cooperative vocational education (i.e., job training, internships, or job shadowing )														
10.	X		<b>JOB PLACEMENT/FURTHER EDUCATION OPTIONS</b> – Course has potential for student job placement in entry-level positions or course prepares students for further training opportunities within the designed career pathway.														
11.	X		<b>FACILITIES AND EQUIPMENT ACCOMMODATION</b> <input type="checkbox"/> District will provide a facility which adequately accommodates the program. <input checked="" type="checkbox"/> EAROP will provide a facility which adequately accommodates the program. <input type="checkbox"/> District shares cost of equipment if program is cross utilized.														
<b>OTHER CONSIDERATIONS:</b>																	
<input checked="" type="checkbox"/> A-G Credit for UC <input type="checkbox"/> Community College Articulation <input type="checkbox"/> Dual Enrollment				<input type="checkbox"/> State and National Licensing or Certification <input checked="" type="checkbox"/> Strong Business or Industry Partnership <input type="checkbox"/> Emerging Technologies -													
<b>COMPLIANCE CATEGORIES</b>																	
<input checked="" type="checkbox"/> <b>R – Retain Program:</b> Program meets all criteria.		<input type="checkbox"/> <b>W - Watch Program:</b> All criteria not met. See areas that need to be complied with.		<input type="checkbox"/> <b>P - Probation:</b> Criteria is not being met. Program in danger of suspension.		<input type="checkbox"/> <b>R – Reduce Program:</b> Downsizing program.											
						<input type="checkbox"/> <b>S/T - Suspend/ Terminate program.</b>											



**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** Fall Advisory Committee Meetings

## **BACKGROUND**

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Advisory committees are established in instructional areas to provide the advice and support of business, labor and industry to maintain high quality Career Technical Education programs. In an advisory capacity, these committees assist the ROP faculty in the development and implementation of career technical programs. The advisory members work with the instructional staff to integrate rigor, relevancy and workplace skills. Advisory members help to establish community classroom and cooperative learning experiences.

## **CURRENT SITUATION**

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Our fall Advisory Committee meeting was held on November 10, 2021 at 5:30pm, via zoom. The committee was represented by faculty and business partners that serve four school districts (Hayward, San Leandro, San Lorenzo, and Castro Valley) including the Eden Area ROP. The group was given information on the current state of CTE, job market/hiring trends and building work-based learning opportunities for students. Each group was broken out by pathway and as a result, discussed valuable topics that are industry specific. A spring Advisory Committee meeting is scheduled for April 27, 2022 where Perkins requirements for funding/budget will be discussed.

## **RECOMMENDATION**

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Information Only

**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** First Reading of Governing Board Policies, Administrative Regulations, Bylaws and Exhibits 5000, 6000, 7000 and 9000

## BACKGROUND

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

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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
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**

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Information only



# EdenAreaROP SUPERINTENDENT'S MEMO

**To:** Eden Area ROP Governing Board  
**From:** Linda Granger, Superintendent  
**Date:** December 9, 2021  
**Re:** First Reading of Board Policies, Administrative Regulations, Bylaws and Exhibits 5000, 6000, 7000 and 9000

**Listed below is a summary of the changes being recommended to Board Policies and Administrative Regulations for the consideration of the Board.**

Board Policy, Administrative Regulation, Exhibit/Explanation of Change	Status
<p><b>AR 5113.1 Chronic Absence and Truancy</b></p> <p>Regulation updated to reflect law allowing the referral of a chronic absentee (rather than a student who is "irregular in attendance") to a school attendance review board (SARB), a truancy mediation, or a comparable program and requiring documentation of the interventions undertaken at the school when making such a referral. Regulation also revised to give students who are absent the opportunity to make up missed work for full credit and support to limit the impact of absences on grades. Regulation clarifies that parents/guardians of students between 13 and 18 years of age must be notified, upon initial identification of their child for truancy, that the student may be subject to suspension, or delay of driving privilege.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>AR 5125 Student Records</b></p> <p>Regulation updated to reflect NEW LAW (AB 711) which requires districts to update the records of a former student who submits a written request or government-issued documentation of a name and/or gender change. Regulation also revised to reflect current law regarding the timeline for submitting the grade point average of students in grade 12 to the Student Aid Commission for use in the Cal Grant postsecondary financial aid program and the timeline for notifying students and parents/guardians of their right to opt out.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>BP 5131 Conduct</b></p> <p>Policy updated to reflect current technology used and how it can be incorporated into learning and instruction.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>AR 5131.2 Bullying</b></p> <p>Regulation updated to reflect NEW LAW (AB 34) which requires districts to make specified information on bullying and harassment prevention readily accessible on their web sites beginning in the 2020-21 school year.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>BP 5131.8 Mobile Communication Devices</b></p> <p>Policy addressing the appropriate use of cellular phones for teaching and learning.</p>	<p>New</p>
<p><b>BP 5132 Dress and Grooming</b></p> <p>Policy updated to address new law prohibiting discrimination based on hair texture, braids, twists, etc.</p>	<p>Replaces current EAROP Board Policy</p>

<p><b>AR 5141.21 Administering Medication and Monitoring</b></p> <p>Regulation reflects NEW LAW (AB 743) which requires districts to accept a physician statement for inhaled asthma medication from a health plan operating under the laws of Mexico that is licensed in California</p>	Replaces current EAROP Board Policy
<p><b>BP 5141.22 Infectious Diseases</b></p> <p>Policy reflects <b>NEW LAW (AB 262, 2019)</b> which requires local health officers to notify and update districts of an outbreak, or imminent outbreak, of a communicable disease and requires districts to comply with any orders issued by the health officers and all applicable privacy laws. Policy also clarifies that any allowable exclusions apply only to on-campus instruction and provides that the superintendent or designee will, when necessary, inform the local health official of any potential outbreak.</p>	Replaces current EAROP Board Policy
<p><b>AR 5141.22 Infectious Diseases</b></p> <p>Regulation updated to add section on "Prevention and Mitigation Plan" reflecting general best practices based on COVID-19 guidance. Regulation also adds recommendations from CDE's Science Safety Handbook pertaining to experiments involving human blood sampling.</p>	Replaces current EAROP Board Policy
<p><b>BP 5141.4 Child Abuse Prevention and Reporting</b></p> <p>Board policy updated to clarify that districts are not required, but are authorized, to include age-appropriate and culturally sensitive child abuse prevention curriculum in the instructional program, add material regarding displaying posters on campus notifying students of the appropriate telephone number to call to report child abuse or neglect, include the requirement for student identifications cards for students in grades 7-12 to include the National Domestic Hotline telephone number, and clarify that the training regarding duties of mandated reporters be according to law and administrative regulation.</p>	Replaces current EAROP Board Policy
<p><b>AR 5141.4 Child Abuse Prevention and Reporting</b></p> <p>Regulation updated to reflect NEW LAW (AB 1145, 2020) which amends the definition of sexual assault for purposes of mandated reporting to not include voluntary conduct in violation of Penal Code 286, 287, or 289 (sodomy, oral copulation, or sexual penetration) if there are no indicators of abuse unless such conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age. Regulation also adds licensees of licensed child day care facilities to the list of mandated reporters, reflects that the California Department of Justice form is now titled BCIA 8572, clarifies that when a staff member or volunteer aide is selected by a child to be present at an interview where child abuse is being investigated that the principal or designee inform the person of specified requirements prior to the interview, and reflects NEW STATE REGULATION (Register 2020, No. 21) which authorizes parents/guardians of special education students to file a complaint with CDE for safety concerns that interfere with the provision of a free appropriate public education pursuant to 5 CCR 3200-3205 rather than through uniform complaint procedures.</p>	Replaces current EAROP Board Policy
<p><b>BP 5141.52 Suicide Prevention</b></p> <p>Policy updated to expand material regarding stakeholder engagement and best practices for suicide prevention, intervention, and postvention, and for</p>	Replaces current EAROP Board Policy

consistency with CDE's Model Youth Suicide Prevention Policy, including an enhanced list of participants for staff development, the importance of resiliency skills to student instruction, the review of materials and resources for alignment with safe and effective messaging, information to be provided to parents/guardians and caregivers, and the establishment of district and/or school site crisis intervention team(s). Policy also updated to clarify that the policy may be reviewed more frequently than the five-year review requirement of law, and that district data pertaining to reports of suicidal ideation, attempts, or death and data that reflect school climate be periodically reviewed to aid in program development.	
<b>AR 5141.52 Suicide Prevention</b>  Regulation updated to expand the section on "Staff Development" by adding to the list of participants for suicide prevention training, topics to be included in such training, and additional professional development for specified groups and to enhance the section on "Instruction" by adding to the list of topics to be taught and authorizing the development and implementation of school activities that raise awareness about mental health wellness and suicide prevention. Regulation also updated to include, for districts that have crisis intervention teams, the contact information for district and/or school site crisis intervention team members, add that school counselors may disclose a student's personal information to report child abuse and neglect as required by law, and include providing comfort to a student who has attempted or threatened to attempt suicide.	Replaces current EAROP Board Policy
<b>BP 5142 Safety</b>  Policy updated to include provision requiring schools to include suicide prevention hotline number on student ID cards.	Replaces current EAROP Board Policy
<b>AR 5142 Safety</b>  Regulation updated with minor grammatical edits.	Replaces current EAROP Board Policy
<b>AR 5144.1 Suspension and Expulsion/Due Process</b>  Regulation adds new section on "Additional Grounds for Suspension and Expulsion: Grades 9-12" reflecting the option to suspend, but not expel, a student in grades 9-12 for disruption or willful defiance.	Replaces current EAROP Board Policy
<b>BP 5145.12 Search and Seizure</b>  Policy updated to reflect court decision upholding a school policy that called for limited searches without individualized suspicion if students left campus and returned in the middle of the day. Policy also updated to reflect law which places restrictions on searches of electronic devices such as cellular phones, court decision regarding searches of lockers without individualized suspicion, and court decision upholding policy of random weapons screening with a handheld metal detector.	Replaces current EAROP Board Policy
<b>BP 5145.3 Nondiscrimination/Harassment</b>  Policy updated to reflect law prohibiting discrimination based on medical condition and to reflect NEW LAW (AB 34, 2019) which requires the district, starting in the 2020-21 school year, to post its nondiscrimination policies, and specified state and federal laws regarding discrimination, bullying, and	Replaces current EAROP Board Policy

harassment, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.	
<b>AR 5145.3 Nondiscrimination/Harassment</b>  Regulation updated to reflect <b>NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)</b> which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, rather than the district's uniform complaint procedures.	Replaces current EAROP Board Policy
<b>BP 5145.6 Parental Notifications</b>  Policy updated for gender neutrality and to update legal references based on new laws reflected in the accompanying exhibit.	Replaces current EAROP Board Policy
<b>E 5145.6-E(1) Parental Notifications</b>  Exhibit updated to reflect <b>NEW LAW (SB 74, 2020)</b> which extends the suspension of certain mandated activities through the 2020-21 school year; reflect <b>NEW FEDERAL REGULATION (85 Fed. Reg. 30026)</b> which requires notice of the contact information of the district's Title IX Coordinator; delete legal cites for the Open Enrollment Act, which is no longer operational; delete reference to BP 5141.33 which is no longer applicable to exclusions from school; reflect <b>NEW LAW (SB 1109, 2018)</b> which requires dissemination of an opioid fact sheet to parents/guardians of student athletes; reflect <b>NEW LAW (AB 2370, 2018)</b> which requires child care centers with buildings constructed before 2010 to test drinking water for lead and notify parents/guardians of the results of that test; add notice requirements for districts receiving Impact Aid for children residing on Indian lands; reflect <b>NEW FEDERAL REGULATION (85 Fed. Reg. 30026)</b> which requires notifications to the parents/guardians of a student who complains of sexual harassment regarding rights, the complaint process, and the availability of supportive measures; and move the classroom notice requirement pertaining to complaints about health and safety in California State Preschool Programs to AR/E 1312.3 - Uniform Complaint Procedures consistent with CDE's Federal Program Monitoring instrument.	Replaces current EAROP Board Policy
<b>BP 5145.7 Sexual Harassment</b>  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 uniform complaint procedures (UCP) 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
<b>AR 5145.7 Sexual Harassment</b>  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 5145.71 - Title IX Sexual Harassment Complaint Procedures. Section on "Notifications" adds requirement to notify students and parents/guardians that the district does not discriminate on the basis of sex and that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education; deletes requirement to provide contact information of the Title IX Coordinator to employees,	Replaces current EAROP Board Policy

<p>bargaining units, and job applicants which is addressed in AR 4119.11/4219.11/4319.11 - Sexual Harassment; and reflects NEW LAW (AB 34, 2019) which requires districts to post the definition of sex discrimination and harassment in a prominent location on the district's web site.</p>	
<p><b>AR 5145.71 Title IX Sexual Harassment Complaint Procedures</b></p> <p>New regulation (July 2020) reflects NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the requirement to offer supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.</p> <p>Regulation updated (October 2020) to clarify that a sexual harassment complaint that is dismissed or denied under Title IX may still be subject to review under the district's UCP 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; add optional language providing that an employee must forward a report of sexual harassment to the Title IX Coordinator within one day, consistent with AR 5145.7 - Sexual Harassment; revise the timeframe for concluding the complaint process from 45 to 60 days to align with requirements of the UCP; reflect the right to appeal the district's decision to the California Department of Education consistent with the UCP or 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.</p>	<p>New</p>
<p><b>E 5145.71-E(1) Title IX Sexual Harassment Complaint Procedures</b></p> <p>New exhibit presents a sample of the required notification to students and parents/guardians regarding the district's Title IX sexual harassment policy, the district's Title IX coordinator, and grievance procedures pursuant to 34 CFR 106.8</p>	<p>New</p>
<p><b>BP 5145.9 Hate-Motivated Behavior</b></p> <p>Policy updated to bolster the governing board's commitment to providing a respectful, inclusive, and safe learning environment, including adding a definition of hate-motivated behavior which incorporates a list of characteristics which may motivate prohibited behavior, reflecting the importance of celebrating diversity, enhancing the list of topics for student instruction and staff development, adding material regarding regularly occurring staff training, and including student and staff discipline for engaging in hate-motivated behavior. Policy also updated to include the requirement to post the policy in a prominent location on the district's web site and add that, in addition to other staff listed, complaints may be reported to the district's compliance officer.</p>	<p>Replaces current EAROP Board Policy</p>

<p><b>BP 6143 Course of Study</b></p> <p>Policy updated to include the prohibition against providing any course separately on the basis of specified characteristics or refusing the participation of a student on any such basis. Policy also reflects the requirement to provide a list of courses certified as meeting California college admission criteria (i.e., "a-g" course requirements) to parents/guardians as well as students in grades 9-12.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>BP 6154 Homework/Makeup Work</b></p> <p>Policy updated to reflect NEW LAW (AB 982) which requires that, when a parent/guardian of a student who has been suspended for two or more days requests homework that the student would have otherwise been assigned, teachers must provide such homework.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>AR 6161.1 Selection and Evaluation of Instructional Materials</b></p> <p>Regulation updated to add section on "Review Process" formerly in the BP and revise the section to encourage input from a diverse group of stakeholders. Section on "Criteria for Selection and Adoption of Instructional Materials" revised to delete unnecessary legal citations related to SBE's adoption of academic standards; move material regarding publisher requirements for grades 9-12 to end of list to make it easier for K-8 districts to delete; replace the list of nondiscrimination categories with a reference to BP 0410 - Nondiscrimination in District Programs and Activities; add a new item on criteria for technology-based materials; emphasize the importance of the accurate portrayal of the cultural and racial diversity of society in instructional materials; and delete an outdated item regarding quality, durability and appearance. "Conflict of Interest" section revised to delete redundant and difficult-to-enforce item.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>BP 7140 Architectural and Engineering Services</b></p> <p>Policy updated to reflect the requirement of submitting architectural plans to the Division of the State Architect (DSA).</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>AR 7140 Architectural and Engineering Services</b></p> <p>Regulation clarifies that one entity may be responsible for both the design and build of a project over \$1,000,000.</p>	<p>Replaces current EAROP Board Policy</p>
<p><b>BB 9012 Board Member Electronic Communications</b></p> <p>Bylaw updated to clarify that electronic communications should not be used as a means to restrict access to a public forum, that meeting locations include teleconference locations, and that the prohibition against serial meetings includes a series of communications directly or through intermediaries. Bylaw reflects NEW LAW (AB 992, 2020) which authorizes board members to engage in separate conversations or communications on social media platforms that are open and accessible to the public as long as a majority of the board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the board, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also references court decisions which clarify that a public official's social media account which includes discussion of public business</p>	<p>Replaces current EAROP Board Policy</p>

may be considered a public forum from which the official cannot exclude access or comments by members of the public based on viewpoint.	
<b>BB 9320 Meetings and Notices</b>  Bylaw updated to clarify that meeting locations include teleconference locations and reflect NEW LAW (AB 992, 2020) which authorizes board members to engage in separate conversations or communications on social media platforms that are open and accessible to the public as long as a majority of the board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the board, board members do not respond directly to any communication from other board members, and board members do not comment on or use digital icons to express reactions to communications made by other board members. Bylaw also updated to clarify the vote requirements for holding a closed session during an emergency meeting and for adjourning or continuing a board meeting to a later time or location.	Replaces current EAROP Board Policy
<b>BB 9321 Closed Session</b>  Bylaw clarifies the requirement of the Board to reconvene in open session and report out any action taken in closed session.	Replaces current EAROP Board Policy
<b>E 9321 E(1) Closed Session</b>  Exhibit clarifies how closed session agenda items will be listed on Board agendas.	Replaces current EAROP Board Policy
<b>BB 9323 Meeting Conduct</b>  Bylaw clarifies that the Board may reduce the amount of time per public comment to less than three minutes in some circumstances.	Replaces current EAROP Board Policy

## 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 district 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 district 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 district 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.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs to assist the student. When necessary, the student may be referred to a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee, in accordance with Education Code 48263 and item #3 in the section "Addressing Truancy" below.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

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.

### Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from home

who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

The Superintendent, attendance supervisor, or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of trancies the student has committed:

1. Initial truancy

- a. The student shall be reported to the Superintendent, attendance supervisor, or designee. (Education Code 48260)
- b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)
  - i. The student is truant.
  - ii. The parent/guardian is obligated to compel the student to attend school and, if the parent/guardian fails to meet this obligation, the parent/guardian may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
  - iii. Alternative educational programs are available in the district.
  - iv. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
  - v. The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
  - vi. If the student is at least 13 years of age but under age 18, the student may be subject to the suspension, restriction, or delay of driving privilege pursuant to Vehicle Code 13202.7.
  - vii. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.
- c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
- d. The student and, as appropriate, the student's parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)
- e. The Superintendent, attendance supervisor, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians. (Education Code 48260.6)

2. Second truancy

- a. Any student who has once been reported as a truant shall again be reported to the Superintendent, attendance supervisor, or designee as a truant if the student is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)
- b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
- c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, the student shall be subject to item #3 below. (Education Code 48264.5)
- d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and the student's parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)

- e. The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)
- f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)
3. **Third truancy (habitual truancy)**
  - a. A student who is habitually truant, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a SARB program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)
  - b. Upon making a referral to the SARB or the probation department, the Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or probation department with documentation of the interventions undertaken at the school. The attendance supervisor or designee shall also provide the student and the student's parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and the student's parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)
  - c. If the student does not successfully complete the truancy mediation program or other similar program, the student shall be subject to item #4 below. (Education Code 48264.5)
  - d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or the student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)
4. **Fourth truancy**
  - a. Upon the fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)
  - b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)
5. **Chronic truancy (unexcused absence for 10 percent of school days)**
  - a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
  - b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

**Records** The Superintendent, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts. The Superintendent, attendance supervisor, or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

**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 306

#### Description

Explanation of absence

5 CCR 420-421	Record of verification of absence due to illness and other causes
Ed. Code 1740-1742	Employment of personnel to supervise attendance (county superintendent)
Ed. Code 37223	Weekend classes
Ed. Code 46000	Records (attendance)
Ed. Code 46010-46014	Absences
Ed. Code 46110-46119	Attendance in kindergarten and elementary schools
Ed. Code 46140-46147	Attendance in junior high and high schools
Ed. Code 48200-48208	Children ages 6-18 (compulsory full-time attendance)
Ed. Code 48225.5	Work permits, entertainment and allied industries
Ed. Code 48240-48246	Supervisors of attendance
Ed. Code 48260-48273	Truants
Ed. Code 48290-48297	Failure to comply; complaints against parents
Ed. Code 48320-48325	School attendance review boards
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48400-48403	Compulsory continuation education
Ed. Code 48900	Suspension and/or expulsion
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 60901	Chronic absence
Gov. Code 54950-54963	The Ralph M. Brown Act
Pen. Code 270.1	Chronic truancy; parent/guardian misdemeanor
Pen. Code 272	Parent/guardian duty to supervise and control minor child; criminal liability for truancy
Pen. Code 830.1	Peace officers
Veh. Code 13202.7	Driving privileges; minors; suspension or delay for habitual truancy
W&I Code 11253.5	Compulsory school attendance
W&I Code 256-258	Juvenile hearing officer
W&I Code 601-601.4	Habitually truant minors

## Management Resources References

Attendance Works Publication	Count Us In! Working Together to Show that Every School Day Matters, 2014
Attendance Works Publication	The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014
California Department of Education Publication	School Attendance Review Board Handbook: A Road Map for Improved School Attendance and Behavior, 2015
California Department of Education Publication	School Attendance Improvement Handbook, 2000
Court Decision	L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976
CSBA Publication	Attendance Awareness Month, Fact Sheet, September 2014
Website	California Healthy Kids Survey - <a href="https://simbli.eboardsolutions.com/SU/pB1UyKy4ocu6w934wTYg4g==">https://simbli.eboardsolutions.com/SU/pB1UyKy4ocu6w934wTYg4g==</a>
Website	California School Climate, Health, and Learning Survey System - <a href="https://simbli.eboardsolutions.com/SU/ToYDgkpVkJTpLEyZMliOslw==">https://simbli.eboardsolutions.com/SU/ToYDgkpVkJTpLEyZMliOslw==</a>

Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	Attendance Works - <a href="https://simbli.eboardsolutions.com/SU/lkslsh86ee7gS53KQ0cWlpeNA==">https://simbli.eboardsolutions.com/SU/lkslsh86ee7gS53KQ0cWlpeNA==</a>
Website	California Association of Supervisors of Child Welfare and Attendance - <a href="https://simbli.eboardsolutions.com/SU/slshiEodree3fVc5OJdfTep9g==">https://simbli.eboardsolutions.com/SU/slshiEodree3fVc5OJdfTep9g==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>

## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
4119.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/PvFT8K5SPsplus0tb6PTidzaBw==">https://simbli.eboardsolutions.com/SU/PvFT8K5SPsplus0tb6PTidzaBw==</a>
4219.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/VUOnUGgPdKZslshraslsh3B4h87g==">https://simbli.eboardsolutions.com/SU/VUOnUGgPdKZslshraslsh3B4h87g==</a>
4319.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==">https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==</a>
5112.5	Open/Closed Campus - <a href="https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==">https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==">https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/0l6eZ8EiEM3rgPslshslshUquNrg==">https://simbli.eboardsolutions.com/SU/0l6eZ8EiEM3rgPslshslshUquNrg==</a>
5113.11	Attendance Supervision - <a href="https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==">https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==</a>
5121	Grades/Evaluation Of Student Achievement - <a href="https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKEq3o9g==">https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKEq3o9g==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==">https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/RbPA9QzDGKNvIKTiErZ1mA==">https://simbli.eboardsolutions.com/SU/RbPA9QzDGKNvIKTiErZ1mA==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JclBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JclBSozBYblA6slshuRrw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriyh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriyh6Hlfgm9JCtAg==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0T0Kof6xmw==">https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0T0Kof6xmw==</a>

5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==">https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUyZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUyZ9YYeUcMZslsh2KNSSuRw==</a>

**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 his/her 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; ~~5 CCR 430~~; 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 him/her to have 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 that they have 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 him/her 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 his/her 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 student age 18 or older who is 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; 34 CFR 99.31)

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 activity related to 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 minor student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor 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; 34 CFR 99.1-99.67)

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 his/her discretion, the discretion of the Superintendent or designee, information may be released information 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 **and students** 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 by** 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 **his/her 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, **99.36**)

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 **provisions of 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 **99.31**, 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, the 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 him/her 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, a parent/guardian or other 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 except routine updating 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 without prior consent of the parent/guardian or adult student. (Education Code 49062.5; 5 CCR 437)

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. However, at the written request of a student or, if appropriate, his/her parents/guardians, the Eden Area ROP shall use the student's preferred name and pronouns consistent with his/her gender identity on all other Eden Area ROP-related documents.

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 agencies 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 evidence of 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 **denial 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 49060-4907849085, 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 his/her 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 his/her 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 his/her 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 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 16020-16027

### Description

Destruction of records of school districts

5 CCR 430-438	Individual student records
Bus. Code 22580-22582	Privacy Rights for California Minors in the Digital World - <a href="https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==">https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==</a>
Bus. Code 22584-22585	Student Online Personal Information Protection Act - <a href="https://simbli.eboardsolutions.com/SU/FnauJhplusaaffvcCQodyGJjng==">https://simbli.eboardsolutions.com/SU/FnauJhplusaaffvcCQodyGJjng==</a>
Bus. Code 22586-22587	Early Learning Personal Information Protection Act - <a href="https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==">https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==</a>
CCP. 1985.3	Subpoena duces tecum - <a href="https://simbli.eboardsolutions.com/SU/XUPBrSACIFia2c1R7772slshw==">https://simbli.eboardsolutions.com/SU/XUPBrSACIFia2c1R7772slshw==</a>
Ed. Code 17604	Delegation of powers to agents
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 48201	Student records for transfer students who have been suspended/expelled
Ed. Code 48853.5	Foster youth; placement, immunizations
Ed. Code 48902	Notification of law enforcement of specified violations
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parental notifications
Ed. Code 48985	Notices in parent/guardian's primary language
Ed. Code 49060-49079	Student records
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 51747	Independent study
Ed. Code 56041.5	Rights of students with disabilities
Ed. Code 56050	Surrogate parents
Ed. Code 56055	Foster parents
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Fam. Code 3025	Access to records by noncustodial parents
Fam. Code 6552	Caregiver's authorization affidavit
Gov. Code 6252-6260	Inspection of public records
H&S Code 120440	Immunizations; disclosure of information
Pen. Code 245	Assault with deadly weapon
W&I Code 16010	Health and education records of a minor
W&I Code 681	Truancy petitions
W&I Code 701	Juvenile court law

### **Federal References**

16 CFR Part 312  
20 USC 1232g  
20 USC 1232h  
26 USC 152  
34 CFR 300.501  
34 CFR 99.1-99.67  
42 USC 11434a

### **Management Resources References**

### **Description**

Children's Online Privacy Protection Rule  
Family Educational Rights and Privacy Act (FERPA) of 1974  
Protection of Pupil Rights Amendment  
Definition of dependent child  
Opportunity to examine records for parents of student with disability  
Family Educational Rights and Privacy Act  
McKinney-Vento Homeless Assistance Act; definitions

### **Description**

CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Federal Register	Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855
National School Boards Association Publication	Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014
U.S. Department of Education Publication	Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, Oct 2007
U.S. Department of Education Publication	Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008
U.S. Department of Education Publication	IDEA and FERPA Confidentiality Provisions, 2014
Website	National School Boards Association - <a href="https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==">https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==</a>
Website	U.S. Department of Education, Family Policy Compliance Office - <a href="https://simbli.eboardsolutions.com/SU/qBuG5WOLFslshHhh9trjQ16OA==">https://simbli.eboardsolutions.com/SU/qBuG5WOLFslshHhh9trjQ16OA==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Cross References

1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLbKbZ03rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLbKbZ03rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/GBmLyqzfzSckfJHelqrNEQ==">https://simbli.eboardsolutions.com/SU/GBmLyqzfzSckfJHelqrNEQ==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==">https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==</a>
3290	Gifts, Grants And Bequests - <a href="https://simbli.eboardsolutions.com/SU/NkGQICc4slshQSDcmiNwFpF7A==">https://simbli.eboardsolutions.com/SU/NkGQICc4slshQSDcmiNwFpF7A==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==">https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
4040	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==">https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==</a>
4040-E(1)	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/NQsv4ZCezKjaSAplus9H4iFEg==">https://simbli.eboardsolutions.com/SU/NQsv4ZCezKjaSAplus9H4iFEg==</a>
4117.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==">https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==">https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==">https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==</a>

4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==">https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==">https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==</a>
4317.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==">https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==">https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkIijg==">https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkIijg==</a>
5000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==">https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/ZHUslshmK3JPNnIMABElc3h6Q==">https://simbli.eboardsolutions.com/SU/ZHUslshmK3JPNnIMABElc3h6Q==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==">https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==</a>
5021	Noncustodial Parents - <a href="https://simbli.eboardsolutions.com/SU/WbNEV4jzbQxcAFplusJzfg==">https://simbli.eboardsolutions.com/SU/WbNEV4jzbQxcAFplusJzfg==</a>
5111	Admission - <a href="https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==">https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbsslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbsslsh3zpdJ1slsh30QA==</a>
5121	Grades/Evaluation Of Student Achievement - <a href="https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKeq3o9g==">https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKeq3o9g==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelpHA==">https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelpHA==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==">https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==</a>
5125.2	Withholding Grades, Diploma Or Transcripts - <a href="https://simbli.eboardsolutions.com/SU/xhhplusjQ0ZZb2BB6DnupZgOA==">https://simbli.eboardsolutions.com/SU/xhhplusjQ0ZZb2BB6DnupZgOA==</a>
5125.3	Challenging Student Records - <a href="https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==">https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==">https://simbli.eboardsolutions.com/SU/yrtclcxp8CxH3sl5HslshZXcg==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/RbPA9QzDGKNvIKTiErZ1mA==">https://simbli.eboardsolutions.com/SU/RbPA9QzDGKNvIKTiErZ1mA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZXWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZXWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.61	Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==">https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==</a>

5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0TOKof6xmww==">https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0TOKof6xmww==</a>
5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==">https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==">https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==">https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==</a>
5141.3	Health Examinations - <a href="https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==">https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5142.1	Identification And Reporting Of Missing Children - <a href="https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==">https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==">https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjllsw==">https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjllsw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==">https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==">https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
6162.8	Research - <a href="https://simbli.eboardsolutions.com/SU/rLXWpKX8pplusbxnkSuX8co9w==">https://simbli.eboardsolutions.com/SU/rLXWpKX8pplusbxnkSuX8co9w==</a>
6162.8	Research - <a href="https://simbli.eboardsolutions.com/SU/epS55nQwslshediLmGdedFFPA==">https://simbli.eboardsolutions.com/SU/epS55nQwslshediLmGdedFFPA==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>

6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQTow==">https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQTow==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==">https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==</a>
9011	Disclosure Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==">https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==</a>

**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)

~~The Eden Area ROP shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.~~

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 drugs 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)

~~Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the Superintendent or designee.~~

9. Use of a ~~cellular/digital telephone~~ cell phone, smart watch, pager, or other mobile communications 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)

~~Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other Eden Area ROP employee, and at any other time directed by an Eden Area ROP employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.~~

~~No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)~~

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. ~~Inappropriate attire~~ **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 ~~provide appropriate supervision to~~ enforce standards of conduct and, ~~if~~ **when** they observe or receive a report of a violation of these standards, to ~~immediately~~ **appropriately** intervene or ~~call for~~ **seek** assistance. ~~If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.~~ **As necessary, the employee shall refer the matter to a supervisor or the principal or designee.**

When a school ~~official~~ **employee** suspects that a search of a student or ~~his/her~~ **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 ~~any unethical or illegal activity,~~ **an unauthorized manner,** an Eden Area ROP employee may confiscate the device. The employee shall store the ~~item in a secure manner until an appropriate time.~~ **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.

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

#### State References

#### Description

5 CCR 300-307

Duties of students

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduYWusJFnU3r9Q==>

Ed. Code 200-262.4

Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 32280-32289

School safety plans

Ed. Code 35181

Governing board authority to set policy on responsibilities of students

Ed. Code 35291-35291.5

Rules

Ed. Code 44807

Teachers' duty concerning conduct of students

Ed. Code 48900-48925

Suspension and expulsion

Ed. Code 51512

Prohibition against electronic listening or recording device in classroom without permission

Pen. Code 288.2

Harmful matter with intent to seduce

Pen. Code 313

Harmful matter

Pen. Code 417.25-417.27

Laser scope or laser pointer

Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices, threats to safety
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving

#### **Federal References**

20 USC 1681-1688

#### **Description**

Title IX, 1972 Education Act Amendments

#### **Management Resources References**

California Department of Education Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

CSBA Publication

CSBA Publication

Website

Website

Website

Website

Website

#### **Description**

Bullying at School, 2003

Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

National School Safety Center -  
<https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXplMccKw==>

Center for Safe and Responsible Internet Use -  
<https://simbli.eboardsolutions.com/SU/SYNvZCFDU9rOyHBP2bWINA==>

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

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==>

U.S. Department of Education -  
<https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==>

#### **Cross References**

0450

0450

3513.4

3515.4

4131

4131

4219.21

#### **Description**

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

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

Drug And Alcohol Free Schools -  
<https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4y1slsh3FiWsw==>

Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==>

Staff Development -  
<https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==>

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

Professional Standards -  
<https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==>

4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==</a>
5000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==">https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/ZHUsIshmK3JPNnIMABEic3h6Q==">https://simbli.eboardsolutions.com/SU/ZHUsIshmK3JPNnIMABEic3h6Q==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==">https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==</a>
5112.5	Open/Closed Campus - <a href="https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==">https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==">https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/0l6eZ8EiEM3rgPslshslshUquNrg==">https://simbli.eboardsolutions.com/SU/0l6eZ8EiEM3rgPslshslshUquNrg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5113.11	Attendance Supervision - <a href="https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==">https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JcTA==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JcTA==</a>
5131.41	Use Of Seclusion And Restraint - <a href="https://simbli.eboardsolutions.com/SU/8zs7piRvJtmL3RqslshplusZChKg==">https://simbli.eboardsolutions.com/SU/8zs7piRvJtmL3RqslshplusZChKg==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==</a>
5131.62	Tobacco - <a href="https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==">https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5131.9	Academic Honesty - <a href="https://simbli.eboardsolutions.com/SU/eCxcumGXdCZiCZaj2PsoEg==">https://simbli.eboardsolutions.com/SU/eCxcumGXdCZiCZaj2PsoEg==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==">https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==">https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>

5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRp3plusxOplusEG9ADHIXyagig==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEO2sHw==">https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEO2sHw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjllsw==">https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjllsw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyN2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyN2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjoZLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjoZLssXslshPISDP0PuoQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBU1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBU1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==">https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/C2TLQSOO7B6S2fKo6bDzDg==">https://simbli.eboardsolutions.com/SU/C2TLQSOO7B6S2fKo6bDzDg==</a>
6145.8	Assemblies And Special Events - <a href="https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==">https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmlpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmlpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcM9LYvUJplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcM9LYvUJplusqAHSqmQO2etA==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>

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 5131.2: Bullying

Status: DRAFT

Original Adopted Date: 06/05/2020

### Definitions Examples of Prohibited Conduct

Bullying is an unwanted, 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, sending 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, information 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 at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias
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's (CDE) online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (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/~~values~~-education 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.

(cf. 5141.52 – Suicide Prevention)

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

### State References

5 CCR 4600-4670

Ed. Code 200-262.4

Ed. Code 32282

Ed. Code 32283.5

Ed. Code 35181

Ed. Code 35291-35291.5

Ed. Code 46600

Ed. Code 48900-48925

Ed. Code 48985

Ed. Code 52060-52077

Pen. Code 422.55

Pen. Code 647

Pen. Code 647.7

Pen. Code 653.2

### Description

Uniform complaint procedures

Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytLslshoozWGUAAbNL6kKkgxQ==>

School safety plans

Bullying; online training

Governing board authority to set policy on responsibilities of students

Rules

Student transfers

Suspension and expulsion

Translation of notices

Local control and accountability plan

Definition of hate crime

Use of camera or other instrument to invade person's privacy; misdemeanor

Use of camera or other instrument to invade person's privacy; punishment

Electronic communication devices, threats to safety

### Federal References

28 CFR 35.107

34 CFR 104.7

34 CFR 106.8

34 CFR 110.25

47 USC 254

### Description

Nondiscrimination on basis of disability; complaints

Designation of responsible employee for Section 504

Designation of responsible employee for Title IX

Notification of nondiscrimination on the basis of age

Universal service discounts (E-rate)

### Management Resources References

### Description

CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
California Department of Education Publication	Bullying at School, 2003
California Department of Education Publication	Bullying Module
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, 2018
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
U.S. DOE Office for Civil Rights Publication	Guidance to America's Schools: Bullying of Students with Disabilities, October 2014
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on Basis of Sex, Race, Color, Oct 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
Website	National School Safety Center - <a href="https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==">https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==</a>
Website	Partnership for Children and Youth - <a href="https://simbli.eboardsolutions.com/SU/bolfLRuzs4PI63kJI3082w==">https://simbli.eboardsolutions.com/SU/bolfLRuzs4PI63kJI3082w==</a>
Website	Center on Great Teachers and Leaders - <a href="https://simbli.eboardsolutions.com/SU/uuNY8dCMmlel2NuPXnq4GQ==">https://simbli.eboardsolutions.com/SU/uuNY8dCMmlel2NuPXnq4GQ==</a>
Website	Collaborative for Academic Social and Emotional Learning - <a href="https://simbli.eboardsolutions.com/SU/sNNHIYslsh8zYCfpQYfg7rGplusw==">https://simbli.eboardsolutions.com/SU/sNNHIYslsh8zYCfpQYfg7rGplusw==</a>
Website	Common Sense Media - <a href="https://simbli.eboardsolutions.com/SU/wpUjl8j8od73P0r6UNOcNQ==">https://simbli.eboardsolutions.com/SU/wpUjl8j8od73P0r6UNOcNQ==</a>
Website	California Department of Education, Safe Schools - <a href="https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==">https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	U.S. Department of Education - <a href="https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==">https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==</a>

**Cross References****Description**

0100	Philosophy - <a href="https://simbli.eboardsolutions.com/SU/emLAXslshVXgslshhZ9nt8SVEfow==">https://simbli.eboardsolutions.com/SU/emLAXslshVXgslshhZ9nt8SVEfow==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKK8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKK8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrInglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrInglg==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JclBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JclBSozBYblA6slshuRrw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==">https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjllsw==">https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjllsw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==</a>

5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>

**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 on campus or to a school activity and is lost, stolen, or damaged.

**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 300-307  
Civ. Code 1714.1  
Ed. Code 200-262.4  
Ed. Code 32280-32289  
Ed. Code 35181  
Ed. Code 35291-35291.5  
Ed. Code 44807  
Ed. Code 48900-48925  
Ed. Code 48901.5  
Ed. Code 48901.7  
Ed. Code 51512  
Pen. Code 288.2  
Pen. Code 313  
Pen. Code 647  
Pen. Code 653.2  
Veh. Code 23123-23124

**Description**

Duties of students  
Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePEduiYWusJFnU3r9Q==>  
Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>  
School safety plans  
Governing board authority to set policy on responsibilities of students  
Rules  
Teachers' duty concerning conduct of students  
Suspension and expulsion  
Prohibition of electronic signaling devices  
Limitation or prohibition of student use of cell phones  
Prohibited use of electronic listening or recording device  
Harmful matter with intent to seduce  
Harmful matter  
Use of camera or other instrument to invade person's privacy; misdemeanor  
Electronic communication devices, threats to safety  
Prohibitions against use of electronic devices while driving

**Federal References**

20 USC 1681-1688

**Description**

Title IX, 1972 Education Act Amendments

## Management Resources References

California Department of Education Publication  
 Court Decision  
 Court Decision  
 Court Decision  
 CSBA Publication  
 CSBA Publication  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website

## Cross References

0450  
 0450  
 5131  
 5131.2  
 5131.2  
 5131.9  
 5137  
 5141.52  
 5141.52  
 5145.12  
 5145.2  
 5145.2  
 6163.4  
 6163.4  
 6163.4-E(1)

## Description

Bullying at School, 2003  
 J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094  
 New Jersey v. T.L.O., (1985) 469 U.S. 325  
 Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503  
 Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010  
 Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
 National School Safety Center - <https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==>  
 Center for Safe and Responsible Internet Use - <https://simbli.eboardsolutions.com/SU/SYNvZCFDU9rOyHBP2bWINA==>  
 California Department of Education, Safe Schools - <https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>  
 CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2EPsDsQBnMIENxGg==>  
 U.S. Department of Education - <https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==>

## Description

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>  
 Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>  
 Conduct - <https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYbIA6slshuRrw==>  
 Bullying - <https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==>  
 Bullying - <https://simbli.eboardsolutions.com/SU/kMssBiryh6Hlfgm9JcTA==>  
 Academic Honesty - <https://simbli.eboardsolutions.com/SU/eCxcumGXdCZiCZaj2PsoFg==>  
 Positive School Climate - <https://simbli.eboardsolutions.com/SU/urpjuWVuu9UaXbjXiYKMAw==>  
 Suicide Prevention - <https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==>  
 Suicide Prevention - <https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==>  
 Search And Seizure - <https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==>  
 Freedom Of Speech/Expression - <https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpy2uiPog==>  
 Freedom Of Speech/Expression - <https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==>  
 Student Use Of Technology - <https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==>  
 Student Use Of Technology - <https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLU7Qw==>  
 Student Use Of Technology - <https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==>

**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 **is likely to** cause 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)

**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 212.1

Ed. Code 220

Ed. Code 32281

Ed. Code 35183

**Description**

Nondiscrimination based on race or ethnicity

Prohibition of discrimination

School safety plans

School dress code; uniforms

Ed. Code 35183.5  
Ed. Code 48907  
Ed. Code 49066

Sun-protective clothing  
Exercise of free expression; rules and regulations  
Grades; effect of physical education class apparel

### Management Resources References

Court Decision  
Court Decision  
Court Decision  
Court Decision  
Court Decision  
Court Decision  
Court Decision

### Description

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251  
Harper v. Poway Unified School District, (2006) 445 App. 3d 166  
Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562  
Jacobs v. Clark County School District, (2008) 26 F. 3d 419  
Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993) 827 F.Supp. 1459  
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503  
Hartzell v. Connell, (1984) 35 Cal. 3d 899

### Cross References

0450  
0450  
5020  
5020  
5121  
5131  
5144  
5144  
5145.2  
5145.2  
5145.3  
5145.3  
5145.6  
5145.7  
5145.7

### Description

Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>  
Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>  
Parent Rights And Responsibilities -  
<https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABElc3h6Q==>  
Parent Rights And Responsibilities -  
<https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==>  
Grades/Evaluation Of Student Achievement -  
<https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKeq3o9g==>  
Conduct -  
<https://simbli.eboardsolutions.com/SU/khy9JcIBSszBYblA6slshuRrw==>  
Discipline -  
<https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==>  
Discipline -  
<https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==>  
Freedom Of Speech/Expression -  
<https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpy2uiPog==>  
Freedom Of Speech/Expression -  
<https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==>  
Nondiscrimination/Harassment -  
<https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==>  
Nondiscrimination/Harassment -  
<https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==>  
Parental Notifications -  
<https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==>  
Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==>  
Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==>

**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. Providing 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 school nurse or other 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 his/her responsibilities to enable Eden Area ROP employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the Eden Area ROP school 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 that he/she may 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 his/her child 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 his/her child 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 his/her 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 ~~the school nurse or other~~ qualified medical personnel.

The other designated ~~school~~ 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 ~~his/her~~ 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 **school** **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 **school** 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 **school nurse or other** 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, **the school nurse** 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 **his/her 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)

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

### State References

5 CCR 600-611

### Description

Administering medication to students

Bus. Code 2700-2837

Nursing -

<https://simbli.eboardsolutions.com/SU/uCzErklfpGgLI9HTTl6yxg==>

Bus. Code 3500-3546

Physician assistants -

<https://simbli.eboardsolutions.com/SU/DVwu5arEKuyPdOB2YXaplusEw==>

Bus. Code 4119.2

Acquisition of epinephrine auto-injectors -

<https://simbli.eboardsolutions.com/SU/vO6toOi4tTtDRslshrrJcMWlQ==>

Bus. Code 4119.8

Acquisition of naloxone hydrochloride or another opioid antagonist -

<https://simbli.eboardsolutions.com/SU/DmZMuG277jOaQCVyhEgx8w==>

Ed. Code 48980

Notifications at beginning of term

Ed. Code 49407

Liability for treatment

Ed. Code 49408

Emergency information

Ed. Code 49414

Emergency epinephrine auto-injectors

Ed. Code 49414.3

Emergency medical assistance; administration of medication for opioid overdose

Ed. Code 49414.5

Providing school personnel with voluntary emergency training

Ed. Code 49422-49427

Employment of medical personnel

Ed. Code 49423

Administration of prescribed medication for student

Ed. Code 49423.1

Inhaled asthma medication

Ed. Code 49480

Continuing medication regimen; notice

H&S Code 11362.7-11362.85

Medicinal cannabis

### Federal References

20 USC 1232g

### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482

Individuals with Disabilities Education Act

21 USC 812

Schedule of controlled substances

21 USC 844

Penalties for possession of controlled substance

29 USC 794

Rehabilitation Act of 1973, Section 504

### Management Resources References

American Diabetes Association Publication

### Description

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

American Diabetes Association Publication

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

American Diabetes Association Publication

Program Advisory on Medication Administration, 2005

American Diabetes Association Publication

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Court Decision	American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570
National Diabetes Education Program Publication	Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003
Website	National Diabetes Education Program - <a href="https://simbli.eboardsolutions.com/SU/U4JqanN6vgbBAvhkbHdFNA==">https://simbli.eboardsolutions.com/SU/U4JqanN6vgbBAvhkbHdFNA==</a>
Website	U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information - <a href="https://simbli.eboardsolutions.com/SU/BdavnAjNBHZNDwPZKB17GA==">https://simbli.eboardsolutions.com/SU/BdavnAjNBHZNDwPZKB17GA==</a>
Website	American Diabetes Association - <a href="https://simbli.eboardsolutions.com/SU/ZdzQITccA6IJSdCROntMZA==">https://simbli.eboardsolutions.com/SU/ZdzQITccA6IJSdCROntMZA==</a>
Website	California Department of Education, Health Services and School Nursing - <a href="https://simbli.eboardsolutions.com/SU/8gslshmouplus2E8Rmx2avRDQPXw==">https://simbli.eboardsolutions.com/SU/8gslshmouplus2E8Rmx2avRDQPXw==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Cross References

3513.4	Drug And Alcohol Free Schools - <a href="https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4y1slsh3FiWsw==">https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4y1slsh3FiWsw==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==">https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==">https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiocyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiocyw==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==">https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==">https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==</a>
4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==">https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==</a>
4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/VUIIGSwOeV4CxaaW4YKtTw==">https://simbli.eboardsolutions.com/SU/VUIIGSwOeV4CxaaW4YKtTw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==">https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/OI6eZ8EiEM3rgPslshslshUquNrg==">https://simbli.eboardsolutions.com/SU/OI6eZ8EiEM3rgPslshslshUquNrg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrINglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrINglg==</a>
5131.62	Tobacco - <a href="https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVbIQ==">https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVbIQ==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Sznz1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Sznz1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAc0pDJJng==">https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAc0pDJJng==</a>

5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTlplus2vQ==">https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTlplus2vQ==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==">https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBlXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBlXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==</a>

**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 district Eden Area ROP programs and operations are based on the most up-to-date information.

The district's comprehensive health education program shall provide age-appropriate information about the nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.

If the local health officer notifies the district 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 district Eden Area ROP shall take any action that the health officer deems necessary to control the spread of the disease. The district 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 staff 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.

**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**

17 CCR 2500-2511

8 CCR 5193

CA Constitution Article 1, Section 1

Civ. Code 1798-1798.76

**Description**

Communicable disease reporting requirements -  
<https://simbli.eboardsolutions.com/SU/slshn47UxNYZiU6wNeVYbLg2w==>

California bloodborne pathogens standard

Right to Privacy -  
<https://simbli.eboardsolutions.com/SU/dnTSIDGsBRmnPh66qrPVNA==>

Information Practices Act -  
<https://simbli.eboardsolutions.com/SU/eqbJKyFDVnvC0g0s20plusl7A==>

Civ. Code 56-56.37

Ed. Code 48210-48216

Ed. Code 49073-49079

Ed. Code 49403

Ed. Code 49405

Ed. Code 49406

Ed. Code 49408

Ed. Code 49602

Ed. Code 51202

H&S Code 120230

H&S Code 120325-120380

H&S Code 120875-120895

H&S Code 120975-121022

H&S Code 121475-121520

### Federal References

20 USC 1232g

20 USC 1400-1482

29 USC 794

45 CFR 164.500-164.534

### Management Resources References

Court Decision

Website

Website

Website

Website

Website

### Cross References

0470

3514.1

3514.1

3516

3516

Confidentiality of medical information -

<https://simbli.eboardsolutions.com/SU/nr0sSxslshED3ehUQrXplusLmkcA==>

Persons excluded

Privacy of pupil records

Cooperation in control of communicable disease and immunization of pupils

Smallpox control

Examination for tuberculosis (employees)

Information of use in emergencies

Confidentiality of student information

Instruction in personal and public health and safety

Exclusion for communicable disease

Immunization against communicable diseases

AIDS information

Mandated blood testing and confidentiality to protect public health

Tuberculosis tests for pupils

### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Individuals with Disabilities Education Act

Rehabilitation Act of 1973, Section 504

Health Insurance Portability and Accountability Act (HIPAA)

### Description

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376

U.S. Government Pandemic Flu Information -

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

California Department of Education -

<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

California Department of Public Health -

<https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==>

Centers for Disease Control and Prevention -

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

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

### Description

COVID-19 Mitigation Plan -

<https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==>

Hazardous Substances -

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

Hazardous Substances -

<https://simbli.eboardsolutions.com/SU/2hidvln09FVkaXFS3VyoOg==>

Emergencies And Disaster Preparedness Plan -

<https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==>

Emergencies And Disaster Preparedness Plan -

<https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==>

4119.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/PvFT8K5PSplus0tb6PTidzaBw==">https://simbli.eboardsolutions.com/SU/PvFT8K5PSplus0tb6PTidzaBw==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/DjhBwstLrZNY2NYTCBC13w==">https://simbli.eboardsolutions.com/SU/DjhBwstLrZNY2NYTCBC13w==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==">https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==</a>
4219.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==">https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==">https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==">https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==</a>
4319.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==">https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==</a>
4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==">https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==</a>
4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/VUIGSwOeV4CxaaW4YKtTw==">https://simbli.eboardsolutions.com/SU/VUIGSwOeV4CxaaW4YKtTw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAc0pDJJng==">https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAc0pDJJng==</a>
5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0T0Kof6xmw==">https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0T0Kof6xmw==</a>
5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==">https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==</a>
5141.3	Health Examinations - <a href="https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==">https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmlpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmlpgi15Ja3ktA==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==</a>

**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 ~~using district vehicles~~
8. Information on effective hygiene practices
9. ~~Provisions for continuing free and reduced-price meal services~~
10. Processes for protecting students who are at higher risk from the disease
11. Programs that enhance a positive school climate and foster the emotional well-being of all students
12. Guidelines for cleaning and sanitization of district facilities and equipment
13. Protocols for visitors and outside groups that utilize district facilities
14. 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.

**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

17 CCR 2500-2511

8 CCR 5193

CA Constitution Article 1, Section 1

Civ. Code 1798-1798.76

Civ. Code 56-56.37

Ed. Code 48210-48216

Ed. Code 49073-49079

Ed. Code 49403

Ed. Code 49405

Ed. Code 49406

Ed. Code 49408

Ed. Code 49602

Ed. Code 51202

H&S Code 120230

H&S Code 120325-120380

H&S Code 120875-120895

H&S Code 120975-121022

H&S Code 121475-121520

#### Description

Communicable disease reporting requirements -

<https://simbli.eboardsolutions.com/SU/slshn47UxNYZiU6wNeVYbLg2w==>

California bloodborne pathogens standard

Right to Privacy -

<https://simbli.eboardsolutions.com/SU/dnTSIDGsBRmnPh66qrPVNA==>

Information Practices Act -

<https://simbli.eboardsolutions.com/SU/eqbJKyFDVnvC0g0s20plusl7A==>

Confidentiality of medical information -

<https://simbli.eboardsolutions.com/SU/nr0sSxslshED3ehUQrXplusLmkcA==>

Persons excluded

Privacy of pupil records

Cooperation in control of communicable disease and immunization of pupils

Smallpox control

Examination for tuberculosis (employees)

Information of use in emergencies

Confidentiality of student information

Instruction in personal and public health and safety

Exclusion for communicable disease

Immunization against communicable diseases

AIDS information

Mandated blood testing and confidentiality to protect public health

Tuberculosis tests for pupils

#### Federal References

20 USC 1232g

20 USC 1400-1482

29 USC 794

45 CFR 164.500-164.534

#### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Individuals with Disabilities Education Act

Rehabilitation Act of 1973, Section 504

Health Insurance Portability and Accountability Act (HIPAA)

**Management Resources References**

Court Decision	Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376
Website	U.S. Government Pandemic Flu Information - <a href="https://simbli.eboardsolutions.com/SU/woUjSYMWPYqUariLcOuHLw==">https://simbli.eboardsolutions.com/SU/woUjSYMWPYqUariLcOuHLw==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	California Department of Public Health - <a href="https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJ0zDybcVsugA==">https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJ0zDybcVsugA==</a>
Website	Centers for Disease Control and Prevention - <a href="https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==">https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Cross References**

0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==">https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxFS3VyoOg==">https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxFS3VyoOg==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
4119.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/PvFT8K5PSplus0tb6PTidzaBw==">https://simbli.eboardsolutions.com/SU/PvFT8K5PSplus0tb6PTidzaBw==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==">https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==">https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==</a>
4219.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==">https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==">https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==">https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==</a>
4319.41	Employees With Infectious Disease - <a href="https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==">https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==</a>
4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==">https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==</a>
4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/VUIIGSwOeV4CxaaW4YKtTw==">https://simbli.eboardsolutions.com/SU/VUIIGSwOeV4CxaaW4YKtTw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNIqyympupAc0pDJJng==">https://simbli.eboardsolutions.com/SU/SffkNIqyympupAc0pDJJng==</a>

5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0T0Kof6xmw==">https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0T0Kof6xmw==</a>
5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==">https://simbli.eboardsolutions.com/SU/hSdSNlj3CBY4VUgplusNbJ4Gg==</a>
5141.3	Health Examinations - <a href="https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==">https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==</a>

## 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 ~~district~~ 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 district's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum which explains students' right to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.~~

~~The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)~~

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 ~~district's~~ 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 ~~district~~ Eden Area ROP and/or school comprehensive safety plan. (Education Code 32282)

~~District~~ 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)

**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 4650

Ed. Code 32280-32289

Ed. Code 33195

Ed. Code 33308.1

Ed. Code 44252

### Description

Filing complaints with CDE, special education students

School safety plans

Heritage schools, mandated reporters

Guidelines on procedure for filing child abuse complaints

Teacher credentialing

Ed. Code 44691	Staff development in the detection of child abuse and neglect
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48906	Notification when student released to peace officer
Ed. Code 48987	Dissemination of reporting guidelines to parents
Ed. Code 49001	Prohibition of corporal punishment
Ed. Code 51220.5	Parenting skills education
Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 152.3	Duty to report murder, rape, or lewd or lascivious act
Pen. Code 273a	Willful cruelty or unjustifiable punishment of child; endangering life or health
Pen. Code 288	Definition of lewd or lascivious act requiring reporting
W&I Code 15630-15637	Dependent adult abuse reporting

### **Federal References**

42 USC 11434a

### **Description**

McKinney-Vento Homeless Assistance Act; definitions

### **Management Resources References**

California Department of Education Publication

California Department of Education Publication

Court Decision

Website

Website

Website

Website

### **Description**

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

Camreta v. Greene (2011) 131 S.Ct. 2020

California Department of Social Services, Children and Family Services Division -

<https://simbli.eboardsolutions.com/SU/NUxJnpatXXvvrHzEHC64ZQ==>

U.S. Department of Health and Human Services, Child Welfare Information Gateway -

<https://simbli.eboardsolutions.com/SU/pluswON4RkFMmyUtC6Ao4cAPA==>

California Attorney General's Office, Suspected Child Abuse Report Form -

<https://simbli.eboardsolutions.com/SU/f4nIIWcpXtRDJoWTLnOplusYw==>

California Department of Education, Safe Schools -

<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

### **Cross References**

0450

0450

0470

1312.3

1312.3

1312.3-E(1)

3530

### **Description**

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/XYF8itC2cfEX1xwveULDCQ==>

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==>

Risk Management/Insurance -

<https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==>

3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==">https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==">https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/plusz18lfjwhNBmtLe5GvL59A==">https://simbli.eboardsolutions.com/SU/plusz18lfjwhNBmtLe5GvL59A==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==">https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==">https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==</a>
4317.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==">https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFom7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFom7w==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/FEdeJMdGgJmuugihzeFErA==">https://simbli.eboardsolutions.com/SU/FEdeJMdGgJmuugihzeFErA==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==">https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==">https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==">https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>

5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>

**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; district 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 district 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 district 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 district 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 district 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 **a district 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 **district 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 district 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)

**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 4650	Filing complaints with CDE, special education students
Ed. Code 32280-32289	School safety plans
Ed. Code 33195	Heritage schools, mandated reporters
Ed. Code 33308.1	Guidelines on procedure for filing child abuse complaints
Ed. Code 44252	Teacher credentialing
Ed. Code 44691	Staff development in the detection of child abuse and neglect
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48906	Notification when student released to peace officer
Ed. Code 48987	Dissemination of reporting guidelines to parents
Ed. Code 49001	Prohibition of corporal punishment
Ed. Code 51220.5	Parenting skills education
Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 152.3	Duty to report murder, rape, or lewd or lascivious act
Pen. Code 273a	Willful cruelty or unjustifiable punishment of child; endangering life or health
Pen. Code 288	Definition of lewd or lascivious act requiring reporting
W&I Code 15630-15637	Dependent adult abuse reporting

#### Federal References

	Description
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

#### Management Resources References

	Description
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve
Court Decision	Camreta v. Greene (2011) 131 S.Ct. 2020
Website	California Department of Social Services, Children and Family Services Division - <a href="https://simbli.eboardsolutions.com/SU/NUxJnpatXXvvrHzEHC64ZQ==">https://simbli.eboardsolutions.com/SU/NUxJnpatXXvvrHzEHC64ZQ==</a>
Website	U.S. Department of Health and Human Services, Child Welfare Information Gateway - <a href="https://simbli.eboardsolutions.com/SU/pluswON4RkFMmyUtC6Ao4cAPA==">https://simbli.eboardsolutions.com/SU/pluswON4RkFMmyUtC6Ao4cAPA==</a>
Website	California Attorney General's Office, Suspected Child Abuse Report Form - <a href="https://simbli.eboardsolutions.com/SU/f4nIIWcpXtRDJoWTLnOplusYw==">https://simbli.eboardsolutions.com/SU/f4nIIWcpXtRDJoWTLnOplusYw==</a>

Website [California Department of Education, Safe Schools -  
https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==](https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==)

## Cross References

## Description

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2lLyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2lLyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==">https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==">https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKK8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKK8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/plusz18lfjwhNBmtLe5GvL59A==">https://simbli.eboardsolutions.com/SU/plusz18lfjwhNBmtLe5GvL59A==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==">https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==">https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==</a>
4317.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==">https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFom7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFom7w==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==">https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>

5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==">https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==">https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==">https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>

**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, and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include district and school administrators, school counselors, school psychologists, school social workers, school nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the district's 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 district 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. Instruction to students in problem-solving, coping, and resiliency skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others
3. 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
4. The review of materials and resources used in awareness efforts and communications to ensure they align with best practices for safe and effective messaging about suicide
5. The provision of information to parents/guardians and caregivers regarding risk and protective factors, warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, the district's suicide prevention policy and procedures, basic steps for helping suicidal youth, the importance of communicating with appropriate staff if suicide risk is present or suspected, access to suicide prevention training, and/or school and community resources that can help youth in crisis
6. 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
7. Crisis intervention procedures for addressing suicide threats or attempts
8. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide
9. Establishment of district and/or school-site crisis intervention team(s) to ensure the proper implementation and review of this policy and other district practices related to the emotional and behavioral wellness of students, including, but not limited to, the oversight of mental health and suicide prevention training, collaboration with community mental health organizations, identification of resources and organizations that provide evidence-based

treatment, collaboration to build community response, and compliance with Education Code 215

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)

The Board shall ensure that measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

District 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 district 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)

The Superintendent or designee shall periodically review district data pertaining to school climate and reports of suicidal ideation, attempts, or death to identify patterns or trends and make recommendations regarding program development.

The Superintendent or designee shall post this policy on the district's web site, in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

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

#### State References

	Description
Ed. Code 215	Student suicide prevention policies
Ed. Code 215.5	Student identification cards, inclusion of safety hotlines
Ed. Code 216	Suicide prevention online training programs
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	Comprehensive safety plan
Ed. Code 49060-49079	Student records
Ed. Code 49602	Confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Gov. Code 810-996.6	Government Claims Act
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5850-5886	Children's Mental Health Services Act

#### Management Resources References

	Description
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019

Centers for Disease Control and Prevention Publica	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009
Court Decision	Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554
Nat'l Assoc. of School Psychologists Publication	Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015
U.S. Dept. of Health & Human Services Publication	National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012
U.S. Dept. of Health & Human Services Publication	Preventing Suicide: A Toolkit for High Schools, 2012
Website	Suicide Prevention Lifeline - <a href="https://simbli.eboardsolutions.com/SU/afV0kpluspY6dedMutWePi1w==">https://simbli.eboardsolutions.com/SU/afV0kpluspY6dedMutWePi1w==</a>
Website	Suicide Prevention Resource Center - <a href="https://simbli.eboardsolutions.com/SU/2cfjFY4ju3lrj8NMBvPa0g==">https://simbli.eboardsolutions.com/SU/2cfjFY4ju3lrj8NMBvPa0g==</a>
Website	Trevor Project - <a href="https://simbli.eboardsolutions.com/SU/YGdplusizjTY5ffqCzyaC432A==">https://simbli.eboardsolutions.com/SU/YGdplusizjTY5ffqCzyaC432A==</a>
Website	U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration - <a href="https://simbli.eboardsolutions.com/SU/fqslshmylnfegyQnF2VZzOl5g==">https://simbli.eboardsolutions.com/SU/fqslshmylnfegyQnF2VZzOl5g==</a>
Website	American Association of Suicidology - <a href="https://simbli.eboardsolutions.com/SU/2epimFF2un2Erplus9gZent5w==">https://simbli.eboardsolutions.com/SU/2epimFF2un2Erplus9gZent5w==</a>
Website	American Foundation for Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/FEUu0bQA19UxSaw3Wtfi0A==">https://simbli.eboardsolutions.com/SU/FEUu0bQA19UxSaw3Wtfi0A==</a>
Website	American Psychological Association - <a href="https://simbli.eboardsolutions.com/SU/whnZxkEv3ftXlZAgq4Eknw==">https://simbli.eboardsolutions.com/SU/whnZxkEv3ftXlZAgq4Eknw==</a>
Website	California Department of Education, Mental Health - <a href="https://simbli.eboardsolutions.com/SU/U8yblhobslshezvvd8YxPBKw==">https://simbli.eboardsolutions.com/SU/U8yblhobslshezvvd8YxPBKw==</a>
Website	California Department of Health Care Services, Mental Health Services - <a href="https://simbli.eboardsolutions.com/SU/lhJ9lBnSx33gyv3jSdm7LQ==">https://simbli.eboardsolutions.com/SU/lhJ9lBnSx33gyv3jSdm7LQ==</a>
Website	Centers for Disease Control and Prevention, Mental Health - <a href="https://simbli.eboardsolutions.com/SU/zljgm8LIDlJLplusGWxslshSbPEQ==">https://simbli.eboardsolutions.com/SU/zljgm8LIDlJLplusGWxslshSbPEQ==</a>
Website	National Association of School Psychologists - <a href="https://simbli.eboardsolutions.com/SU/2Pbs2elslshfyVi8hrLAnClslshQ==">https://simbli.eboardsolutions.com/SU/2Pbs2elslshfyVi8hrLAnClslshQ==</a>
Website	National Institute for Mental Health - <a href="https://simbli.eboardsolutions.com/SU/IYEsleokeWiWcCFo92HqaA==">https://simbli.eboardsolutions.com/SU/IYEsleokeWiWcCFo92HqaA==</a>
Website	American School Counselor Association - <a href="https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==">https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==</a>

## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>

5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrInIglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrInIglg==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JcTAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JcTAg==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNlqyympupAcOpDJJng==">https://simbli.eboardsolutions.com/SU/SffkNlqyympupAcOpDJJng==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwiCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwiCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>

**Regulation 5141.52: Suicide Prevention**

Status: DRAFT

Original Adopted Date: 06/05/2020

**Staff Development**

Swicide prevention training shall be provided to teachers, interns, counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers. The training shall be offered under the direction of a district counselor, psychologist, and/or social worker who has received advanced training specific to suicide and who may collaborate with one or more county or community mental health agencies.

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. District Eden Area Regional Occupational Program (Eden Area ROP) procedures for responding after a suicide has occurred
10. Common misconceptions about suicide

The district may provide additional professional development in suicide risk assessment and crisis intervention to district mental health professionals, including, but not limited to, school counselors, psychologists, social workers, and nurses.

**Instruction** The district's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework.

Suicide prevention instruction shall be incorporated into the health education curriculum in an age and developmentally appropriate manner and shall be designed to help students:

1. Identify and analyze warning signs and risk factors associated with suicide, including, but not limited to, understanding how mental health challenges and emotional distress, such as feelings of depression, loss, isolation, inadequacy, and anxiety, can lead to thoughts of suicide
2. Develop coping and resiliency skills for dealing with stress and trauma, and building self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults; school resources, including the district's suicide prevention, intervention, and referral procedures; and/or community crisis intervention resources where youth can get help
5. Develop help-seeking strategies and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention
6. Recognize that early prevention and intervention can drastically reduce the risk of suicide

The Superintendent or designee may develop and implement school activities that raise awareness about mental health wellness and suicide prevention.

### Student Identification Cards

Student identification cards for students in grades 7-12 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

The Superintendent or designee shall provide the name, title, and contact information of the members of the district and/or school crisis intervention team(s) to students, staff, parents/guardians, and caregivers and on school and district web sites. Such notifications shall identify the mental health professional who serves as the crisis intervention team's designated reporter to receive and act upon reports of a student's suicidal intention.

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 district 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)

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

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.

The Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the Superintendent or designee shall consider whether it is necessary, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

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 district Edén Area ROP-designated spokesperson who shall not divulge confidential information. The district's Edén Area ROP's response shall not sensationalize suicide and shall focus on the district's Edén 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.

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## State References

Ed. Code 215  
Ed. Code 215.5  
Ed. Code 216  
Ed. Code 234.6  
Ed. Code 32280-32289.5

## Description

Student suicide prevention policies  
Student identification cards, inclusion of safety hotlines  
Suicide prevention online training programs  
Bullying and harassment prevention information  
Comprehensive safety plan

Ed. Code 49060-49079	Student records
Ed. Code 49602	Confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Gov. Code 810-996.6	Government Claims Act
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W&I Code 5698	Emotionally disturbed youth; legislative intent
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U.S. Dept. of Health & Human Services Publication	National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012
U.S. Dept. of Health & Human Services Publication	Preventing Suicide: A Toolkit for High Schools, 2012
Website	Suicide Prevention Lifeline - <a href="https://simbli.eboardsolutions.com/SU/afV0kpluspY6dedMutWePi1w==">https://simbli.eboardsolutions.com/SU/afV0kpluspY6dedMutWePi1w==</a>
Website	Suicide Prevention Resource Center - <a href="https://simbli.eboardsolutions.com/SU/2cfjFY4ju3lrj8NMBvPa0g==">https://simbli.eboardsolutions.com/SU/2cfjFY4ju3lrj8NMBvPa0g==</a>
Website	Trevor Project - <a href="https://simbli.eboardsolutions.com/SU/YGdplusizjTY5ffqCzyaC432A==">https://simbli.eboardsolutions.com/SU/YGdplusizjTY5ffqCzyaC432A==</a>
Website	U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration - <a href="https://simbli.eboardsolutions.com/SU/fqslshmylnfegyQnF2VZzOl5g==">https://simbli.eboardsolutions.com/SU/fqslshmylnfegyQnF2VZzOl5g==</a>
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Website	American Foundation for Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/FEUu0bQA19UxSaw3Wtfi0A==">https://simbli.eboardsolutions.com/SU/FEUu0bQA19UxSaw3Wtfi0A==</a>
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Website	California Department of Education, Mental Health - <a href="https://simbli.eboardsolutions.com/SU/U8yblhoblsIshezyvd8YxPBKw==">https://simbli.eboardsolutions.com/SU/U8yblhoblsIshezyvd8YxPBKw==</a>
Website	California Department of Health Care Services, Mental Health Services - <a href="https://simbli.eboardsolutions.com/SU/lhJ9lBnSx33gyv3jSdm7LQ==">https://simbli.eboardsolutions.com/SU/lhJ9lBnSx33gyv3jSdm7LQ==</a>
Website	Centers for Disease Control and Prevention, Mental Health - <a href="https://simbli.eboardsolutions.com/SU/zljgm8LlDIJLplusGWxslshSbPEQ==">https://simbli.eboardsolutions.com/SU/zljgm8LlDIJLplusGWxslshSbPEQ==</a>
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### Description

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKK8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKK8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrINglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrINglg==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAcOpDJJng==">https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAcOpDJJng==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkjf9hFwJDlhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkjf9hFwJDlhUw==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>

6164.2

Guidance/Counseling Services -

<https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==>

**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 helps ensure promotes student safety and well-being the prevention of student injury. The Superintendent or designee shall implement aAppropriate practices measures shall be implemented to minimize the risk of harm to students, including, but not limited to, practices relative to protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, the outdoor environment, 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. 5144 – Discipline)

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

(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, during school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using Eden Area Regional Occupational Program (Eden Area ROP) transportation to and from school.

**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)

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)

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

#### State References

#### Description

5 CCR 14030	Preliminary procedure, planning and approval of school facilities
5 CCR 14103	Authority of the driver
5 CCR 202	Exclusion of students with a contagious disease
5 CCR 5531	Supervision of extracurricular activities of pupils
5 CCR 5552	Playground supervision
5 CCR 5570	When school shall be open and teachers present
5 CCR 570-576	School safety patrols
Ed. Code 17280-17317	Approval of plans and supervision of construction
Ed. Code 17365-17374	Fitness of buildings for occupancy; liability of board members
Ed. Code 32001	Fire alarms and drills
Ed. Code 32020	School gates; entrances for emergency vehicles
Ed. Code 32030-32034	Eye safety
Ed. Code 32040	Duty to equip school with first aid kit
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32240-32245	Lead-Safe Schools Protection Act
Ed. Code 32250-32254	CDE school safety and security resources unit
Ed. Code 32280-32289	School safety plans
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 44808	Exemption from liability when students are not on school property
Ed. Code 44808.5	Permission for students to leave school grounds; notice (high school)
Ed. Code 45450-45451	Crossing guards
Ed. Code 48900	Hazing
Ed. Code 49300-49307	School safety patrols
Ed. Code 49330-49335	Injurious objects
Ed. Code 49341	Hazardous materials in school science laboratories
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 8482-8484.6	After School Education and Safety Program
Gov. Code 810-996.6	California Tort Claims Act
H&S Code 115725-115735	Playground safety

H&S Code 115775-115800	Wooden playground equipment
H&S Code 116046	Issuance of best practices guidelines for K-12 pool safety
Pen. Code 245.6	Hazing
Pub. Res. Code 5411	Purchase of equipment usable by persons with disabilities
Veh. Code 21100	Rules and regulations; crossing guards
Veh. Code 21212	Use of helmets
Veh. Code 42200	Fines and forfeitures, disposition by cities
Veh. Code 42201	Fines and forfeitures, disposition by counties
Vehicle Code 21201	Rules for operation of bicycle on roadway

### Management Resources References

American Society for Testing and Materials	F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, 2017
California Department of Education Publication	Science Safety Handbook for California Public Schools, 2014
Court Decision	Knight v. Jewett, (1992) 3 Cal.4th 296, 313
Court Decision	Lane v. City of Sacramento, (2010) 183 Cal. App. 4th. 1337
Court Decision	J.H. v. Los Angeles Unified School District, (2010) 183 Cal.App.4th 123
Court Decision	Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990
Court Decision	Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741
Court Decision	Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508
Court Decision	Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138
U.S. Consumer Product Safety Comm Publication	Public Playground Safety Handbook, 2010
Website	American Society for Testing and Materials - <a href="https://simbli.eboardsolutions.com/SU/hpTqvZ9cHnGINplusGUI2CVTw==">https://simbli.eboardsolutions.com/SU/hpTqvZ9cHnGINplusGUI2CVTw==</a>
Website	U.S. Department of Education, Safe Schools - <a href="https://simbli.eboardsolutions.com/SU/oAzymbk5SPEBHf0sq3oRIg==">https://simbli.eboardsolutions.com/SU/oAzymbk5SPEBHf0sq3oRIg==</a>
Website	U.S. Consumer Product Safety Commission - <a href="https://simbli.eboardsolutions.com/SU/WXVAihwOFQvUcTKQXgpKBw==">https://simbli.eboardsolutions.com/SU/WXVAihwOFQvUcTKQXgpKBw==</a>
Website	U.S. Environmental Protection Agency - <a href="https://simbli.eboardsolutions.com/SU/xtGqeFQECIplus0Wk8xfkTVsw==">https://simbli.eboardsolutions.com/SU/xtGqeFQECIplus0Wk8xfkTVsw==</a>
Website	California Department of Education, Safe Schools - <a href="https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==">https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==</a>
Website	California Department of Public Health - <a href="https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==">https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==</a>
Website	Centers for Disease Control and Prevention - <a href="https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==">https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==</a>

### Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
1250	Visitors/Outsiders - <a href="https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGEQk72Bvplusg==">https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGEQk72Bvplusg==</a>
1250	Visitors/Outsiders - <a href="https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==">https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==</a>

3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==">https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==">https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==</a>
3452	Student Activity Funds - <a href="https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==">https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==</a>
3512	Equipment - <a href="https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==">https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==</a>
3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/QBAHzMbORG1k62wZkQ2Aw==">https://simbli.eboardsolutions.com/SU/QBAHzMbORG1k62wZkQ2Aw==</a>
3514	Environmental Safety - <a href="https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==">https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==">https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxFS3VyoOg==">https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxFS3VyoOg==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiaDrWslshhp84WRuypEw==">https://simbli.eboardsolutions.com/SU/NokaiaDrWslshhp84WRuypEw==</a>
3515.21	Unmanned Aircraft Systems (Drones) - <a href="https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==">https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
3516.5	Emergency Schedules - <a href="https://simbli.eboardsolutions.com/SU/plusEplusphqXCAPcGwYJjOobHOQ==">https://simbli.eboardsolutions.com/SU/plusEplusphqXCAPcGwYJjOobHOQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CsIshIfDPq6IA==">https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CsIshIfDPq6IA==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/pshclC7wzn1rm5QJ2w4a0g==">https://simbli.eboardsolutions.com/SU/pshclC7wzn1rm5QJ2w4a0g==</a>
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWI0slshNzKw==">https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWI0slshNzKw==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==">https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==">https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==</a>
4219.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/6EMCITQOZEIEGxk31LqzAQ==">https://simbli.eboardsolutions.com/SU/6EMCITQOZEIEGxk31LqzAQ==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==">https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/SkmJzJmJg76R7fVH4lcJBQ==">https://simbli.eboardsolutions.com/SU/SkmJzJmJg76R7fVH4lcJBQ==</a>
4319.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==">https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABEIc3h6Q==">https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABEIc3h6Q==</a>

5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==">https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==</a>
5021	Noncustodial Parents - <a href="https://simbli.eboardsolutions.com/SU/WbNEV4jzbQxcAFpluslwJzfg==">https://simbli.eboardsolutions.com/SU/WbNEV4jzbQxcAFpluslwJzfg==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwVWuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwVWuu9UaXbjXiYKMAw==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNIqyympupAcOpDJJng==">https://simbli.eboardsolutions.com/SU/SffkNIqyympupAcOpDJJng==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==">https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==">https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5142.1	Identification And Reporting Of Missing Children - <a href="https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==">https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==">https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==">https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpEqVgDvx2w==">https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpEqVgDvx2w==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==</a>

## 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 and for student conduct consistent with law, Governing Board policy, and administrative regulation. The rules shall be communicated to students. Copies of the rules shall be distributed to parents/guardians and shall be 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 if who is one of the following:

1. The adult is the student's custodial parent/guardian and noted on the current emergency card.

(cf. 5021 - Noncustodial Parents)

2. An adult has been authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, and provided the Superintendent or designee verifies the adult's identity.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. The adult is 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 is 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)

**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 14030

5 CCR 14103

5 CCR 202

5 CCR 5531

#### Description

Preliminary procedure, planning and approval of school facilities

Authority of the driver

Exclusion of students with a contagious disease

Supervision of extracurricular activities of pupils

5 CCR 5552	Playground supervision
5 CCR 5570	When school shall be open and teachers present
5 CCR 570-576	School safety patrols
Ed. Code 17280-17317	Approval of plans and supervision of construction
Ed. Code 17365-17374	Fitness of buildings for occupancy; liability of board members
Ed. Code 32001	Fire alarms and drills
Ed. Code 32020	School gates; entrances for emergency vehicles
Ed. Code 32030-32034	Eye safety
Ed. Code 32040	Duty to equip school with first aid kit
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32240-32245	Lead-Safe Schools Protection Act
Ed. Code 32250-32254	CDE school safety and security resources unit
Ed. Code 32280-32289	School safety plans
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 44808	Exemption from liability when students are not on school property
Ed. Code 44808.5	Permission for students to leave school grounds; notice (high school)
Ed. Code 45450-45451	Crossing guards
Ed. Code 48900	Hazing
Ed. Code 49300-49307	School safety patrols
Ed. Code 49330-49335	Injurious objects
Ed. Code 49341	Hazardous materials in school science laboratories
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 8482-8484.6	After School Education and Safety Program
Gov. Code 810-996.6	California Tort Claims Act
H&S Code 115725-115735	Playground safety
H&S Code 115775-115800	Wooden playground equipment
H&S Code 116046	Issuance of best practices guidelines for K-12 pool safety
Pen. Code 245.6	Hazing
Pub. Res. Code 5411	Purchase of equipment usable by persons with disabilities
Veh. Code 21100	Rules and regulations; crossing guards
Veh. Code 21212	Use of helmets
Veh. Code 42200	Fines and forfeitures, disposition by cities
Veh. Code 42201	Fines and forfeitures, disposition by counties
Vehicle Code 21201	Rules for operation of bicycle on roadway

### Management Resources References

American Society for Testing and Materials  
California Department of Education Publication  
Court Decision  
Court Decision  
Court Decision

### Description

F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, 2017  
Science Safety Handbook for California Public Schools, 2014  
Knight v. Jewett, (1992) 3 Cal.4th 296, 313  
Lane v. City of Sacramento, (2010) 183 Cal. App. 4th. 1337  
J.H. v. Los Angeles Unified School District, (2010) 183 Cal.App.4th 123

Court Decision	Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990
Court Decision	Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741
Court Decision	Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508
Court Decision	Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138
U.S. Consumer Product Safety Comm Publication	Public Playground Safety Handbook, 2010
Website	American Society for Testing and Materials - <a href="https://simbli.eboardsolutions.com/SU/hpTqvZ9cHnGINplusGUI2CVTw==">https://simbli.eboardsolutions.com/SU/hpTqvZ9cHnGINplusGUI2CVTw==</a>
Website	U.S. Department of Education, Safe Schools - <a href="https://simbli.eboardsolutions.com/SU/oAzymbk5SPEBHf0sq3oRIg==">https://simbli.eboardsolutions.com/SU/oAzymbk5SPEBHf0sq3oRIg==</a>
Website	U.S. Consumer Product Safety Commission - <a href="https://simbli.eboardsolutions.com/SU/WXVAihwOFQvUcTKQXgpKBw==">https://simbli.eboardsolutions.com/SU/WXVAihwOFQvUcTKQXgpKBw==</a>
Website	U.S. Environmental Protection Agency - <a href="https://simbli.eboardsolutions.com/SU/xtGqeFQECIplus0Wk8xfkTVsw==">https://simbli.eboardsolutions.com/SU/xtGqeFQECIplus0Wk8xfkTVsw==</a>
Website	California Department of Education, Safe Schools - <a href="https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==">https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==</a>
Website	California Department of Public Health - <a href="https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==">https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==</a>
Website	Centers for Disease Control and Prevention - <a href="https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==">https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==</a>

## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
1250	Visitors/Outsiders - <a href="https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==">https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==</a>
1250	Visitors/Outsiders - <a href="https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==">https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==">https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==">https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==</a>
3452	Student Activity Funds - <a href="https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==">https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==</a>
3512	Equipment - <a href="https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGCd7JOQ==">https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGCd7JOQ==</a>
3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==">https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==</a>
3514	Environmental Safety - <a href="https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==">https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==">https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxFS3VyoOg==">https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxFS3VyoOg==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
3515.21	Unmanned Aircraft Systems (Drones) - <a href="https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==">https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==</a>

3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTTYgqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTTYgqMDwjJm9DVL8MA==</a>
3516.5	Emergency Schedules - <a href="https://simbli.eboardsolutions.com/SU/plusEplusphqXCAPcGwYJjOobHOQ==">https://simbli.eboardsolutions.com/SU/plusEplusphqXCAPcGwYJjOobHOQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CsIshIfDPq6IA==">https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CsIshIfDPq6IA==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/pshclC7wzn1rm5QJ2w4a0g==">https://simbli.eboardsolutions.com/SU/pshclC7wzn1rm5QJ2w4a0g==</a>
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWI0slshmNzKw==">https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWI0slshmNzKw==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==">https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==">https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==</a>
4219.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/6EMCiTQOZEIEGxk31LqzAQ==">https://simbli.eboardsolutions.com/SU/6EMCiTQOZEIEGxk31LqzAQ==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==">https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/SkmJzmJG76R7fVH4lcJBQ==">https://simbli.eboardsolutions.com/SU/SkmJzmJG76R7fVH4lcJBQ==</a>
4319.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==">https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/ZHUsIshmK3JPNnIMABElc3h6Q==">https://simbli.eboardsolutions.com/SU/ZHUsIshmK3JPNnIMABElc3h6Q==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==">https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==</a>
5021	Noncustodial Parents - <a href="https://simbli.eboardsolutions.com/SU/WbNEV4jzbQxcAFplusIswJzfg==">https://simbli.eboardsolutions.com/SU/WbNEV4jzbQxcAFplusIswJzfg==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JclBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JclBSozBYblA6slshuRrw==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYtYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYtYU921plus82AxQexMSiKMA==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNlqyympmupAc0pDJJng==">https://simbli.eboardsolutions.com/SU/SffkNlqyympmupAc0pDJJng==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==">https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==">https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==</a>

5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDIhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDIhUw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKyZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKyZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5142.1	Identification And Reporting Of Missing Children - <a href="https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==">https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzv1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzv1B2oqZCSfZin1Rgdw==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==">https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==">https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==">https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcm9LYvUplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcm9LYvUplusqAHSqmQO2etA==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==</a>

**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 49-12" 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(ii))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(ji))
11. Knowingly received stolen school property or private property (Education Code 48900(li))
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 ~~district~~ **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 ~~or for disruption or willful defiance at any grade level, including grades K-8.~~ (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)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
  - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
  - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
  - c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)
  - d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

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.

**Suspension by the Board** The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912) The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5) When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912) The Board shall provide the student and parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

**On-Campus Suspension** A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

**Superintendent or Principal's Authority to Recommend Expulsion** Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, the Superintendent or principal shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication or other medication prescribed by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

**Student's Right to Expulsion Hearing** Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for

the expulsion recommendation. (Education Code 48918(a))The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

**Stipulated Expulsion**After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918. The stipulation agreement shall be in writing and shall be signed by the student and parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel. A stipulated expulsion agreed to by the student and parent/guardian shall be effective upon approval by the Board.

**Rights of Complaining Witness**An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, the Superintendent or designee shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of the right to: (Education Code 48918.5)

1. Receive five days' notice of the scheduled testimony at the hearing
2. Have up to two adult support persons present at the hearing at the time the witness testifies
3. Have a closed hearing during the time the witness testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

**Written Notice of the Expulsion Hearing**Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the

hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

**Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students** If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1) If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1) Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to testify in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial

evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - i. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - ii. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
    - iii. The person conducting the hearing may:
      - A. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
      - B. Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
      - C. Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed.

**(Education Code 48918(a))**

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel** Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918) A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d)) The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e)) If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f)) In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

**Final Action by the Board** Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j)) The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion. Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916) At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

**Written Notice to Expel** The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" (Education Code 48900.8)

2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

**Decision to Suspend Expulsion Order** In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," or "Additional Grounds for Suspension and Expulsion: Grades 9-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

**Appeal** The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919) If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

**Notification to Law Enforcement Authorities** Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may

have violated Penal Code 245. (Education Code 48902)The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

**Placement During Expulsion**The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

**Readmission After Expulsion**Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

## Maintenance of Records

The district 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 **this district the Eden Area ROP**. (Education Code 48915.1)

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

## State References

## Description

CCP. 1985-1997	Production of evidence; means of production - <a href="https://simbli.eboardsolutions.com/SU/T8d1wvorbapplusWplusNqpxsaj0A==">https://simbli.eboardsolutions.com/SU/T8d1wvorbapplusWplusNqpxsaj0A==</a>
Civ. Code 47	Privileged communication - <a href="https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==">https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==</a>
Civ. Code 48.8	Defamation liability - <a href="https://simbli.eboardsolutions.com/SU/YzebvHslsh0srfUgdEh3bvmQQ==">https://simbli.eboardsolutions.com/SU/YzebvHslsh0srfUgdEh3bvmQQ==</a>
Ed. Code 17292.5	Program for expelled students
Ed. Code 1981-1981.5	Enrollment of students in community school
Ed. Code 212.5	Sexual harassment
Ed. Code 233	Hate violence
Ed. Code 32261	Interagency School Safety Demonstration Act of 1985
Ed. Code 35145	Open board meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35291	Rules (for government and discipline of schools)
Ed. Code 35291.5	Rules and procedures on school discipline
Ed. Code 48645.5	Readmission; contact with juvenile justice system
Ed. Code 48660-48666	Community day schools
Ed. Code 48853.5	Foster youth
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parental notifications
Ed. Code 49073-49079	Privacy of student records
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 64000-64001	Consolidated application
Ed. Code 8239.1	Prohibition against expulsion of preschool student
Gov. Code 11455.20	Contempt
Gov. Code 54950-54963	The Ralph M. Brown Act
H&S Code 11014.5	Drug paraphernalia
H&S Code 11053-11058	Standards and schedules
Lab. Code 230.7	Employee time off to appear in school on behalf of a child
Pen. Code 240	Assault defined
Pen. Code 241.2	Assault fines
Pen. Code 242	Battery defined

Pen. Code 243.2	Battery on school property
Pen. Code 243.4	Sexual battery
Pen. Code 245	Assault with deadly weapon
Pen. Code 245.6	Hazing
Pen. Code 261	Rape defined
Pen. Code 266c	Unlawful sexual intercourse
Pen. Code 286	Sodomy defined
Pen. Code 288	Lewd or lascivious acts with child under age 14
Pen. Code 288a	Oral copulation
Pen. Code 289	Penetration of genital or anal openings
Pen. Code 31	Principal of a crime, defined
Pen. Code 417.27	Laser pointers
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Civil rights; crimes
Pen. Code 422.7	Aggravating factors for punishment
Pen. Code 422.75	Enhanced penalties for hate crimes
Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 868.5	Supporting person; attendance during testimony of witness
W&I Code 729.6	Counseling

### **Federal References**

18 USC 921  
20 USC 1415(K)  
20 USC 7961  
42 USC 11432-11435

### **Management Resources References**

Attorney General Opinion  
Attorney General Opinion  
Attorney General Opinion  
Attorney General Opinion  
  
Court Decision  
  
Court Decision  
  
Court Decision  
Court Decision  
Court Decision  
Court Decision

### **Description**

Definitions, firearm  
Placement in alternative educational setting  
Gun-free schools  
Education of homeless children and youths

### **Description**

80 Ops.Cal.Atty.Gen. 348 (1997)  
80 Ops.Cal.Atty.Gen. 85 (1997)  
80 Ops.Cal.Atty.Gen. 91 (1997)  
84 Ops.Cal.Atty.Gen. 146 (2001)  
  
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321  
  
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118  
  
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807  
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301  
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267  
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/2BS1XsuPSplusz31plusCbXLPKQ==">https://simbli.eboardsolutions.com/SU/2BS1XsuPSplusz31plusCbXLPKQ==</a>
Website	U.S. Department of Education, Office of Safe and Healthy Students - <a href="https://simbli.eboardsolutions.com/SU/F0ZA2t2GjJtWb49UuDxaPA==">https://simbli.eboardsolutions.com/SU/F0ZA2t2GjJtWb49UuDxaPA==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Notice References

Unique Policy	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.
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## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBgO3rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBgO3rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
3513.3	Tobacco-Free Schools - <a href="https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==">https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==</a>
3513.3	Tobacco-Free Schools - <a href="https://simbli.eboardsolutions.com/SU/IDOrNwb4o0L0slsh08FKzDikQ==">https://simbli.eboardsolutions.com/SU/IDOrNwb4o0L0slsh08FKzDikQ==</a>
3513.4	Drug And Alcohol Free Schools - <a href="https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4yl1slsh3FiWsw==">https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4yl1slsh3FiWsw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
3515.21	Unmanned Aircraft Systems (Drones) - <a href="https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==">https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==</a>
3515.4	Recovery For Property Loss Or Damage - <a href="https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==">https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==">https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/AfuKAeTga4iOnYXFTDwDg==">https://simbli.eboardsolutions.com/SU/AfuKAeTga4iOnYXFTDwDg==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpggkJjg==">https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpggkJjg==</a>
5000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==">https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==</a>
5112.5	Open/Closed Campus - <a href="https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==">https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==</a>

5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==">https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/0I6eZ8EiEM3rgPslshslshUquNrg==">https://simbli.eboardsolutions.com/SU/0I6eZ8EiEM3rgPslshslshUquNrg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5113.11	Attendance Supervision - <a href="https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==">https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5125.2	Withholding Grades, Diploma Or Transcripts - <a href="https://simbli.eboardsolutions.com/SU/xhhplusjQ0ZZb2BB6DnupZgOA==">https://simbli.eboardsolutions.com/SU/xhhplusjQ0ZZb2BB6DnupZgOA==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==</a>
5131.62	Tobacco - <a href="https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==">https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPyvvICkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPyvvICkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmlpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmlpgi15Ja3ktA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==">https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjLLsw==">https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjLLsw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFEQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFEQKa2zCpQ==</a>

5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylIQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylIQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrfEH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrfEH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==">https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/C2TLQSOO7B6S2fKo6bDzDg==">https://simbli.eboardsolutions.com/SU/C2TLQSOO7B6S2fKo6bDzDg==</a>
6145.8	Assemblies And Special Events - <a href="https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==">https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==</a>
6154	Homework/Makeup Work - <a href="https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==">https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==</a>
6161.2	Damaged Or Lost Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/j3FIKhXInfxslshlpyJ8myMcw==">https://simbli.eboardsolutions.com/SU/j3FIKhXInfxslshlpyJ8myMcw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/Ghjg3tjvplusmGe9joApcsNig==">https://simbli.eboardsolutions.com/SU/Ghjg3tjvplusmGe9joApcsNig==</a>

**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 district 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 district's 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 district 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 district Eden Area ROP or the school. 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 district 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 district 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 district 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 district 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.

**Use of Metal Detectors**

~~The Board finds that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also finds that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students~~

and staff.

The Superintendent or designee shall use metal detectors as necessary to keep weapons out of schools and help provide a safe learning environment. The Superintendent or designee shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

**Use of Contraband Detection Dogs** In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without individualized suspicion.

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

#### State References

CA Constitution Article I, Section 28(c)

Ed. Code 32280-32289

Ed. Code 35160

Ed. Code 35160.1

Ed. Code 48900-48927

Ed. Code 49050-49051

Ed. Code 49330-49334

Pen. Code 626.10

Pen. Code 626.9

#### Description

Right to Safe Schools -

<https://simbli.eboardsolutions.com/SU/G5dZ2hJx2fjXslshlvWSYTNiQ==>

School safety plans

Authority of governing boards

Broad authority of school districts

Suspension and expulsion

Searches by school employees

Injurious objects

Dirks, daggers, knives or razor

Firearms

#### Management Resources References

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

National Institute of Justice Publication

Website

Website

#### Description

83 Ops.Cal.Atty.Gen. 257 (2001)

75 Ops.Cal.Atty.Gen. 155 (1992)

O'Connor v. Ortega, (1987) 480 U.S. 709

Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313

New Jersey v. T.L.O., (1985) 469 U.S. 325

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, rev. 2005

National Institute of Justice -

<https://simbli.eboardsolutions.com/SU/OJiCljdjfhnpHtlp5dK0Kwg==>

California Department of Education, Safe Schools -

<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Cross References

3513.4	Drug And Alcohol Free Schools - <a href="https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4y11slsh3FiWsw==">https://simbli.eboardsolutions.com/SU/A6CQslshkctGGd4y11slsh3FiWsw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
5111	Admission - <a href="https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==">https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrInlg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrInlg==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/nBIMDQvbeRKnOHPijelpHA==">https://simbli.eboardsolutions.com/SU/nBIMDQvbeRKnOHPijelpHA==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==">https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==">https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==">https://simbli.eboardsolutions.com/SU/xB1Ge8eslsh1tJtFyKwZfOleA==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==">https://simbli.eboardsolutions.com/SU/9k64VYfPkc3gpFqVgDvx2w==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>

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==>

**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 a district school 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 district's Eden Area ROP's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district 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 district's 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 district's Eden Area ROP's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's 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 district's 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 district's 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 **district** **Eden Area ROP** to monitor, address, and prevent repetitive prohibited behavior **in district schools**.

**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 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - <a href="https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==">https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==</a>
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==</a>
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for threats or harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Translation of notices
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. code 49060-49079	Student records
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Prohibited means of instruction
Ed. Code 60044	Prohibited instructional materials
Gov. Code 11135	Nondiscrimination in programs or activities funded by state
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Civil rights; crimes

### Federal References

	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 104.8	Notice
34 CFR 106.8	Designation of responsible employee for Title IX
34 CFR 106.9	Notification of nondiscrimination on basis of sex

34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Title II equal opportunity for individuals with disabilities
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

## Management Resources References

	Description
CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017
First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
U.S Dept of Ed Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Dept of Health & Human Services Publication	Guid. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010
Website	First Amendment Center - <a href="https://simbli.eboardsolutions.com/SU/jzlfta62CjSCuo68JOXF1w==">https://simbli.eboardsolutions.com/SU/jzlfta62CjSCuo68JOXF1w==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	California Safe Schools Coalition - <a href="https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==">https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==">https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==</a>

## Cross References

	Description
0415	Equity - <a href="https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==">https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>

1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
3515.4	Recovery For Property Loss Or Damage - <a href="https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==">https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==</a>
5000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==">https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==</a>
5111	Admission - <a href="https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==">https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/nBIMDQvbeRKnOHPijelpHA==">https://simbli.eboardsolutions.com/SU/nBIMDQvbeRKnOHPijelpHA==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==">https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYbIA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYbIA6slshuRrw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==">https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==">https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>

5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/GplusnHrHzslshRh47slshK4RUllkMQ==">https://simbli.eboardsolutions.com/SU/GplusnHrHzslshRh47slshK4RUllkMQ==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCQt44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCQt44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>

**Regulation 5145.3: Nondiscrimination/Harassment**

**Status:** DRAFT

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

The **district** Eden Area Regional Occupational Program (Eden Area ROP) designates the individual(s) identified below as the employee(s) responsible for coordinating the **district's** Eden Area ROP's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the **district's** 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 **district** schools 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 **district's** 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 **district** Eden Area ROP-supported communications
2. Post the **district's** 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 **district's** 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 **district's** 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 **district** 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 **district's** 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 **district** 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 **district's 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 **district's 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 **district's 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 **district's 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 **district 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 **district's 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 **in a particular district school** speak a single primary language other than English, the **district's 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 **district 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 **district's 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 district** may use to provide a discrimination-free environment for all **district 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 **district's 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 **District 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 district'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 district 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 district 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 district 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 district 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 district's 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 district 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 district 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 district 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 district Eden Area ROP has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district 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 district Eden Area ROP pursuant to 34 CFR 99.31. Any district 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 a district 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 district's 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 district 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 **district 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 **district Eden Area ROP** maintains sex-segregated facilities, such as restrooms, ~~and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs,~~ students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the **district** shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, ~~an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students.~~ However, the **district 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 **district Eden Area ROP** shall update the student's records. (Education Code 49062.5, 49070)
6. **Names and Pronouns:** If a student so chooses, **district 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 **district Eden Area ROP** record. However, inadvertent slips or honest mistakes by **district 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 **district 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 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

State References	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs

Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - <a href="https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==">https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==</a>
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==</a>
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for threats or harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Translation of notices
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. code 49060-49079	Student records
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Prohibited means of instruction
Ed. Code 60044	Prohibited instructional materials
Gov. Code 11135	Nondiscrimination in programs or activities funded by state
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Civil rights; crimes

### **Federal References**

20 USC 1681-1688	Title IX of the Education Amendments of 1972
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 104.8	Notice
34 CFR 106.8	Designation of responsible employee for Title IX
34 CFR 106.9	Notification of nondiscrimination on basis of sex
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Title II equal opportunity for individuals with disabilities
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

### **Management Resources References**

CA Office of the Attorney General Publication	<b>Description</b> Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017

First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
U.S Dept of Ed Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Dept of Health & Human Services Publication	Guid. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010
Website	First Amendment Center - <a href="https://simbli.eboardsolutions.com/SU/jzlfta62CjSCuo68JOXF1w==">https://simbli.eboardsolutions.com/SU/jzlfta62CjSCuo68JOXF1w==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	California Safe Schools Coalition - <a href="https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==">https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==">https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==</a>

## Cross References

## Description

0415	Equity - <a href="https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==">https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
3515.4	Recovery For Property Loss Or Damage - <a href="https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQ==">https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>

4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==</a>
5000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==">https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==</a>
5111	Admission - <a href="https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==">https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelpHA==">https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelpHA==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==">https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRrw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==">https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==">https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==</a>

5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/GplusnHrHzslshRh47slshK4RUllkMQ==">https://simbli.eboardsolutions.com/SU/GplusnHrHzslshRh47slshK4RUllkMQ==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCot44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCot44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>

**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 district 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 in a district school 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 in a district school 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 district's 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.

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

**State References**

**Description**

17 CCR 2950-2951

Hearing tests -  
<https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==>

17 CCR 6000-6075

School attendance immunization requirements -  
<https://simbli.eboardsolutions.com/SU/YzfyALHtH25cYebUH5ax1Q==>

5 CCR 11303

Reclassification of English learners

5 CCR 11511.5

English language proficiency assessment; test results

5 CCR 11523

Notice of proficiency examinations

5 CCR 18066

Child care policies regarding excused and unexcused absences

5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4702	Student transfer from school identified under Open Enrollment Act
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records, specifically - breach of security - <a href="https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==">https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==</a>
Ed. Code 17288	Building standards for university campuses
Ed. Code 17611.5-17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners, parental consultation
Ed. Code 313.2	Long-term English learner, notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability
Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes

Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48350-48361	Open Enrollment Act
Ed. Code 48354	Option to transfer from school identified under Open Enrollment Act
Ed. Code 48357	Status of application for transfer from school identified under Open Enrollment Act
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Required notification at beginning of term
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights

Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
Ed. Code 51225.3	Graduation requirements; courses that satisfy college entrance criteria
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51938	HIV/AIDS and sexual health instruction
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment

Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8483	Before/after school program; enrollment priorities
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of school drinking water
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and immunizations
H&S Code 1596.857	Right to enter child care facility
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration

### **Federal References**

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Notification of nondiscrimination on basis of sex
34 CFR 200.48	Teacher qualifications
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records, disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records, annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

### Management Resources References

U.S. Department of Agriculture Publication  
U.S. Department of Agriculture Publication  
Website

### Description

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005  
Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017  
U.S. Department of Agriculture, Food and Nutrition Service -  
<https://simbli.eboardsolutions.com/SU/tslshsLNiLk4O4XqtNHLolX0g==>

### Cross References

1240  
1240  
1312.3  
1312.3  
1312.3-E(1)  
3260  
3260  
3312  
3513.3  
3513.3  
3514  
3514.2  
4112.2  
4112.2  
4219.21  
4222  
4222  
4319.21  
4319.21-E(1)

### Description

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Uniform Complaint Procedures -  
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Uniform Complaint Procedures -  
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Uniform Complaint Procedures -  
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Fees And Charges -  
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Fees And Charges -  
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Contracts -  
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Tobacco-Free Schools -  
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Tobacco-Free Schools -  
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Environmental Safety -  
<https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==>  
Integrated Pest Management -  
<https://simbli.eboardsolutions.com/SU/zLBELNz0oqwFZ1DBltoVdQ==>  
Certification -  
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Certification -  
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Professional Standards -  
<https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==>  
Teacher Aides/Paraprofessionals -  
<https://simbli.eboardsolutions.com/SU/6r3NsXjW5ypuShyzuTIDXg==>  
Teacher Aides/Paraprofessionals -  
<https://simbli.eboardsolutions.com/SU/h17BQHWBwFrSKEmLQLIPrQ==>  
Professional Standards -  
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Professional Standards -  
<https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==>

5000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==">https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/ZHUslshmK3JPNnIMABElc3h6Q==">https://simbli.eboardsolutions.com/SU/ZHUslshmK3JPNnIMABElc3h6Q==</a>
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5111	Admission - <a href="https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==">https://simbli.eboardsolutions.com/SU/NkLplusG1sYslshDZaTbi7IsErUw==</a>
5112.5	Open/Closed Campus - <a href="https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==">https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==">https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/0I6eZ8EiEM3rgPslshslshUquNrg==">https://simbli.eboardsolutions.com/SU/0I6eZ8EiEM3rgPslshslshUquNrg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelpHA==">https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelpHA==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==">https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==</a>
5125.2	Withholding Grades, Diploma Or Transcripts - <a href="https://simbli.eboardsolutions.com/SU/xhhplusjQ0ZZb2BB6DnupZgOA==">https://simbli.eboardsolutions.com/SU/xhhplusjQ0ZZb2BB6DnupZgOA==</a>
5125.3	Challenging Student Records - <a href="https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==">https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==</a>
5131.61	Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==">https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==">https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==</a>
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5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/CCCEp0aHFRhp0T0Kof6xmw==">https://simbli.eboardsolutions.com/SU/CCCEp0aHFRhp0T0Kof6xmw==</a>
5141.21	Administering Medication And Monitoring Health Conditions - <a href="https://simbli.eboardsolutions.com/SU/hSdSNij3CBY4VUgplusNbJ4Gg==">https://simbli.eboardsolutions.com/SU/hSdSNij3CBY4VUgplusNbJ4Gg==</a>
5141.3	Health Examinations - <a href="https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==">https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==</a>
5142.1	Identification And Reporting Of Missing Children - <a href="https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==">https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==">https://simbli.eboardsolutions.com/SU/EplusBplusKcdRIUMgshdxEo2sHw==</a>
5144.4	Required Parental Attendance - <a href="https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjILsw==">https://simbli.eboardsolutions.com/SU/3ficocyw46oRDSSumjILsw==</a>

5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
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5145.8	Refusal To Harm Or Destroy Animals - <a href="https://simbli.eboardsolutions.com/SU/igdlqDydb05nRgCap8jzUA==">https://simbli.eboardsolutions.com/SU/igdlqDydb05nRgCap8jzUA==</a>
6111	School Calendar - <a href="https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==">https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/GplusnHrHzslshRh47slshK4RUllkMQ==">https://simbli.eboardsolutions.com/SU/GplusnHrHzslshRh47slshK4RUllkMQ==</a>
6154	Homework/Makeup Work - <a href="https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==">https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==</a>
6162.8	Research - <a href="https://simbli.eboardsolutions.com/SU/rLXWpKX8pplusbxnkSuX8co9w==">https://simbli.eboardsolutions.com/SU/rLXWpKX8pplusbxnkSuX8co9w==</a>
6162.8	Research - <a href="https://simbli.eboardsolutions.com/SU/epS55nQwslshediLmGdedFFPA==">https://simbli.eboardsolutions.com/SU/epS55nQwslshediLmGdedFFPA==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>
6190	Evaluation Of The Instructional Program - <a href="https://simbli.eboardsolutions.com/SU/XEslshlIMm5WBsL3j9ebjkWiQ==">https://simbli.eboardsolutions.com/SU/XEslshlIMm5WBsL3j9ebjkWiQ==</a>
9310	Board Policies - <a href="https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==">https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==</a>

## Exhibit Parental Notifications

Descriptor Code: 5145.6

**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.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. Annually</b>			
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 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
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 <del>district</del> Eden Area ROP has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	<del>District</del> Eden Area ROP and site discipline rules
When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject

### I. Annually (continued)

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
<del>Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school</del>	<del>Education Code 48929, 48980</del>	<del>BP 5116.2</del>	<del>District policy authorizing transfer</del>
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	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
<del>Beginning of each school year</del>	<del>Education Code 48980, 32255-32255.6</del>	<del>AR 5145.8</del>	<del>Right to refrain from harmful or destructive use of animals</del>
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, <del>options for meeting residency</del> , form for changing attendance, appeals process
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
<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually (continued)</b>			
<del>Beginning of each school year</del>	<del>Education Code 48980, 48206.3, 48207, 48208</del>	<del>AR 6183</del>	<del>Availability of home/hospital instruction for students with temporary disabilities</del>
<del>Beginning of each school year</del>	<del>Education Code 48980, 49403</del>	<del>BP 5141.31</del>	<del>School immunization program</del>
Beginning of each school year	Education Code	AR 5141.21	Administration of

year	48980, 49423, 49480		prescribed medication
<del>Beginning of each school year</del>	<del>Education Code 48980, 49451; 20 USC 1232h</del>	<del>AR 5141.3</del>	<del>Right to refuse consent to physical examination</del>
<del>Beginning of each school year</del>	<del>Education Code 48980, 49471, 49472</del>	<del>BP 5143</del>	<del>Availability of insurance</del>
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
<del>Beginning of each school year and at least one more time during school year using specified methods</del>	<del>Education Code 49428</del>	<del>None</del>	<del>How to access mental health services at school and/or in community</del>
<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually (continued)</b>			
<del>Beginning of each school year</del>	<del>Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5</del>	<del>AR 3553</del>	<del>Eligibility and application process for free and reduced-price meals</del>
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
<del>Beginning of each school year</del>	<del>Education Code 56301</del>	<del>BP 6164.4</del>	<del>Parental rights re: special education identification;</del>

			referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing

Beginning of each school year, if <b>district Eden Area ROP</b> 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
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#### I. Annually (continued)

Beginning of each school year	USDA SP 23-2017	AR 3551	District policy on meal payments
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#### II. At Specific Times During the Student's Academic Career

Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if	Education Code	AR 3543	School bus safety rules and

students have not previously been transported	39831.5		information, list of stops, rules of conduct, red light crossing-instructions, bus danger zones, walking to and from stops
Beginning of each school-year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP 5112.5	Open campus
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
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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## II. At Specific Times During the Student's Academic Career (continued)

When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health-assessment, explanation of-law, importance of oral health, agency contact, privacy rights
Beginning of each school-year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission-requirements, UC and CSU-web sites that list certified-courses, description of CTE, CDE Internet address, how-students may meet with-counselors
Beginning of each school-year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV-prevention education, right to view A/V materials, whether-taught by district staff or-outside consultants, right to-request specific Education-Code sections, right to excuse
Within 20 working days of-receiving results of standardized achievement tests or, if results-not available in school year, within 20 working days of start-of next school year	Education Code-60641; 5 CCR 863	AR 6162.51	Results of tests; test-purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When child is enrolled or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure; blood lead testing
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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## II. At Specific Times During the Student's Academic Career (continued)

To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release student's name, address, and phone number to military recruiters without prior written consent
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## III. When Special Circumstances Occur

In the event of a breach of security of <b>district Eden Area ROP</b> 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
When determining whether an English learner should be reclassified as fluent English-proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety

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
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<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
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**III. When Special Circumstances Occur** (continued)

To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no cost and low cost program options
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year round schedule	Education Code 37616	BP 6117	Public hearing on year round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
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
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

<b>When to</b>	<b>Education or Other Legal</b>	<b>Board Policy/ Administrative</b>
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Notify	Code	Regulation #	Subject
<b>III. When Special Circumstances Occur</b> (continued)			
<del>When a truant is referred to a SARB or probation department</del>	<del>Education Code 48263</del>	<del>AR 5113.1</del>	<del>Name and address of SARB or probation department and reason for referral</del>
<del>When student requests to voluntarily transfer to continuation school</del>	<del>Education Code 48432.3</del>	<del>AR 6184</del>	<del>Copy of district policy and regulation on continuation education</del>
<del>Prior to involuntary transfer to continuation school</del>	<del>Education Code 48432.5</del>	<del>AR 6184</del>	<del>Right to request meeting prior to involuntary transfer to continuation school</del>
<del>To person holding educational rights, prior to recommending placement of foster youth outside school of origin</del>	<del>Education Code 48853.5</del>	<del>AR 6173.1</del>	<del>Basis for the placement recommendation</del>
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
<del>Prior to withholding grades, diplomas, or transcripts</del>	<del>Education Code 48904</del>	<del>AR 5125.2</del>	<del>Damaged school property</del>
<del>When withholding grades, diplomas or transcripts from transferring student</del>	<del>Education Code 48904.3</del>	<del>AR 5125.2</del>	<del>Next school will continue withholding grades, diplomas, or transcripts</del>
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
<del>At the time a student is assigned to a supervised suspension classroom</del>	<del>Education Code 48911.1</del>	<del>AR 5144.1</del>	<del>The student's assignment to a supervised suspension classroom</del>

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>III. When Special Circumstances Occur</b> (continued)			
<del>Before holding a closed session re: suspension</del>	<del>Education Code 48912</del>	<del>AR 5144.1</del>	<del>Intent to hold a closed session re: suspension</del>
<del>When student expelled from another district for</del>	<del>Education Code 48915.1,</del>	<del>BP 5119</del>	<del>Hearing re: possible danger presented by expelled</del>

<del>certain acts seeks admission</del>	48918		<del>student</del>
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
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 student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
<del>When student transfers from another district or private school</del>	<del>Education Code 49068</del>	<del>AR 5125</del>	<del>Right to receive copy of student's record and to challenge its content</del>

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>III. When Special Circumstances Occur</b> (continued)			
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 <del>district</del> 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 <del>district</del> 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 screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Annually to parents/guardians of student athletes	Education Code 49476	AR 6145.2	Opioid fact sheet

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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### III. When Special Circumstances Occur (continued)

Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey/questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey/questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered

Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1; 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead	Health and Safety Code 1597.16	AR 5148	The requirement to test the facility, and the results of the test
When district receives Tobacco Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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### III. When Special Circumstances Occur (continued)

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
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
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 child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies regarding excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services

Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>III. When Special Circumstances Occur</b> (continued)			
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children	20 USC 7704; 34 CFR 222.94	AR 3231	Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments
When household is selected for verification of eligibility for free or reduced price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent	34 CFR 99.34	AR 5125	Right to review records

pursuant to 34 CFR 99.30

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
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When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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### III. When Special Circumstances Occur (continued)

When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
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### IV. Special Education Notices

Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(e); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures	20 USC 1415(k);	AR 5144.2	Decision and procedural

are taken or change in placement	34 CFR 300.530	safeguards notice
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When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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#### IV. Special Education Notices (continued)

Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
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Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
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#### V. Classroom Notices

In each classroom used for license exempt California State Preschool Program	Education Code 8235.5	AR 1312.3 E 1312.3	Health and safety requirements for preschool programs; where to get complaint form
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In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures
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**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 district 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 district's 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 district's Eden Area ROP's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district Eden Area ROP staff shall be trained regarding the policy.

**Instruction/Information**

The Superintendent or designee shall ensure that all district 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 district's 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 district's 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 district Eden Area ROP investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the **district 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 **and the applicable collective bargaining agreement**.

## Record-Keeping

In accordance with law and **district Eden Area ROP** policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the **district Eden Area ROP** to monitor, address, and prevent repetitive harassing behavior in **district** schools.

**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 4600-4670

### Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary education programs

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Civ. Code 51.9

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYl364luH8a6QAqdg==>

Ed. Code 200-262.4

Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 48900

Grounds for suspension and expulsion

Ed. Code 48900.2

Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48904

Liability of parent/guardian for willful student misconduct

Ed. Code 48980

Notice at beginning of term

Gov. Code 12950.1

Sexual harassment training

### Federal References

20 USC 1221

Application of laws

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688

Title IX, discrimination

34 CFR 106.1-106.71

Nondiscrimination on the basis of sex in education programs

34 CFR 99.1-99.67

Family Educational Rights and Privacy

42 USC 1983

Civil action for deprivation of rights

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

## Management Resources References

Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
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CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
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U.S. DOE, Office For Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==">https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==</a>

## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
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1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2lLyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2lLyZtQ==</a>
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1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
3515.4	Recovery For Property Loss Or Damage - <a href="https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==">https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4117.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==">https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==">https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==</a>

4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4ft29FNg==">https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4ft29FNg==</a>
4119.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==">https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4gkr2oIplus5nNrAYmUovOIGA==">https://simbli.eboardsolutions.com/SU/4gkr2oIplus5nNrAYmUovOIGA==</a>
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4219.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==">https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4317.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==">https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2sllpOw==">https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2sllpOw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/RNPrp89iW75pMkO30qU4A==">https://simbli.eboardsolutions.com/SU/RNPrp89iW75pMkO30qU4A==</a>
4319.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==">https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01Gctv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOM7w==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRw==">https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYblA6slshuRw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==">https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==</a>
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5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
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5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHlXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHlXyagig==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58lA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58lA==</a>

5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnoSlshDw4jgpyN2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnoSlshDw4jgpyN2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4TI1A==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
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6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>

## 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 district 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 district 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 a district school the Eden Area ROP exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district An Eden Area ROP employee conditioning the provision of a district 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 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

### Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the district 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 **district** 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 **district** 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 **district** Eden Area ROP may be referred to the **district's** 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 **district** shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the **district's** Eden Area ROP's Title IX Coordinator. (34 CFR 106.8)

A copy of the **district's** 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 **district** 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 **district's** 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 school or district Eden Area ROP publication that sets forth the school's or district's 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 district's 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 district's 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 district's 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 district 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 district 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.

**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 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-262.4

### Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary education programs

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>

Ed. Code 48900	Grounds for suspension and expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Notice at beginning of term
Gov. Code 12950.1	Sexual harassment training

### **Federal References**

20 USC 1221  
 20 USC 1232g  
 20 USC 1681-1688  
 34 CFR 106.1-106.71  
 34 CFR 99.1-99.67  
 42 USC 1983  
 42 USC 2000d-2000d-7  
 42 USC 2000e-2000e-17

### **Description**

Application of laws  
 Family Educational Rights and Privacy Act (FERPA) of 1974  
 Title IX, discrimination  
 Nondiscrimination on the basis of sex in education programs  
 Family Educational Rights and Privacy  
 Civil action for deprivation of rights  
 Title VI, Civil Rights Act of 1964  
 Title VII, Civil Rights Act of 1964, as amended

### **Management Resources References**

Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 CSBA Publication  
  
 CSBA Publication  
 U.S. DOE, Office For Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
  
 Website  
 Website  
  
 Website

### **Description**

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629  
 Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447  
 Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130  
 Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274  
 Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473  
 Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736  
 Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567  
 Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
 Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014  
 Dear Colleague Letter: Title IX Coordinators, April 2015  
 Q&A on Campus Sexual Misconduct, September 2017  
 Sexual Harassment: It's Not Academic, September 2008  
 Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001  
 Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016  
 California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>  
 CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>  
 U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==>

### **Cross References**

### **Description**

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
3515.4	Recovery For Property Loss Or Damage - <a href="https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQ==">https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4117.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==">https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==">https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4ft29FNg==">https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4ft29FNg==</a>
4119.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==">https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==">https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==">https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==</a>
4219.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==">https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==">https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==</a>
4317.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==">https://simbli.eboardsolutions.com/SU/xYplusnrOcPGZBCsSpAHTvPAw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2slpOw==">https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2slpOw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==">https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==</a>
4319.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==">https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==">https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==">https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFOm7w==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/khy9JclBSozBYbIA6slshuRrw==">https://simbli.eboardsolutions.com/SU/khy9JclBSozBYbIA6slshuRrw==</a>

5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==">https://simbli.eboardsolutions.com/SU/8slshplusPVWpluswFh5y0F4DfkDEpg==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==">https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDihUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDihUw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zyIQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zyIQ==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBU1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBU1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>

**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 a district 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. A district An Eden Area ROP employee conditioning the provision of a district 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 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 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 district's 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 district's 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 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 district's 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 district's 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 district's 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 district 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 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 district Eden Area ROP may remove a student from the district's Eden Area ROP's education program or activity, provided that the district 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 a district 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 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 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 district, or sufficient circumstances prevent the district 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 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 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 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
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 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. 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 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.

The district's 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 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)

#### Corrective/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)

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 **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.

**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 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-262.4

Ed. Code 48900

Ed. Code 48900.2

Ed. Code 48985

Gov. Code 12950.1

#### Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary education programs

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduYWusJFnU3r9Q==>

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Grounds for suspension and/or expulsion

Additional grounds for suspension or expulsion; sexual harassment

Notification, primary language other than English

Sexual harassment training

#### Federal References

20 USC 1092

20 USC 1221

20 USC 1232g

20 USC 1681-1688

34 CFR 106.1-106.82

34 CFR 99.1-99.67

34 USC 12291

42 USC 1983

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

#### Description

Definition of sexual assault

Application of laws

Family Educational Rights and Privacy Act (FERPA) of 1974

Title IX of the Education Amendments of 1972

Nondiscrimination on the basis of sex in education programs

Family Educational Rights and Privacy

Definition of dating violence, domestic violence, and stalking

Civil action for deprivation of rights

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

#### Management Resources References

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

#### Description

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Q&A on Campus Sexual Misconduct, September 2017

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

Dear Colleague Letter: Title IX Coordinators, April 2015

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

California Department of Education -  
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

### 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==>

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**Exhibit**  
**Title IX Sexual Harassment Complaint Procedures**

**Descriptor Code: 5145.71**

Note: 34 CFR 106.8 requires the district to provide notice to students and parents/guardians of its policy prohibiting sexual harassment and its grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for employees, bargaining units, and applicants for employment, see E 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 34 CFR 106.8, the district must provide the Title IX Coordinator's contact information on its web site and in any handbook for students or parents/guardians. In addition, state law (Education Code 231.5, 231.6, 234.6, and 48980) requires distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's web site, in school offices, and in a poster displayed in locker rooms and bathrooms.

**NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY**

The Code of Federal Regulations, Title 34, Section 106.8 requires the ~~district~~ **Eden Area ROP** to issue the following notification to students at all grade levels and their parents/guardians:

The ~~district~~ **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 ~~district~~ **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 ~~district~~ **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 ~~district's~~ **Eden Area ROP's** Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education or both.

Note: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 5145.7 - Sexual Harassment.

The ~~district~~ **Eden Area ROP** has designated and authorized the following employee as the ~~district's~~ **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)*

Note: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district must provide notice to employees, bargaining units, and job applicants of the district's grievance procedures and process, including how to report or file a formal complaint of sexual discrimination and/or harassment, and how the district will respond.

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 ~~district~~ 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 ~~district~~ Eden Area ROP complaint procedure.

To view an electronic copy of the ~~district's~~ 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 ~~district's~~ Eden Area ROP's web site at [www.edenarearop.org](http://www.edenarearop.org).

To inspect or obtain a copy of the ~~district's~~ 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](mailto: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 ~~district's~~ Eden Area ROP's web site or at the ~~district~~ 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.

~~The district shall provide students with age-appropriate instruction that:~~

- ~~1. includes the development of social-emotional learning~~
- ~~2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society~~
- ~~3. Explains the harm and dangers of explicit and implicit biases~~
- ~~4. Discourages discriminatory attitudes and practices~~
- ~~5. Provides strategies to manage conflicts constructively~~

As necessary, the district 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:

- Promotes an understanding of diversity, equity, and inclusion
- Discourages the development of discriminatory attitudes and practices
- Includes social-emotional learning and nondiscriminatory instructional and counseling methods
- Supports the prevention, recognition, and response to hate-motivated behavior
- Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
- 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 district's 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 district's 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 district's 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 district's 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.

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

### State References

5 CCR 4600-4670

5 CCR 4900-4965

Ed. Code 200-262.4

Ed. Code 32282

Ed. Code 48900.3

Ed. Code 48900.4

Pen. Code 422.55

Pen. Code 422.6

### Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary education programs

Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

School safety plans

Suspension for hate violence

Suspension or expulsion for threats or harassment

Definition of hate crime

Civil rights; crimes

### Federal References

28 CFR 35.107

34 CFR 100.3

34 CFR 104.7

34 CFR 106.8

34 CFR 110.25

### Description

Nondiscrimination on basis of disability; complaints

Prohibition of discrimination on basis of race, color or national origin

Designation of responsible employee for Section 504

Designation of responsible employee for Title IX

Prohibition of discrimination based on age

### Management Resources References

CA Office of the Attorney General Publication

California Department of Education Publication

### Description

Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018

Bullying at School, 2003

U.S. DOE, Office for Civil Rights Publication  
U.S. DOE, Office for Civil Rights Publication

Website

Website

Website

Website

Website

Website

## Cross References

0450

0450

3515

3515.4

4131

4131

5131

5131.2

5131.2

5131.5

5137

5141.52

5141.52

5144

5144

5145.11

5145.12

Dear Colleague Letter: Prohibited Disability Harassment, July 2000

Dear Colleague Letter: Harassment and Bullying, October 2010

California Association of Human Relations Organizations -  
<https://simbli.eboardsolutions.com/SU/m8A1E26slshimDwiOyFebCjiA==>

U.S. Department of Justice -  
<https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==>

California Office of the Attorney General -  
<https://simbli.eboardsolutions.com/SU/5qNslish5DoKuytasYcv9khGiA==>

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

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

California Department of Education -  
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

## Description

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

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

Campus Security -  
<https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==>

Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==>

Staff Development -  
<https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==>

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

Conduct -  
<https://simbli.eboardsolutions.com/SU/khy9JcIBSozBYbIA6slshuRrw==>

Bullying -  
<https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==>

Bullying -  
<https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==>

Vandalism And Graffiti -  
<https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==>

Positive School Climate -  
<https://simbli.eboardsolutions.com/SU/urpjuWVuu9UaXbjXiYKMAw==>

Suicide Prevention -  
<https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgvMpslshoiHQ==>

Suicide Prevention -  
<https://simbli.eboardsolutions.com/SU/hRp3plusxOplusEG9ADHIXyagig==>

Discipline -  
<https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==>

Discipline -  
<https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==>

Questioning And Apprehension By Law Enforcement -  
<https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==>

Search And Seizure -  
<https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==>

5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==">https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==">https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94Ilg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94Ilg==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==">https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==">https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==</a>
6163.4-E(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==">https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJqLYuXg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>

**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 progress 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 in school, college, and the workplace 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, he/she may also 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, The district shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. (Education Code 51228) to attain entry-level employment skills in business or industry. (Education Code 51228)

In addition, the course of study for students in grades 9-12 shall include instruction in skills and knowledge for adult life, career technical training.

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 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 10020-10043

5 CCR 10060

5 CCR 4940

Ed. Code 33319.3

Ed. Code 33540

Ed. Code 48980

Ed. Code 51202

Ed. Code 51203

### Description

Automobile driver education and training

Criteria for high school physical education programs

Nondiscrimination; course access

Driver education; CDE materials on road rage

Standards for government and civics instruction

Parental notifications

Instruction in personal and public health and safety

Instruction on alcohol, narcotics and dangerous drugs

Ed. Code 51204	Course of study designed for student's needs
Ed. Code 51204.5	History of California; contributions of men, women, and ethnic groups
Ed. Code 51210-51212	Course of study for grades 1-6
Ed. Code 51220-51229	Course of study for grades 7-12
Ed. Code 51241	Temporary, two-year or permanent exemption from physical education
Ed. Code 51911-51921	Comprehensive health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 51940	Curriculum for brain and spinal cord injury prevention
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
H&S Code 11032	Definition of dangerous drugs

### Federal References

20 USC 6111-6251

### Management Resources References

Website

Website

Website

Website

Website

Website

Website

Website

Website

### Cross References

0415

3270

3270

3513.3

3513.3

5121

### Description

School-to-Work Opportunities Act of 1994

### Description

American Health Association -  
<https://simbli.eboardsolutions.com/SU/b3lxYM0IngslokJIUo8EDA==>

American Red Cross, Hands-Only CPR -  
<https://simbli.eboardsolutions.com/SU/yNmCLE6BTzYmNrLx5G1otA==>

California Career Resource Network -  
<https://simbli.eboardsolutions.com/SU/aiMKC0wIC2eTMogaBMcl9g==>

California State University, Admission Requirements -  
<https://simbli.eboardsolutions.com/SU/slshdgyHwGx0LyDs8Ow47K5Cg==>

University of California, a-g Course Submissions -  
<https://simbli.eboardsolutions.com/SU/dl7biMSP81bUfpxMPCFyyA==>

University of California, List of Approved a-g Courses -  
<https://simbli.eboardsolutions.com/SU/h6xuwR1faZdgmTplusZLLyXxA==>

California Colleges.edu -  
<https://simbli.eboardsolutions.com/SU/Br2HJI1HrO0ihhv4giogOA==>

California Department of Education -  
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

### Description

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

Sale And Disposal Of Books, Equipment And Supplies -  
<https://simbli.eboardsolutions.com/SU/mZ8rRymslshsSyzN2Un5g288w==>

Sale And Disposal Of Books, Equipment And Supplies -  
<https://simbli.eboardsolutions.com/SU/ITSnz2NarKOSlshSNwHA8fCg==>

Tobacco-Free Schools -  
<https://simbli.eboardsolutions.com/SU/tJ0zTslshslshNJ5llr4szPnCZmw==>

Tobacco-Free Schools -  
<https://simbli.eboardsolutions.com/SU/IDOrNwb4o0L0slsh08FKzDikQ==>

Grades/Evaluation Of Student Achievement -  
<https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKEq3o9g==>

5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kVlslshQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kVlslshQKYzslshVslshyLkw==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==</a>
6000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/fkPYjKSeWgdHBezNZ2ZcSw==">https://simbli.eboardsolutions.com/SU/fkPYjKSeWgdHBezNZ2ZcSw==</a>
6011	Academic Standards - <a href="https://simbli.eboardsolutions.com/SU/hPSNzLmNwRGOGLo0TLZ3Ww==">https://simbli.eboardsolutions.com/SU/hPSNzLmNwRGOGLo0TLZ3Ww==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/gviLvXQygezatrplusXrmxdzA==">https://simbli.eboardsolutions.com/SU/gviLvXQygezatrplusXrmxdzA==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/PNE3zaoxi3vI9FPnZKmb6Q==">https://simbli.eboardsolutions.com/SU/PNE3zaoxi3vI9FPnZKmb6Q==</a>
6141.2	Recognition Of Religious Beliefs And Customs - <a href="https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==">https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==</a>
6141.2	Recognition Of Religious Beliefs And Customs - <a href="https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==">https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==</a>
6144	Controversial Issues - <a href="https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94Ilg==">https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94Ilg==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCot44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCot44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6145.8	Assemblies And Special Events - <a href="https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==">https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcM9LYvUJplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcM9LYvUJplusqAHSqmQO2etA==</a>
6161.1	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/ZIFkrhoPwYZcOtBW3P3Vtw==">https://simbli.eboardsolutions.com/SU/ZIFkrhoPwYZcOtBW3P3Vtw==</a>
6161.1	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/SkkFBGCN5V16LJELR6X0xw==">https://simbli.eboardsolutions.com/SU/SkkFBGCN5V16LJELR6X0xw==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>
6177	Summer Learning Programs - <a href="https://simbli.eboardsolutions.com/SU/oc3wFaQ5LHaVE9Uqdwg7lg==">https://simbli.eboardsolutions.com/SU/oc3wFaQ5LHaVE9Uqdwg7lg==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQTtoow==">https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQTtoow==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==">https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==</a>

**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 Governing 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's homework assignments are completed. When a student repeatedly fails to complete his/her 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 miss school work 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 reasonably 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 his/her 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)

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

### State References

	Description
Ed. Code 48205	Absence from school for jury duty or precinct board service
Ed. Code 48913	Completion of work missed by suspended student
Ed. Code 48913.5	Homework assignments for suspended students
Ed. Code 48980	Parental notifications
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment for Teens
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers

### Federal References

	Description
20 USC 7171-7176	21st Century Community Learning Centers

### Management Resources References

	Description
CSBA Publication	Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016
Website	California State Parent Teacher Association - <a href="https://simbli.eboardsolutions.com/SU/WpQSM7bTSBIBBwMA6DJ5JA==">https://simbli.eboardsolutions.com/SU/WpQSM7bTSBIBBwMA6DJ5JA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

### Cross References

	Description
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==">https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDCQ==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==">https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==">https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==</a>
3541	Transportation Routes And Services - <a href="https://simbli.eboardsolutions.com/SU/G13FUhLz593aBJpq6dJDKA==">https://simbli.eboardsolutions.com/SU/G13FUhLz593aBJpq6dJDKA==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>

5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABEic3h6Q==">https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABEic3h6Q==</a>
5020	Parent Rights And Responsibilities - <a href="https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==">https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==">https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/0I6eZ8EiEM3rgPslshslshUquNrg==">https://simbli.eboardsolutions.com/SU/0I6eZ8EiEM3rgPslshslshUquNrg==</a>
5121	Grades/Evaluation Of Student Achievement - <a href="https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKeq3o9g==">https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKeq3o9g==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==">https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==</a>
6011	Academic Standards - <a href="https://simbli.eboardsolutions.com/SU/hPSNzLmNwRGOGLo0TLZ3Ww==">https://simbli.eboardsolutions.com/SU/hPSNzLmNwRGOGLo0TLZ3Ww==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/Gou79shW0GuzHyVSYvk8Xg==">https://simbli.eboardsolutions.com/SU/Gou79shW0GuzHyVSYvk8Xg==</a>
6141.2	Recognition Of Religious Beliefs And Customs - <a href="https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==">https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==</a>
6141.2	Recognition Of Religious Beliefs And Customs - <a href="https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==">https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==</a>
6177	Summer Learning Programs - <a href="https://simbli.eboardsolutions.com/SU/oc3wFaQ5LHaVE9Uqdwg7lg==">https://simbli.eboardsolutions.com/SU/oc3wFaQ5LHaVE9Uqdwg7lg==</a>

**Policy 7140: Architectural And Engineering Services**

**Status:** DRAFT

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

In order to ensure safe construction and protect the investment of public funds, the Governing Board requires that 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 be employed 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, and 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, he/she the Superintendent or designee shall recommend specific architectural and engineering firms to the Governing Board. The Governing 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)

**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**

24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Bus. Code 5500-5502	Architecture - <a href="https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMslshkHBDOW==">https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMslshkHBDOW==</a>
Bus. Code 5550-5558	Architects, licensure - <a href="https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==">https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==</a>
Bus. Code 6700-6706.3	Engineers - <a href="https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==">https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==</a>
Bus. Code 6750-6766	Engineers, licensure - <a href="https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==">https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==</a>
CA Constitution Article 22	Architectural and engineering services - <a href="https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==">https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==</a>
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==</a>
Ed. Code 17070.50	Conditions for apportionment - <a href="https://simbli.eboardsolutions.com/SU/yR12naUqYzBLEpy7WrvuwQ==">https://simbli.eboardsolutions.com/SU/yR12naUqYzBLEpy7WrvuwQ==</a>
Ed. Code 17250.10-17250.55	Design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==">https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==</a>

Ed. Code 17251-17256	Powers concerning buildings and building sites - <a href="https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==">https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==</a>
Ed. Code 17260-17268	Plans and specifications for school facilities - <a href="https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==">https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==</a>
Ed. Code 17280-17316	Building approvals
Ed. Code 17302	Persons qualified to prepare plans, specifications and estimates and supervise construction
Ed. Code 17316	Contract provision re school district property
Ed. Code 17371	Limitation on liability of governing board
Gov. Code 14837	Definition of small business
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms
Gov. Code 87100	Public officials; financial interest
Pub. Cont. Code 20111	School district contracts

### Management Resources References

California Department of Education Publication	Plan Submission Requirements for Modernization Projects, Form SFPD 4.08
California Department of Education Publication	Plan Submission Requirements for New Construction, Form SFPD 4.07
Office of Public School Construction Publication	School Facility Program Handbook, January 2019
Website	Department of General Services, Division of the State Architect - <a href="https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==">https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==</a>
Website	Department of General Services, Office of Public School Construction - <a href="https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==">https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==</a>
Website	American Institute of Architects California Council - <a href="https://simbli.eboardsolutions.com/SU/1jDPdUHfCFt8sXf4176tpA==">https://simbli.eboardsolutions.com/SU/1jDPdUHfCFt8sXf4176tpA==</a>
Website	California Department of Education, School Facilities - <a href="https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==">https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==</a>

### Cross References

	Description
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==">https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/YCbehdU5XHV0vJxUuUnGiw==">https://simbli.eboardsolutions.com/SU/YCbehdU5XHV0vJxUuUnGiw==</a>
3311	Bids - <a href="https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==">https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==</a>
3311	Bids - <a href="https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==">https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==</a>
3311.3	Design-Build Contracts - <a href="https://simbli.eboardsolutions.com/SU/92neRIMf8sRLslshvNg11Op8g==">https://simbli.eboardsolutions.com/SU/92neRIMf8sRLslshvNg11Op8g==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==">https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==</a>
3515.6	Criminal Background Checks For Contractors - <a href="https://simbli.eboardsolutions.com/SU/6NORWZVUbKQw0W2HTslshcINA==">https://simbli.eboardsolutions.com/SU/6NORWZVUbKQw0W2HTslshcINA==</a>
7000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/4Cm6zx60US39hXkslshcwnV7Q==">https://simbli.eboardsolutions.com/SU/4Cm6zx60US39hXkslshcwnV7Q==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/JjaUxriJQbsShLCWtxZ3Jw==">https://simbli.eboardsolutions.com/SU/JjaUxriJQbsShLCWtxZ3Jw==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/Lc1bSrTnN3JTDK8MSkCZEg==">https://simbli.eboardsolutions.com/SU/Lc1bSrTnN3JTDK8MSkCZEg==</a>

9270

Conflict Of Interest -

<https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==>

9270-E(1)

Conflict Of Interest -

<https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==>

**Regulation 7140: Architectural And Engineering Services**

**Status:** DRAFT

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

~~The Governing Board shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)~~

~~(cf. 3312 – Contracts)~~

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. ~~Ensures that projects entail~~ 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)

~~The selection process may also include: (Government Code 4527)~~

1. ~~Detailed evaluations of current statements of prospective contractors' qualifications and performance data~~
2. ~~Discussion of alternative approaches for furnishing the services with at least three firms~~
3. ~~Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference~~

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications and estimates prepared by the ~~contractor~~ 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)

**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**

24 CCR 101  
5 CCR 14001  
5 CCR 14030-14036  
Bus. Code 5500-5502

**Description**

California Building Standards Code  
Minimum standards for school facilities  
Standards, planning, and approval of school facilities  
Architecture -  
<https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMslshkHBDOW==>

Bus. Code 5550-5558	Architects, licensure - <a href="https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==">https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==</a>
Bus. Code 6700-6706.3	Engineers - <a href="https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==">https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==</a>
Bus. Code 6750-6766	Engineers, licensure - <a href="https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==">https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==</a>
CA Constitution Article 22	Architectural and engineering services - <a href="https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==">https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==</a>
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUA4qYYOY9breHg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUA4qYYOY9breHg==</a>
Ed. Code 17070.50	Conditions for apportionment - <a href="https://simbli.eboardsolutions.com/SU/yR12naUqYzBLEpy7WrvuwQ==">https://simbli.eboardsolutions.com/SU/yR12naUqYzBLEpy7WrvuwQ==</a>
Ed. Code 17250.10-17250.55	Design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==">https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==</a>
Ed. Code 17251-17256	Powers concerning buildings and building sites - <a href="https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==">https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==</a>
Ed. Code 17260-17268	Plans and specifications for school facilities - <a href="https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==">https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==</a>
Ed. Code 17280-17316	Building approvals
Ed. Code 17302	Persons qualified to prepare plans, specifications and estimates and supervise construction
Ed. Code 17316	Contract provision re school district property
Ed. Code 17371	Limitation on liability of governing board
Gov. Code 14837	Definition of small business
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms
Gov. Code 87100	Public officials; financial interest
Pub. Cont. Code 20111	School district contracts

### Management Resources References

California Department of Education Publication	Plan Submission Requirements for Modernization Projects, Form SFPD 4.08
California Department of Education Publication	Plan Submission Requirements for New Construction, Form SFPD 4.07
Office of Public School Construction Publication	School Facility Program Handbook, January 2019
Website	Department of General Services, Division of the State Architect - <a href="https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==">https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==</a>
Website	Department of General Services, Office of Public School Construction - <a href="https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==">https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==</a>
Website	American Institute of Architects California Council - <a href="https://simbli.eboardsolutions.com/SU/1jDPdUHfCfT8sXf4176tpA==">https://simbli.eboardsolutions.com/SU/1jDPdUHfCfT8sXf4176tpA==</a>
Website	California Department of Education, School Facilities - <a href="https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==">https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==</a>

### Cross References

1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvvpA==">https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvvpA==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/YCbehdu5XHV0vJxUuUnGiw==">https://simbli.eboardsolutions.com/SU/YCbehdu5XHV0vJxUuUnGiw==</a>
3311	Bids - <a href="https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==">https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==</a>

3311	Bids - <a href="https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==">https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==</a>
3311.3	Design-Build Contracts - <a href="https://simbli.eboardsolutions.com/SU/92neRIMf8sRLslshvNg11Op8g==">https://simbli.eboardsolutions.com/SU/92neRIMf8sRLslshvNg11Op8g==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==">https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==</a>
3515.6	Criminal Background Checks For Contractors - <a href="https://simbli.eboardsolutions.com/SU/6N0RWZVUbkQw0W2HTslshclNA==">https://simbli.eboardsolutions.com/SU/6N0RWZVUbkQw0W2HTslshclNA==</a>
7000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/4Cm6zx60US39hXkslshcwnV7Q==">https://simbli.eboardsolutions.com/SU/4Cm6zx60US39hXkslshcwnV7Q==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/JjaUxriJQbsShLCWtxZ3Jw==">https://simbli.eboardsolutions.com/SU/JjaUxriJQbsShLCWtxZ3Jw==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/Lc1bSrTnN3JTdk8MSkCZEg==">https://simbli.eboardsolutions.com/SU/Lc1bSrTnN3JTdk8MSkCZEg==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==">https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==</a>
9270-E(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>

**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 district 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 district 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 district 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 district 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 district 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 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 district Eden Area ROP process. As appropriate, communication received from the media shall be forwarded to the designated district Eden Area ROP spokesperson.

To the extent possible, electronic communications regarding any district Eden Area ROP-related business shall be transmitted through a district 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 a district an Eden Area ROP electronic storage device for easy retrieval.

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

**State References**

Ed. Code 35140

**Description**

Time and place of meetings

Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation; regulations
Ed. Code 35147	Open meeting laws exceptions
Gov. Code 11135	Nondiscrimination in programs or activities funded by state
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.2	Meeting, defined
Gov. Code 54953	Meetings to be open and public; attendance
Gov. Code 54954.2	Agenda posting requirements, board actions
Gov. Code 6250-6270	California Public Records Act

### Management Resources References

Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, 2003
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2014
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

### Cross References

1112	Media Relations - <a href="https://simbli.eboardsolutions.com/SU/MZnex5zDZ5qKnaolhltzVQ==">https://simbli.eboardsolutions.com/SU/MZnex5zDZ5qKnaolhltzVQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
1312.4	Williams Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/BYbcDFfdbC6Dc9TjachakQ==">https://simbli.eboardsolutions.com/SU/BYbcDFfdbC6Dc9TjachakQ==</a>
1312.4-E(1)	Williams Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==">https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==</a>
9005	Governance Standards - <a href="https://simbli.eboardsolutions.com/SU/Qlvu1QcS9zRiiXlityWn8A==">https://simbli.eboardsolutions.com/SU/Qlvu1QcS9zRiiXlityWn8A==</a>
9010	Public Statements - <a href="https://simbli.eboardsolutions.com/SU/l6HZf3cDYov5XKqeoScPoA==">https://simbli.eboardsolutions.com/SU/l6HZf3cDYov5XKqeoScPoA==</a>
9121	President - <a href="https://simbli.eboardsolutions.com/SU/bpEDzOYTkrPeaHM7vt7pTw==">https://simbli.eboardsolutions.com/SU/bpEDzOYTkrPeaHM7vt7pTw==</a>
9200	Limits Of Board Member Authority - <a href="https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBiMA==">https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBiMA==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/H3PddFvuHbNmjDhjLWbP0A==">https://simbli.eboardsolutions.com/SU/H3PddFvuHbNmjDhjLWbP0A==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/Ghjg3tjvplumGe9joApcsNig==">https://simbli.eboardsolutions.com/SU/Ghjg3tjvplumGe9joApcsNig==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==">https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==</a>

9323.2-E(1)

Actions By The Board -

<https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==>

**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 **district 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 **district 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 **district 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 **district 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 **district's 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 **district's 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 **district 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 **district 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 **district Eden Area ROP** to address a topic of local community concern
3. An open and noticed meeting of another body of the **district 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 **district 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 **district Eden Area ROP** is a party
2. Inspect real or personal property which cannot conveniently be brought into the **district 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 **district Eden Area ROP** has no meeting facility within its boundaries or if its principal office is located outside the **district 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 **district Eden Area ROP** over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the **district Eden Area ROP** but located outside the **district Eden Area ROP**, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the **district's Eden Area ROP's** legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another **district Eden Area ROP** regarding the Board's potential employment of an applicant for Superintendent of the **district Eden Area ROP**

10. Interview a potential employee from another ~~district~~ 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 ~~district~~ 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.

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

### State References

### Description

Ed. Code 35140	Time and place of meetings
Ed. Code 35143	Annual organizational meetings; date and notice
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation; regulations
Ed. Code 35146	Closed sessions; student matters
Ed. Code 35147	Open meeting laws exceptions
Gov. Code 11135	Nondiscrimination in programs or activities funded by state
Gov. Code 3511.1	Local agency executives
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.2	Agenda posting requirements, board actions
Gov. Code 54956	Special Meetings
Gov. Code 54956.5	Emergency meetings

**Federal References**

28 CFR 35.160  
 28 CFR 36.303  
 42 USC 12101-12213

**Description**

Effective communications  
 Auxiliary aids and services  
 Americans with Disabilities Act

**Management Resources References**

Attorney General Opinion  
 Attorney General Opinion  
 Attorney General Opinion  
 Attorney General Opinion  
 Attorney General Opinion  
 Court Decision  
 CSBA Publication  
 Institute for Local Government Publication  
 League of California Cities Publication  
 Website  
 Website  
 Website  
 Website

**Description**

78 Ops.Cal.Atty.Gen. 327 (1995)  
 79 Ops.Cal.Atty.Gen. 69 (1996)  
 84 Ops.Cal.Atty.Gen. 181 (2001)  
 84 Ops.Cal.Atty.Gen. 30 (2001)  
 88 Ops.Cal.Atty.Gen. 218 (2005)  
 Wolfe v. City of Fremont, (2006) 144 Cal.App. 544  
 The Brown Act: School Boards and Open Meeting Laws, rev. 2014  
 The ABCs of Open Government Laws  
 Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010  
 Institute for Local Government -  
<https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpTtfmA==>  
 League of California Cities -  
<https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==>  
 California Attorney General's Office -  
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>  
 CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Cross References**

0450  
 0450  
 1431  
 2000  
 2111  
 2121  
 3100  
 3100  
 3311  
 3311  
 3312

**Description**

Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>  
 Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>  
 Waivers -  
<https://simbli.eboardsolutions.com/SU/mpo8tSejxslshOnr2ewHvYxslshA==>  
 Concepts And Roles -  
<https://simbli.eboardsolutions.com/SU/GzJRLMkOrdylC1fsqEuXA==>  
 Superintendent Governance Standards -  
<https://simbli.eboardsolutions.com/SU/lzG8eMX8fOwvY4oSNBzBnA==>  
 Superintendent's Contract -  
<https://simbli.eboardsolutions.com/SU/7yMQplusdzfXSplug0OUHqVv2kw==>  
 Budget -  
<https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==>  
 Budget -  
<https://simbli.eboardsolutions.com/SU/XLktfuwlU9hrvqU1VXOLAA==>  
 Bids -  
<https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==>  
 Bids -  
<https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==>  
 Contracts -  
<https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgPI9Q==>

3314	Payment For Goods And Services - <a href="https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==">https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTTYgqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTTYgqMDwjJm9DVL8MA==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/Gou79shW0GuzHyVSYvk8Xg==">https://simbli.eboardsolutions.com/SU/Gou79shW0GuzHyVSYvk8Xg==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/JjaUxriJQbsShLCWtxZ3Jw==">https://simbli.eboardsolutions.com/SU/JjaUxriJQbsShLCWtxZ3Jw==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/Lc1bSrTnN3JTdK8MSkCZEg==">https://simbli.eboardsolutions.com/SU/Lc1bSrTnN3JTdK8MSkCZEg==</a>
9005	Governance Standards - <a href="https://simbli.eboardsolutions.com/SU/QLvu1QcS9zRiiXlityWn8A==">https://simbli.eboardsolutions.com/SU/QLvu1QcS9zRiiXlityWn8A==</a>
9012	Board Member Electronic Communications - <a href="https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==">https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==</a>
9100	Organization - <a href="https://simbli.eboardsolutions.com/SU/CMslshdn8jYW0BuSCVOCj5nJg==">https://simbli.eboardsolutions.com/SU/CMslshdn8jYW0BuSCVOCj5nJg==</a>
9121	President - <a href="https://simbli.eboardsolutions.com/SU/bpEDzOYTkrPeaHM7vt7pTw==">https://simbli.eboardsolutions.com/SU/bpEDzOYTkrPeaHM7vt7pTw==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==">https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==</a>
9270-E(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>
9310	Board Policies - <a href="https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==">https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/GhJg3tjyplusmGe9joApcsNig==">https://simbli.eboardsolutions.com/SU/GhJg3tjyplusmGe9joApcsNig==</a>
9323	Meeting Conduct - <a href="https://simbli.eboardsolutions.com/SU/JzfiWrSljVtEgxbqnfisshVQ==">https://simbli.eboardsolutions.com/SU/JzfiWrSljVtEgxbqnfisshVQ==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/L4m83QLouLZ6tbjz3FYlyw==">https://simbli.eboardsolutions.com/SU/L4m83QLouLZ6tbjz3FYlyw==</a>
9323.2-E(1)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==">https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUAnyc6KmSk7sg==</a>
9324	Minutes And Recordings - <a href="https://simbli.eboardsolutions.com/SU/XXHBrtslshTR9SyM46glTg9PA==">https://simbli.eboardsolutions.com/SU/XXHBrtslshTR9SyM46glTg9PA==</a>

**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)

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.

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

#### **State References**

Ed. Code 35145

Ed. Code 35146

Ed. Code 44929.21

Ed. Code 48912

Ed. Code 48918

Ed. Code 49070

Ed. Code 60617

Gov. Code 3540-3549.3

Gov. Code 54950

Gov. Code 54950-54963

Gov. Code 6252-6270

#### **Description**

Public meetings

Closed sessions regarding suspensions

Notice of reelection decision; districts with 250 ADA or more

Governing board suspension

Rules governing expulsion procedures

Challenging content of records

Meetings of governing board

Educational Employment Relations Act

Brown Act - Meetings -  
<https://simbli.eboardsolutions.com/SU/72HY9fm7MiN0RplusBKJaYigA==>

The Ralph M. Brown Act

California Public Records Act

## Management Resources References

Attorney General Opinion	57 Ops. Cal. Atty. Gen. 209 (1974)
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 218 (1995)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 210 (2003)
Attorney General Opinion	94 Ops.Cal.Atty.Gen. 82 (2011)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, 2003
Court Decision	Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, 2009
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	League of California Cities - <a href="https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==">https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==">https://simbli.eboardsolutions.com/SU/qs2GKTudcR3sSbt2ILyZtQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==">https://simbli.eboardsolutions.com/SU/9KbCO6o7mFDaLBkBzO3rUQ==</a>
1312.3-E(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==">https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==</a>
2120	Superintendent Recruitment And Selection - <a href="https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==">https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==</a>
2121	Superintendent's Contract - <a href="https://simbli.eboardsolutions.com/SU/7yMQplusdzfXSplusg0OUHqVv2kw==">https://simbli.eboardsolutions.com/SU/7yMQplusdzfXSplusg0OUHqVv2kw==</a>
2140	Evaluation Of The Superintendent - <a href="https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==">https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>

3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/tA8Nrx4fwhdPnt5IFP14w==">https://simbli.eboardsolutions.com/SU/tA8Nrx4fwhdPnt5IFP14w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==">https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==">https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==">https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==">https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/lsdkHixp7lpuk0NQfguWxg==">https://simbli.eboardsolutions.com/SU/lsdkHixp7lpuk0NQfguWxg==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==">https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quvYJcRgCQGf9vm10iQ==">https://simbli.eboardsolutions.com/SU/plusx7quvYJcRgCQGf9vm10iQ==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/jMJUWwhbRaLqEmvhJ3ML13A==">https://simbli.eboardsolutions.com/SU/jMJUWwhbRaLqEmvhJ3ML13A==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==">https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==">https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==">https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/4A0tslshXyXlJvP6B6ft5plusnng==">https://simbli.eboardsolutions.com/SU/4A0tslshXyXlJvP6B6ft5plusnng==</a>
4215	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/QQplusAPQXtrFrE5dqwAsBp9g==">https://simbli.eboardsolutions.com/SU/QQplusAPQXtrFrE5dqwAsBp9g==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzW==">https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzW==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==">https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==">https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==">https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==">https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==">https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/jjOvCL3R0BsishFhOudlvslshXEA==">https://simbli.eboardsolutions.com/SU/jjOvCL3R0BsishFhOudlvslshXEA==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==">https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==</a>

4315	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/Qslshl8pC27P04Qodlt2Exzqw==">https://simbli.eboardsolutions.com/SU/Qslshl8pC27P04Qodlt2Exzqw==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==">https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==">https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykw5uttqlw==">https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykw5uttqlw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5125.3	Challenging Student Records - <a href="https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==">https://simbli.eboardsolutions.com/SU/CIUC1WplusN0Eph05oZ1NFplusDA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
9011	Disclosure Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==">https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==</a>
9121	President - <a href="https://simbli.eboardsolutions.com/SU/bpEDzOYTkrPeaHM7vt7pTw==">https://simbli.eboardsolutions.com/SU/bpEDzOYTkrPeaHM7vt7pTw==</a>
9124	Attorney - <a href="https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==">https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==">https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==</a>
9270-E(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/H3PddFvuHbNmjDhjLWbP0A==">https://simbli.eboardsolutions.com/SU/H3PddFvuHbNmjDhjLWbP0A==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/Ghjg3tjvplusmGe9joApcsNig==">https://simbli.eboardsolutions.com/SU/Ghjg3tjvplusmGe9joApcsNig==</a>
9323	Meeting Conduct - <a href="https://simbli.eboardsolutions.com/SU/JzfiWrSIjVtEgxbqnfislvVQ==">https://simbli.eboardsolutions.com/SU/JzfiWrSIjVtEgxbqnfislvVQ==</a>

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**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.)*

### ~~STUDENT EXPULSION~~

~~Education Code 48912-~~

~~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.)*~~

### ~~STUDENT GRADE CHANGE APPEAL~~

~~Education Code 49070-~~

~~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.)

**~~Review of Assessment Instruments~~**

~~REVIEW OF STUDENT ASSESSMENT INSTRUMENT~~

~~Education Code 60617~~

~~The Board is reviewing the contents of an assessment instrument approved or adopted for the  
statewide testing program. Education Code 60617 authorizes a closed session for this purpose in  
order to maintain the confidentiality of the assessment under review.~~

\_\_\_\_\_

**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 Governing 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 Governing Board meetings in accordance with Governing Board bylaws and procedures that enable the Governing Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

The Governing Board believes that late night meetings deter public participation, can affect the Governing Board's decision-making ability, and can be a burden to staff. Regular Governing Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Governing 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 Governing Board shall act by majority vote of all of the membership constituting the Governing Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

The Governing 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, his/her the abstention shall not be counted for purposes of determining whether a majority of the membership of the Governing Board has taken action.

(cf. 9270 - Conflict of Interest)

**Public Participation**

Members of the public are encouraged to attend Governing Board meetings and to address the Governing Board concerning any item on the agenda or within the Governing Board's jurisdiction. So as not to inhibit public participation, persons attending Governing 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 Governing Board requires that public presentations to the Governing Board comply with the following procedures:

1. The Governing Board shall give members of the public an opportunity to address the Governing Board on any item of interest to the public that is within the subject matter jurisdiction of the Governing Board, either before or during the Governing 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 Governing Board matters that are not listed on the agenda. The Governing 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, Governing 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 Governing Board members or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her their own activities. (Government Code 54954.2)

Furthermore, the Governing Board or a Governing Board member may provide a reference to staff or other

resources for factual information, ask staff to report back to the **Governing** 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 **Governing** Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of **Governing** Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the **Governing** Board determines that the item has been substantially changed since the committee heard the item, the **Governing** 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 **Governing** Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

In general, individual speakers ~~shall~~ will be allowed three minutes to address the **Governing** Board on each agenda or nonagenda item. ~~The **Governing** Board shall~~ 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, ~~With **Governing** Board consent,~~ the **Governing** Board president may, with Board consent, ~~increase or decrease~~ adjust the amount of time allowed for public presentation, input, depending on the topic and the number of persons wishing to be heard 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 take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.~~ 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 **Governing** Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the **Governing** Board, unless simultaneous translation equipment is used to allow the **Governing** Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The **Governing** 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 **Governing** Board president may indicate the time and place when it should be presented.

b. The **Governing** Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

c. The **Governing** 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 **Governing** 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 **Governing** Board president shall not permit any disturbance or willful interruption of **Governing** 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 **Governing** Board.

The **Governing** 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 **Governing** Board. When the room is ordered cleared due to a disturbance, further **Governing** 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 **Governing** 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 **Governing** 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 **Governing** Board. (Government Code 54953.5, 54953.6)

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

#### State References

	Description
CCP. 527.8	Workplace violence safety - <a href="https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==">https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==</a>
Ed. Code 32210	Willful disturbance of public school or meeting
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35145.5	Agenda; public participation; regulations
Ed. Code 35163	Official actions, minutes and journal
Ed. Code 35164	Actions by majority vote
Ed. Code 35165	Effect of vacancies upon majority and unanimous votes by seven member board
Ed. Code 5095	Powers of remaining board members and new appointees
Gov. Code 54953.3	Prohibition against conditions for attending a board meeting
Gov. Code 54953.5	Audio or video recording of proceedings
Gov. Code 54953.6	Broadcasting of proceedings
Gov. Code 54954.2	Agenda posting requirements, board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54957	Closed session personnel matters
Gov. Code 54957.9	Disorderly conduct of general public during meeting; clearing of room
Pen. Code 403	Disruption of assembly or meeting

#### Management Resources References

	Description
Attorney General Opinion	55 Ops.Cal.Atty.Gen. 26 (1972)
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Opinion	61 Ops.Cal.Atty.Gen. 243, 253 (1978)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 215 (1980)
Attorney General Opinion	66 Ops.Cal.Atty.Gen. 336 (1983)
Attorney General Opinion	76 Ops.Cal.Atty.Gen. 281 (1993)
Attorney General Opinion	90 Ops.Cal.Atty.Gen. 47 (2007)
Attorney General Publication	The Brown Act: Open Meetings for Local Legislative Bodies, 2003
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# ACTION ITEMS

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**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies and Administrative Regulations 0000, 2000 and 3000

## BACKGROUND

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

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The board policies and administrative regulations listed below have been updated based on the feedback and discussion at the November 4, 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
0430	Policy	Comprehensive Local Plan for Special Education	Rescind
0470	Policy	COVID-19 Mitigation Plan	Replace
2121	Policy	Superintendent's Contract	Replace
3110	Policy	Transfer of Funds	Replace
3230	Policy	Federal Grant Funds	Revise
3230	Regulation	Federal Grant Funds	Revise
3311.3	Regulation	Design-Build Contracts	Replace
3320	Regulation	Claims and Actions Against the District	Replace
3452	Policy	Student Activity Funds	Replace
3511.1	Policy	Integrated Waste Management	New
3511.1	Regulation	Integrated Waste Management	New
3515	Policy	Campus Security	Replace
3515.3	Policy	District Policy/Security Department	Replace
3515.3	Regulation	District Policy/Security Department	Replace
3530	Policy	Risk Management/Insurance	Replace
3530	Regulation	Risk Management/Insurance	Replace
3600	Policy	Consultants	Replace

## RECOMMENDATION

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It is recommended that the Governing Board approve the second reading and adoption of Governing Board Policies and Administrative Regulations 0000, 2000 and 3000.

**Policy 0470: COVID-19 Mitigation Plan**

**Status:** DRAFT

**Original Adopted Date:** 08/06/2020

The following policy establishes actions that will be taken by the Eden Area Regional Occupational Program (Eden Area ROP) to provide a safe learning and working environment during the coronavirus (COVID-19) pandemic, and shall supersede any conflicting language in existing Eden Area ROP policies or administrative regulations until the Governing Board determines that the need for this policy no longer exists. The Board acknowledges that, due to the evolving nature of the pandemic, federal, state, and local orders impacting Eden Area ROP operations are subject to change without notice. In the event that any federal or state law and/or order or local order may conflict with this policy, the law or order shall govern.

The Board may also adopt resolutions or take other actions as needed to respond to such orders or provide further direction during the pandemic.

To limit the impact of the pandemic on the education of Eden Area ROP students, the Eden Area ROP shall implement learning recovery, social-emotional support, and other measures and strategies designed to keep students learning and engaged in the instructional program.

**COVID-19 Safety Plan**

The Superintendent or designee shall establish, implement, and maintain a COVID-19 safety plan that complies with any mandatory public health guidance of the California Department of Public Health (CDPH), the COVID-19 prevention program ("CPP") consistent with the regulations of the California Division of Occupational Safety and Health, any orders of state or local health authorities, and any other applicable law and/or health order(s). The Superintendent or designee shall ensure, at a minimum, that the COVID-19 safety plan complies with all mandatory guidance and gives priority to recommended practices that are identified as being particularly effective at COVID-19 mitigation. The Superintendent or designee shall regularly review public health guidance to ensure that the district's COVID-19 mitigation strategies are current with public health mandates or recommendations.

The Eden Area ROP's COVID-19 safety plan shall be posted on the Eden Area ROP's web site.

**Reporting to the Public Health Department**

Upon learning that a school employee or student who has tested positive for COVID-19 was present on campus while infectious, the Superintendent or designee shall immediately, and in no case later than 24 hours after learning of the positive case, notify the local health officer or the local health officer's representative about the positive case. The notification shall be made even if the individual who tested positive has not provided prior consent to the disclosure of personally identifiable information and shall include all of the following information, if known: (Education Code 32090)

1. Identifying information of the individual who tested positive, including full name, address, telephone number, and date of birth
2. The date of the positive test, the school(s) at which the individual was present, and the date the individual was last onsite at the school(s)
3. The name, address, and telephone number of the person making the report

If a school has two or more outbreaks of COVID-19 and is subject to a safety review by CDPH pursuant to Education Code 32090, the Superintendent or designee shall cooperate fully with the review.

**Stakeholder Engagement and Community Relations**

The Eden Area ROP shall solicit input from stakeholders on how to best support students following the learning disruptions of the pandemic through appropriate methods, which may include surveys, community and family meetings, and other methods identified by the Superintendent or designee.

The Superintendent or designee shall collaborate with local health authorities to ensure that parents/guardians are provided with the information needed to ensure that public health guidance is observed in the home as well as in school, such as information about isolation and quarantine requirements, face mask requirements, symptom checks prior to school attendance, and who to contact when students have symptoms and/or were exposed.

The Superintendent or designee shall use a variety of methods to regularly communicate with students, parents/guardians, and the community regarding community transmission levels, Eden Area ROP operations, school schedules, and steps the Eden Area ROP is taking to promote the health and safety of students. In addition, the members of the Board have a responsibility as community leaders to communicate matters of public interest in a manner that is consistent with Board policies and bylaws regarding public statements.

The Eden Area ROP shall continue to collaborate with local health officials and agencies, community organizations, and other stakeholders to ensure that Eden Area ROP operations reflect current recommendations and best practices for COVID-19 mitigation strategies. The Superintendent or designee shall keep informed about resources and services available in the community to assist students and families in need.

**Student Absence and Attendance**

The Board recognizes that COVID-19 will continue to impact the attendance of students. The Superintendent or designee shall notify students and parents/guardians of expectations regarding school attendance. Such notification shall direct any student who contracts the virus or is subject to a quarantine order to stay home in accordance with state and local health orders.

The Superintendent or designee shall ensure continuity of instruction for students who may be under a quarantine order to stay home, by offering such students independent study or other instructional delivery channels that allows the student to continue to participate in the instructional program to the greatest extent possible.

**Nondiscrimination**

The Board prohibits discrimination based on actual or perceived medical condition or disability status. (Government Code 11135)

Individual students and staff shall not be identified as being COVID-positive, nor shall students be shamed, treated differently, or denied access to a free and appropriate public education because of their COVID-19 status or medical condition. Staff shall not disclose confidential or privileged information, including the medical history or health information of students and staff except as allowed by law. (Education Code 49450)

The Superintendent or designee shall investigate any reports of harassment, intimidation, and bullying targeted at any student based on their medical condition or COVID status, exposure, or high-risk status.

**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 11087-11098

5 CCR 202

5 CCR 306

5 CCR 420-421

Ed. Code 44978

Ed. Code 45191

Ed. Code 48205

Ed. Code 48213

Ed. Code 48240

Ed. Code 49451

Gov. Code 11135

Gov. Code 12945.1-12945.2

H&S Code 120230

Lab. Code 245-249

#### Federal References

29 CFR 825.100-825.702

29 USC 2601

29 USC 2601-2654

29 USC 2620

42 USC 1760

#### Management Resources References

California Department of Education Publication

California Department of Education Publication

California Department of Public Health Publication

California Department of Public Health Publication

CDC and Prevention Publication

CDC and Prevention Publication

CDC and Prevention Publication

CSBA Publication

Office of Management and Budget Publication

Office of the Governor Publication

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Website

Website

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Website

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0400

0415

0450

0450

1112

1240

1240

1250

1250

California Family Rights Act -

<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Exclusion of students with a contagious disease

Explanation of absence

Record of verification of absence due to illness and other causes

Sick leave, certificated employees

Personal illness and injury leave, classified employees

Excused absences

Prior parent notification of exclusion; exemption

Supervisors of attendance

Physical examinations: parent's refusal to consent

Nondiscrimination in programs or activities funded by state

California Family Rights Act

Exclusion of persons from school when residence is in isolation or quarantine

Healthy Workplaces, Healthy Families Act of 2014

#### Description

Family and Medical Leave Act of 1993

Paid sick leave

Family Care and Medical Leave Act

Public health emergency leave

Note National School Lunch program waivers addressing COVID-19

#### Description

FAQs for 2019 Novel Coronavirus

FAQs on Grading and Graduation Requirements

CDPH Guidance for the Prevention of COVID-19 Transmission for Gathering, March 16, 2020

School Guidance on Novel Coronavirus or COVID-19, March 7, 2020

Interim Guidance for Admins of U.S. K-12 Schools & Child Care Programs to Plan, Prepare, & Respond COVID-19, March 25, 2020

Interim Guidance for Schools and Day Camps, May 2020

Considerations for Schools, rev. May 19, 2020

Sample School Board Resolution on Grading During Emergency School Closures

Administrative Relief for Recipients & Applicants of Fed. Fin. Assist. Directly Impacted by COVID-19 Due to Loss, Memo M-20-17, March 19, 2020

Executive Order N-30-20, March 17, 2020

Executive Order N-26-20, March 13, 2020

Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave Under the Families First Coronavirus Response Act

Office of the Governor - <https://simbli.eboardsolutions.com/SU/oyoOOFi5PQAUsIshoOZChkJDg==>

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U.S. Department of Labor - <https://simbli.eboardsolutions.com/SU/XtUknOSZrMFBuhJcJc2k9g==>

California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

California Department of Public Health - <https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsgA==>

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CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

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

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

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4113	Assignment - <a href="https://simbli.eboardsolutions.com/SU/2NyBDtCuaSmbA3yRmjyQA==">https://simbli.eboardsolutions.com/SU/2NyBDtCuaSmbA3yRmjyQA==</a>
4113.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/qFQjWxslshDrtTAhplzWzyGQw==">https://simbli.eboardsolutions.com/SU/qFQjWxslshDrtTAhplzWzyGQw==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10IQ==">https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10IQ==</a>
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4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/CpjiQJOfcmGOqcmNsVozQ==">https://simbli.eboardsolutions.com/SU/CpjiQJOfcmGOqcmNsVozQ==</a>
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4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/KsmK287zODJJz6T0dpnv9w==">https://simbli.eboardsolutions.com/SU/KsmK287zODJJz6T0dpnv9w==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/fKYpybyLqil0I7hVjwHacw==">https://simbli.eboardsolutions.com/SU/fKYpybyLqil0I7hVjwHacw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/0l6eZ8EiEM3rgPslshslshUquNrg==">https://simbli.eboardsolutions.com/SU/0l6eZ8EiEM3rgPslshslshUquNrg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==">https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbslsh3zpdJ1slsh30QA==</a>
5113.11	Attendance Supervision - <a href="https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==">https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==</a>
5121	Grades/Evaluation Of Student Achievement - <a href="https://simbli.eboardsolutions.com/SU/h5plusyCylc0r9txuFKEq3o9g==">https://simbli.eboardsolutions.com/SU/h5plusyCylc0r9txuFKEq3o9g==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JctAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JctAg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Sntz1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Sntz1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNlqyypmupAcOpDJJng==">https://simbli.eboardsolutions.com/SU/SffkNlqyypmupAcOpDJJng==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==">https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTIplus2vQ==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==">https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==</a>
5141.3	Health Examinations - <a href="https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==">https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTW==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTW==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDIhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDIhUw==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfyUWU7UDKvZMgvMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfyUWU7UDKvZMgvMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>

5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
6111	School Calendar - <a href="https://simbli.eboardsolutions.com/SU/HhDq4cNavW4slshgaGQTT4H6Q==">https://simbli.eboardsolutions.com/SU/HhDq4cNavW4slshgaGQTT4H6Q==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/Gou79shW0GuzHyVSYvk8Xg==">https://simbli.eboardsolutions.com/SU/Gou79shW0GuzHyVSYvk8Xg==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCQt44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCQt44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQQ2etA==">https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQQ2etA==</a>
6154	Homework/Makeup Work - <a href="https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==">https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>
9010	Public Statements - <a href="https://simbli.eboardsolutions.com/SU/l6HZf3cDYov5XKqeoScPoA==">https://simbli.eboardsolutions.com/SU/l6HZf3cDYov5XKqeoScPoA==</a>
9310	Board Policies - <a href="https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==">https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==</a>

**Policy 2121: Superintendent's Contract**

Status: DRAFT

Original Adopted Date: 06/07/2012 | Last Revised Date: 03/05/2020 | Last Reviewed Date: 03/05/2020

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Governing Board and Superintendent will work together as a governance team to achieve the Eden Area Regional Occupational Program (Eden Area ROP) goals and objectives. When approving the Superintendent's employment contract, the Governing Board shall consider the value of stability in Eden Area ROP administration the best use of Eden Area ROP resources, and the Board's duty to ensure accountability to the public for the performance of the Eden Area ROP.

The contract may be reviewed by the Eden Area ROP's legal counsel and may include the following:

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work
3. Salary, health and welfare benefits, and other compensation for the position, including a statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board

*(cf 4154/4254/4354 - Health and Welfare Benefits)*

4. Reimbursement for work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

*(cf 3350 - Travel Expenses)*

The contract may also address payment for professional dues and activities, the Eden Area ROP's provision of cell phones or other technological devices, and the use of a personal vehicle.

*(cf 4040 - Employee Use of Technology)*

5. Vacation, illness and injury leave, and personal leaves

*(cf 4161/4261/4361 - Leaves)*

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

*(cf 4161.2/4261.2/4361.2 - Personal Leaves)*

*(cf 4161.5/4261.5/4361.5 - Military Leave)*

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

6. Professional development

7. General duties and responsibilities of the position

*(cf 2110 - Superintendent Responsibilities and Duties)*

8. Criteria, process, and procedure for annual evaluation of the Superintendent

*(cf 2140 - Evaluation of the Superintendent)*

9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract

10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 calendar days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in writing and in a timely manner of the requirement to give notice

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

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date

12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in the Superintendent's official capacity in the performance of employment-related duties

The Governing Board shall deliberate about the terms of the contract in closed session at a regular meeting. However, discussions regarding the salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception"), for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the current or prospective Superintendent. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

The Board may consult with district legal counsel prior to holding a closed session with the designated representative(s) to discuss compensation to be paid to the current or prospective Superintendent.

*(cf 9320 - Meetings and Notices)*

*(cf 9321 - Closed Session)*

Terms of the contract shall remain confidential until the ratification process commences.

*(cf 9011 - Disclosure of Confidential/Privileged Information)*

The Governing Board shall take final action Superintendent's contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Governing Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on the Superintendent's salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of the contract and other public records created or received in the process of developing the recommendation related to the Superintendent's salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953)

(cf 1340 - Access to District Records)  
(cf 3580 - District Records)

## Termination of Contract

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract of employment in accordance with law and applicable contract provisions.

(cf 4117.5/4217.5/4317.5- Termination Agreements)

In such an event, the maximum cash settlement that the Superintendent may receive upon termination of the contract shall not exceed the Superintendent's monthly salary multiplied by the number of months left on the contract or the Superintendent's monthly salary multiplied by 12, whichever is less. (Government Code 53260)

However, when the termination of the Superintendent's contract is based upon the Governing Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of office or position, the Superintendent shall reimburse the Eden Area ROP for payments received as paid leave salary pending investigation or as cash settlement upon termination, and for any funds expended by the Eden Area ROP defending the Superintendent against a crime involving the Superintendent's office or position. (Government Code 53243-53243.4, 53260)

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

### State References

Ed. Code 35031  
Ed. Code 41325-41328  
Gov. Code 3511.1-3511.2  
Gov. Code 53243-53243.4  
Gov. Code 53260-53264  
Gov. Code 54953  
Gov. Code 54954  
Gov. Code 54956  
Gov. Code 54957  
Gov. Code 54957.1  
Gov. Code 54957.6  
Gov. Code 6250-6270

### Description

Term of employment  
Conditions of emergency apportionment - <https://simbli.eboardsolutions.com/SU/aWpaslshSYYC7SzGEA4swqslshTQ==>  
Local agency executives  
Abuse of office  
Employment contracts  
Oral summary of recommended salary and benefits of superintendent  
Time and place of regular meetings  
Special Meetings  
Closed session personnel matters  
Closed session, public report of action taken  
Closed sessions regarding employee matters  
California Public Records Act

### Federal References

26 CFR 1.105-11  
26 USC 105  
42 USC 300gg-16

### Description

Self-insured medical reimbursement plan  
Self-insured medical reimbursement plan; definition of highly compensated individual  
Group health plan; nondiscrimination in favor of highly compensated individuals

### Management Resources References

Attorney General Opinion  
Attorney General Publication  
Court Decision  
CSBA Publication  
Website  
Website  
Website

### Description

57 Ops. Cal. Atty. Gen. 209 (1974)  
The Brown Act: Open Meetings for Local Legislative Bodies, 2003  
San Diego Union v. City Council, (1983) 146 Cal.App.3d 947  
Superintendent Contract Template  
California Office of the Attorney General - <https://simbli.eboardsolutions.com/SU/5qNsish5DoKuytasYcv9khGiA==>  
Association of California School Administrators - <https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYBdPXeA==>  
CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

### Cross References

2110  
2120  
2140  
3312  
3350  
4040  
4040-E(1)  
4112.9

### Description

Superintendent Responsibilities And Duties - <https://simbli.eboardsolutions.com/SU/RH7Zlkplusa5pqEgttMdZfJrg==>  
Superintendent Recruitment And Selection - <https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==>  
Evaluation Of The Superintendent - <https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==>  
Contracts - <https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==>  
Travel Expenses - <https://simbli.eboardsolutions.com/SU/a1BZLoXsem6RSwpNmK9lqw==>  
Employee Use Of Technology - <https://simbli.eboardsolutions.com/SU/gDTVswWdASQOj3VBn2zalg==>  
Employee Use Of Technology - <https://simbli.eboardsolutions.com/SU/NQSV4ZCezKjaSAplus9H4iFEg==>  
Employee Notifications - <https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==>

4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==">https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==">https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxIRJQ==">https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxIRJQ==</a>
4161.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/eewP9MaTi3ITpPD5D3GF4A==">https://simbli.eboardsolutions.com/SU/eewP9MaTi3ITpPD5D3GF4A==</a>
4161.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/SMpjDLrL3Chb2FLGKluojA==">https://simbli.eboardsolutions.com/SU/SMpjDLrL3Chb2FLGKluojA==</a>
4161.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==">https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsFJdQ==">https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsFJdQ==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/4A0tslshXyXUjvP6B6ft5plusnng==">https://simbli.eboardsolutions.com/SU/4A0tslshXyXUjvP6B6ft5plusnng==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/CSLIbrhNraqTMIUivWKCAA==">https://simbli.eboardsolutions.com/SU/CSLIbrhNraqTMIUivWKCAA==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==">https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==">https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==">https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==</a>
4261.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/0s7diJes2rBoJrW1OslshKplusoQ==">https://simbli.eboardsolutions.com/SU/0s7diJes2rBoJrW1OslshKplusoQ==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==">https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/ijOvCL3R0BslshFhOudlvslshXEA==">https://simbli.eboardsolutions.com/SU/ijOvCL3R0BslshFhOudlvslshXEA==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==">https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==">https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==">https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvfvw==">https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvfvw==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==">https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==</a>
4361.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/wu15V6hXWcizpM6hydtxDg==">https://simbli.eboardsolutions.com/SU/wu15V6hXWcizpM6hydtxDg==</a>
4361.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/YhWbYjbVoBESO0bZnA96cg==">https://simbli.eboardsolutions.com/SU/YhWbYjbVoBESO0bZnA96cg==</a>
4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/KsmK287zODJJz6T0dpnv9w==">https://simbli.eboardsolutions.com/SU/KsmK287zODJJz6T0dpnv9w==</a>
9011	Disclosure Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==">https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==</a>
9124	Attorney - <a href="https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==">https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/H3PddFvuHbNmjDhJLWbP0A==">https://simbli.eboardsolutions.com/SU/H3PddFvuHbNmjDhJLWbP0A==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==</a>

**Policy 3110: Transfer Of Funds**

Status: DRAFT

Original Adopted Date: 03/05/2020

The Governing Board recognizes its responsibility to monitor the Eden Area Regional Occupational Program's (Eden Area ROP's) fiscal practices to ensure accountability regarding the expenditure of public funds and compliance with legal requirements.

The total amount budgeted by the Eden Area ROP for each major classification of expenditures, as listed in the California Department of Education's budget forms, shall be the maximum amount which the district may expend for that classification for the school year. (Education Code 42600)

However, when it is in the best interest of the Eden Area ROP, the Board may:

1. At any time, adopt a written resolution providing for transfers from the designated fund balance or the unappropriated fund balance to any expenditure classification or between classifications. The resolution shall be filed with the County Superintendent of Schools and the County Auditor. (Education Code 42600)
2. Direct the temporary transfer of monies held in any Eden Area ROP fund or account to another fund or account as necessary for the payment of obligations. Such borrowing shall occur only when the fund or account receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred. No more than 75 percent of the maximum amount held in any fund or account during the current fiscal year may be transferred. Amounts transferred shall be repaid in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. (Education Code 42603)
3. At the close of a school year, request that the County Superintendent make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s), or balance any expenditure classifications of the Eden Area ROP budget as necessary for the payment of obligations incurred during that school year. (Education Code 42601)
4. If any special reserve funds that are maintained for capital outlay or other purposes pursuant to Education Code 42842 are not actually encumbered for ongoing expenses, transfer those monies into the general fund for the general operating purposes of the Eden Area ROP. If any monies remain in the special reserve fund at the conclusion of a project, the Board may submit a written request to the County Superintendent, Auditor, and Treasurer to discontinue the special reserve fund and transfer those monies to the Eden Area ROP's general fund. (Education Code 42841-42843)
5. Transfer monies between other funds or accounts when authorized by law.

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

**State References**

	Description
Ed. Code 16095	Transfer of district funds to district state school building fund - <a href="https://simbli.eboardsolutions.com/SU/DckNjgplus9tDnTa0uS0C6Kdw==">https://simbli.eboardsolutions.com/SU/DckNjgplus9tDnTa0uS0C6Kdw==</a>
Ed. Code 41301	Section A state school fund allocation schedule
Ed. Code 42125	Designated and unappropriated fund balances
Ed. Code 42238-42251	Apportionments to districts
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42600	District budget limitation on expenditure
Ed. Code 42601	Transfers between funds to permit payment of obligations at close of year
Ed. Code 42603	Transfer of monies held in any fund or account to another fund; repayment
Ed. Code 42840-42843	Special reserve fund
Ed. Code 5200	Districts governed by boards of education
Ed. Code 52616.4	Expenditures from adult education fund
Ed. Code 78	Definition, governing board

**Management Resources References**

	Description
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
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**Cross References**

	Description
3000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/krPDixQ7Fs3H4o24plusjFgGA==">https://simbli.eboardsolutions.com/SU/krPDixQ7Fs3H4o24plusjFgGA==</a>
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3300	Expenditures And Purchases - <a href="https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==">https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==</a>
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3460	Financial Reports And Accountability - <a href="https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==">https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==</a>
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**Policy 3230: Federal Grant Funds**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020

The Governing Board recognizes the Eden Area Regional Occupational Program's (Eden Area ROP's) responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The Eden Area ROP shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 2 CFR 200.0-200.521 and any stricter state laws and Eden Area ROP policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the Eden Area ROP financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in Eden Area ROP accounts of each federal award received and expended and the federal program under which it was received
2. Accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.328 and 200.329
3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income, and interest
4. Effective control over and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes
5. Comparison of actual expenditures with budgeted amounts for each federal award
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the Eden Area ROP can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

The Eden Area ROP shall submit financial and performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost-effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted no later than 120 calendar days after the ending date of the grant. (2 CFR 200.301, 200.328, 200.329)

**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 42122-42129

Ed. Code 64001

**Description**

Budget requirements

School plan for student achievement, consolidated application programs

**Federal References**

2 CFR 180.220

2 CFR 200.0-200.521

2 CFR 200.1-200.99

2 CFR 200.100-200.113

2 CFR 200.317-200.326

2 CFR 200.327-200.329

2 CFR 200.333-200.337

2 CFR 200.400-200.475

2 CFR 200.500-200.521

34 CFR 76.730-76.731

48 CFR 2.101

**Description**

Amount of contract subject to suspension and debarment rules

Federal uniform grant guidance

Definitions

General provisions

Procurement standards

Monitoring and reporting

Record retention

Cost principles

Audit requirements

Records related to federal grant programs

Federal acquisition regulation; definitions

**Management Resources References**

California Department of Education Publication

California Department of Education Publication

Education Audit Appeals Panel Publication

U.S. Department of Education Publication

Website

Website

**Description**

California Department of Education Audit Guide

California School Accounting Manual

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

U.S. Government Accountability Office -  
<https://simbli.eboardsolutions.com/SU/HvuRwrddop7OnnXIYFVN3Mw==>

Office of Management and Budget, Uniform Guidance -  
<https://simbli.eboardsolutions.com/SU/YplusplumPflcVzuBkWXQHXMfcg==>

Website	State Controller's Office - <a href="https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==">https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==</a>
Website	System for Award Management (SAM) - <a href="https://simbli.eboardsolutions.com/SU/ozEzhm45zQ6VZAsI5BBOHQ==">https://simbli.eboardsolutions.com/SU/ozEzhm45zQ6VZAsI5BBOHQ==</a>
Website	Education Audit Appeals Panel - <a href="https://simbli.eboardsolutions.com/SU/6VoyW08Qz3ek2v0oFNslshtMg==">https://simbli.eboardsolutions.com/SU/6VoyW08Qz3ek2v0oFNslshtMg==</a>
Website	U.S. Department of Education - <a href="https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==">https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==</a>
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#### Cross References

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3311	Bids - <a href="https://simbli.eboardsolutions.com/SU/TWfE1r95m6dNmbNGdD2Dulw==">https://simbli.eboardsolutions.com/SU/TWfE1r95m6dNmbNGdD2Dulw==</a>
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3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==">https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==</a>
3314	Payment For Goods And Services - <a href="https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==">https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==</a>
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3440	Inventories - <a href="https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==">https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==</a>
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4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKKC8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKKC8eqAV4yg==</a>
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9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==">https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==</a>
9270-E(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YElRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YElRywwZpzeplus2smk5w==</a>

**Regulation 3230: Federal Grant Funds****Status:** DRAFT**Original Adopted Date:** 03/05/2020

To ensure the lawful expenditure of any federal formula or discretionary grant funds awarded to the Eden Area Regional Occupational Program (Eden Area ROP), the Superintendent or designee shall comply with the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"), as contained in 2 CFR 200.0-200.521 and Appendices I-XII.

**Allowable Costs**

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the award. The Superintendent or designee shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

**Period of Performance**

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 120 calendar days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.344)

**Procurement**

When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.327 and Appendix II of Part 200, and with any applicable state bidding or procurement law or Eden Area ROP policy that is more restrictive.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and Eden Area ROP regulations and the following requirements:

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold established by the Eden Area ROP in accordance with 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the Eden Area ROP considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.
4. If a purchase is exempt from bidding and the Eden Area ROP's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)
5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available exclusively from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the Eden Area ROP's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)
6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract for which the cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (2 CFR 200.318)

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.214)

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.327)

**Capital Expenditures**

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.313, 200.439)

**Conflict of Interest**

Governing Board members, Eden Area ROP employees, and other Eden Area ROP representatives shall not participate in the selection, award, or administration of a contract supported by federal funds if they have a real or apparent conflict of interest, such as when they or a member of their immediate family, their partner, or

an organization which employs or is about to employ any of them has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

Persons involved in the selection, award, or administration of a contract supported by federal funds shall be subject to discipline for any violation of conflict of interest standards. (2 CFR 200.318)

**Cash Management**

The Superintendent or designee shall ensure the Eden Area ROP's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the Eden Area ROP and the Eden Area ROP's disbursement of funds. (2 CFR 200.305)

When authorized by law, the Eden Area ROP may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the district for carrying out the purpose of the program or project.

Except under specified conditions, the Eden Area ROP shall maintain the advance payments in an interest-bearing account. The Eden Area ROP shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the Eden Area ROP shall instead submit a request for reimbursement of actual expenses incurred. The Eden Area ROP may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

**Personnel**

All Eden Area ROP employees who are paid in full or in part with federal funds shall document the amount of time they spend on grant activities. Such records shall be incorporated into the official records of the district and shall be subject to a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated in accordance with 2 CFR 200.430. (2 CFR 200.430)

Salaries and wages of employees whose salary is paid with state or local funds but are used to meet a cost-sharing or matching requirement of the federal grant shall be documented in the same manner as salaries and wages claimed for reimbursement under a federal grant. (2 CFR 200.430)

**Records**

Except as otherwise provided in 2 CFR 200.334, or where state law or Eden Area ROP policy requires a longer retention period, financial records, supporting documents, statistical records, and all other Eden Area ROP records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.334)

**Audits**

Whenever the Eden Area ROP expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the Eden Area ROP shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

**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 42122-42129  
Ed. Code 64001

**Description**

Budget requirements  
School plan for student achievement, consolidated application programs

**Federal References**

2 CFR 180.220  
2 CFR 200.0-200.521  
2 CFR 200.1-200.99  
2 CFR 200.100-200.113  
2 CFR 200.317-200.326  
2 CFR 200.327-200.329  
2 CFR 200.333-200.337  
2 CFR 200.400-200.475  
2 CFR 200.500-200.521  
34 CFR 76.730-76.731  
48 CFR 2.101

**Description**

Amount of contract subject to suspension and debarment rules  
Federal uniform grant guidance  
Definitions  
General provisions  
Procurement standards  
Monitoring and reporting  
Record retention  
Cost principles  
Audit requirements  
Records related to federal grant programs  
Federal acquisition regulation; definitions

## Management Resources References

California Department of Education Publication  
California Department of Education Publication  
Education Audit Appeals Panel Publication  
U.S. Department of Education Publication

Website

Website

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## Cross References

0500

3100

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3311

3311

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3314

3350

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3512-E(1)

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9270

9270-E(1)

## Description

California Department of Education Audit Guide

California School Accounting Manual

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

U.S. Government Accountability Office -  
<https://simbli.eboardsolutions.com/SU/HvuRwrdop7OnnXIYFVN3Mw==>

Office of Management and Budget, Uniform Guidance -  
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System for Award Management (SAM) -  
<https://simbli.eboardsolutions.com/SU/ozEzhm45zQ6VZA5l5BBOHQ==>

Education Audit Appeals Panel -  
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California Department of Education -  
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## Description

Accountability - <https://simbli.eboardsolutions.com/SU/pUslshJLoR2Vu1eqoHS41AdTg==>

Budget - <https://simbli.eboardsolutions.com/SU/syXqwYF191LY8Zr1CmGdUQ==>

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Expenditures And Purchases - <https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==>

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Payment For Goods And Services -  
<https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==>

Travel Expenses - <https://simbli.eboardsolutions.com/SU/a1BZLoXsem6RSwpNmK9lqw==>

Inventories - <https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==>

Financial Reports And Accountability -  
<https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==>

Financial Reports And Accountability -  
<https://simbli.eboardsolutions.com/SU/XHCr7YiYWOiw9RhiRrIDQ==>

Equipment - <https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWgcd7JOQ==>

Equipment - <https://simbli.eboardsolutions.com/SU/QBAthZMbORG1k62wZkQ2Aw==>

Staff Development - <https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==>

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

Staff Development - <https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==>

Evaluation Of The Instructional Program -  
<https://simbli.eboardsolutions.com/SU/XEslshlMm5WBsl3j9ebjkWiQ==>

Conflict Of Interest - <https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==>

Conflict Of Interest - <https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==>

**Regulation 3311.3: Design-Build Contracts**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020

The Governing Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25)

**Procedures for Awarding the Contract**

The procurement process for design-build projects shall be as follows: (Education Code 17250.25, 17250.35; Public Contract Code 2600)

1. **Performance Specifications:** The Eden Area Regional Occupational Program (Eden Area ROP) shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:
  - a. The size, type, and desired design character of the project
  - b. Performance specifications that cover the quality of materials, equipment, and workmanship
  - c. Preliminary plans or building layouts
  - d. Any other information deemed necessary to describe adequately the Eden Area ROP's needs

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.
2. **Prequalification:** The Eden Area ROP shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
  - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the Eden Area ROP to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the Eden Area ROP to inform interested parties of the contracting opportunity
  - b. Significant factors that the Eden Area ROP reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors
  - c. A standard template request for statements of qualifications prepared by the Eden Area ROP, which shall contain all of the information required pursuant to Education Code 17250.25
  - d. A notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603

The Eden Area ROP also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.
3. **Request for Proposals:** The Eden Area ROP shall prepare a request for proposals (RFP) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the Eden Area ROP. The RFP shall include the information identified in items #2a, 2b, and 2d above and the relative importance or weight assigned to each of the factors. If the Eden Area ROP uses a best value selection method for a project, the Eden Area ROP may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the Eden Area ROP shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the Eden Area ROP to ensure that any discussions or negotiations are conducted in good faith.
4. **Selection Based on Low Bid:** For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.
5. **Selection Based on Best Value:** For those projects utilizing best value as a selection method, the following procedures shall be used:
  - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the Eden Area ROP and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.
  - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.
  - c. The contract shall be awarded to the responsible entity whose proposal is determined by the Eden Area ROP to have offered the best value to the public.
  - d. The Eden Area ROP shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

**Skilled and Trained Workforce**

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the Eden Area ROP that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeship occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the Eden Area ROP's project labor agreement, or through an agreement with the Eden Area ROP to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25; Public Contract Code 2602)

Skilled and trained workforce means that all the workers performing the work are either skilled journeypersons or apprentices registered in a state-approved apprenticeship program. At least 60 percent of the skilled journeypersons employed to perform the work shall be graduates of an apprenticeship program for the applicable occupation or at least 60 percent of the hours worked by skilled journeypersons shall be performed by graduates of an apprenticeship program, with the exception of certain occupations specified in Public Contract Code 2601 which are subject to a 30 percent threshold. (Public Contract Code 2601)

If the contractor fails to provide the monthly report demonstrating compliance with the skilled and trained workforce requirements or provides an incomplete report, the Eden Area ROP shall withhold further payments until a complete report is provided. If a report does not demonstrate compliance with the skilled and trained workforce requirements, the Eden Area ROP shall withhold further payments until the contractor provides a sufficient plan to achieve substantial

compliance with respect to the relevant apprenticeable occupation, prior to completion of the contract or project. In addition, the Eden Area ROP shall forward to the Labor Commissioner a copy of the monthly report, any plan to achieve compliance, and the Eden Area ROP's response to that plan. (Public Contract Code 2602)

**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 17250.10-17250.55

#### Description

Design-build contracts - <https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==>

#### Management Resources References

Website

#### Description

California Association of School Business Officials - <https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==>

Website

California Department of Education, School Facilities - <https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNCfeshYA==>

Website

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

#### Cross References

3311

#### Description

Bids - <https://simbli.eboardsolutions.com/SU/TWf1r95m6dNmbNGDd2DuLw==>

3311

Bids - <https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==>

3312

Contracts - <https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==>

7000

Concepts And Roles - <https://simbli.eboardsolutions.com/SU/4Cm6zx60US39hXkslshcwnV7Q==>

7140

Architectural And Engineering Services - <https://simbli.eboardsolutions.com/SU/gzZseD8fSkE6EIGP3RjrSw==>

7140

Architectural And Engineering Services - <https://simbli.eboardsolutions.com/SU/SKjilEFpIVYQ3p0sw8F38w==>

**Regulation 3320: Claims And Actions Against The District**

Status: DRAFT

**Original Adopted Date:** Pending

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

Any claim against the Eden Area ROP for money or damages shall be filed and acted upon in accordance with the Government Claims Act (Government Code 810-996.6) or other applicable law. Claims that are specifically excepted from the Government Claims Act by Government Code 905 and are not governed by any other statute or regulation may be filed and acted upon in accordance with Eden Area ROP-established procedures pursuant to Government Code 935.

Unless otherwise provided by law, a written claim shall be presented to and acted upon by the Governing Board in accordance with such procedures prior to filing a lawsuit against the Eden Area ROP for money or damages.

**Time Limitations**

The following time limitations apply to the presentation of claims for money or damages against the Eden Area ROP:

1. Claims relating to a cause of action for death or for injury to a person, personal property, or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code 911.2)
2. Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.2)
3. Claims relating to childhood sexual assault and other causes of action which are specifically excepted from the Government Claims Act by Government Code 905 but are subject to a claims presentation procedure in another a statute or regulation shall be presented to the Board in accordance with the applicable governing statute or regulation. (Government Code 905)
4. Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Board within the time limits specified in items #1 and 2 above, depending on the applicable cause of action. (Government Code 911.2, 935)

**Receipt of Claims**

A claim shall be deemed presented and received when delivered to the Eden Area ROP office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the Eden Area ROP office with postage paid, or when otherwise actually received in the Eden Area ROP office or by the Board secretary or clerk. (Government Code 915, 915.2)

A claim may be submitted electronically in the manner specified by the Superintendent or designee. (Government Code 915, 915.2)

Upon receipt of a claim against the Eden Area ROP pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the Eden Area ROP's joint powers authority or insurance carrier in accordance with the applicable conditions of coverage.

**Review of Contents of the Claim**

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the Eden Area ROP employee(s) causing the injury, damage, or loss, if known
6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case of \$25,000 or less.
7. The signature of the claimant or the person acting on the claimant's behalf

**Notice of Claim Insufficiency**

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, provide a notice in the manner specified in Government Code 915.4 that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

**Amendment to Claims**

Within the time limits provided in the section "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

**Late Claims**

When a claim that is required to be presented not later than six months after the accrual of the cause of action, as specified in the section "Time Limitations" above, is not presented within that time, an application to present a late claim may be presented to the Board, in the manner specified in Government Code 915 and 915.2, within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall include the proposed claim and shall state the reason for the delay in presenting the claim. (Government Code 911.4, 915, 915.2)

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice

that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The Board shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the Eden Area ROP was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8 and in the manner specified in Government Code 915.4. (Government Code 911.8, 915.4)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

#### Action on Claims

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the Eden Area ROP and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the Board finds that the claim is not a proper charge against the Eden Area ROP, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the Eden Area ROP and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the Eden Area ROP but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the Eden Area ROP or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall be provided in the manner specified in Government Code 915.4. (Government Code 913, 915.4)

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

#### State References

CCP. 340.1  
Ed. Code 35200  
Ed. Code 35202  
Gov. Code 53051  
Gov. Code 6500-6536  
Gov. Code 800  
Gov. Code 810-996.6  
Pen. Code 72

#### Description

Damages suffered as result of childhood sexual abuse - <https://simbli.eboardsolutions.com/SU/BGhSMfNslshCvTtUEVoUtzrslshA==>  
Liability for debts and contracts  
Claims against districts; applicability of Government Code  
Information filed with secretary of state and county clerk  
Joint powers agreements  
Cost in civil actions  
Government Claims Act  
Fraudulent claims

#### Management Resources References

Court Decision  
Court Decision  
Court Decision  
Court Decision  
Website

#### Description

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730  
Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29  
CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580  
CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574  
California Secretary of State's Office - <https://simbli.eboardsolutions.com/SU/boqYBvXk4Ayr0Vpwsllsh5Z9FA==>

#### Cross References

3530  
3530  
4119.1  
4144

#### Description

Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==>  
Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==>  
Civil And Legal Rights - <https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==>  
Complaints - <https://simbli.eboardsolutions.com/SU/jmJUWWhbRaLqEmvhJ3ML13A==>

4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2fEvplusln9w==">https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2fEvplusln9w==</a>
4157.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/eaplus8slsha9QVEMYhONwP4W6Q==">https://simbli.eboardsolutions.com/SU/eaplus8slsha9QVEMYhONwP4W6Q==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==">https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==</a>
4219.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==">https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==</a>
4257.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/tAof7ybCgzvDutAAPbRCg==">https://simbli.eboardsolutions.com/SU/tAof7ybCgzvDutAAPbRCg==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==">https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==</a>
4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==">https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/81slshPFcSeJaoFtshzpmvsRg==">https://simbli.eboardsolutions.com/SU/81slshPFcSeJaoFtshzpmvsRg==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscyk5uttqlw==">https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscyk5uttqlw==</a>
4357.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/xELGWyNkwxwK9IGpbRRLJw==">https://simbli.eboardsolutions.com/SU/xELGWyNkwxwK9IGpbRRLJw==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCppgkJijg==">https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCppgkJijg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==</a>
9012	Board Member Electronic Communications - <a href="https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==">https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==</a>
9322	Agenda/Meeting Materials - <a href="https://simbli.eboardsolutions.com/SU/Ghig3tjvplumGe9joApcsNig==">https://simbli.eboardsolutions.com/SU/Ghig3tjvplumGe9joApcsNig==</a>

**Policy 3452: Student Activity Funds**

Status: DRAFT

Original Adopted Date: 03/05/2020

The Governing Board recognizes that student organizations can provide students with an opportunity to conduct worthwhile cocurricular activities while helping students learn about effective financial practices and develop leadership and management skills. To that end, the Board may approve the formation of associated student body organizations which are composed entirely of students, operate under the oversight of the principal or other Eden Area Regional Occupational Program (Eden Area ROP)-employed advisor, and are subject to the control and regulation of the Board. Student organizations may raise and spend funds to support activities that promote the general welfare, morale, and educational experiences of the student body.

**Fundraising**

At the beginning of each school year, each principal or designee shall submit to the Superintendent or designee a list of the fundraising events that each student organization proposes to hold that year. The Superintendent or designee shall review the proposed events and determine whether the events contribute to the educational experience and do not conflict with or detract from the school's educational program. When reviewing proposed events, the Superintendent or designee shall consider the effects of the activities on student health and safety, evaluate the risk of liability to the Eden Area ROP, and ensure that the proposed activities are in compliance with law, Board policy, and administrative regulation.

Fundraising events that involve the sale of food and/or beverages shall comply with applicable state and/or federal nutrition standards and BP/AR 3554 - Other Food Sales. If the fundraising event involves the sale of noncompliant food and/or beverages, it shall not take place from midnight until at least one-half hour after the end of the school day, or not be conducted on school premises.

**Management and Reporting of Funds**

Student body funds shall be managed in accordance with law, regulations, Board policies, and sound business procedures designed to encourage the largest possible educational return to students without sacrificing the security of funds.

The Superintendent or designee shall develop internal control procedures to safeguard the organization's assets, promote the success of fundraising ventures, provide reliable financial information, protect employees and volunteers from accusations of impropriety, and reduce the risk and promote the detection of fraud and abuse. These procedures shall detail the oversight of activities and funds including, but not limited to, the appropriate role and provision of training for staff and students, parameters for events on campus, appropriate and prohibited uses of funds, and accounting and record-keeping processes, including procedures for handling questionable expenditures.

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The budget adopted by the student body organization should serve as the financial plan for the school year and shall be submitted to the Superintendent or designee at the beginning of each school year. The Superintendent or designee shall monitor the budget and periodically review the organization's use of funds to ensure compliance with the Eden Area ROP's internal control procedures.

Funds derived from the student body shall be expended according to procedures established by the student organization. All expenditures must be approved by a Board-designated employee or official, the certificated employee who is the designated student organization advisor, and a student organization representative. (Education Code 48933)

Because of the Eden Area ROP's administrative and/or direct financial involvement in the assets of the student organization, the student activity fund shall be reported within the Eden Area ROP's fund in accordance with Governmental Accounting Standards Board Statement 84.

The Board shall provide an annual audit of student organization accounts by a certified public accountant or licensed public accountant. The cost of the audit shall be paid from Eden Area ROP funds. (Education Code 41020)

**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 15500

5 CCR 15501

Ed. Code 35182.5

Ed. Code 35564

Ed. Code 41020

Ed. Code 48930-48938

Ed. Code 49431

Ed. Code 49431.5

Ed. Code 51520

Ed. Code 51521

**Description**

Food sales in elementary schools

Food sales in high schools and junior high schools

Contracts for advertising

Funds, obligation of the student body

Requirement for annual audit

Student organizations

Sale of food and beverages, elementary school

Sale of food and beverages, middle and high schools

Prohibited solicitations on school premises

Fund-raising project

**Management Resources References**

Court Decision

Fiscal Crisis & Management Assistance Team Pub.

Website

Website

**Description**

Prince v. Jacoby, (2002) 303 F.3d 1074

Associated Student Body Accounting Manual & Desk Reference, 2005

California Department of Education -

<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Fiscal Crisis and Management Assistance Team -

<https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvblOOxQ==>

**Cross References**

1321

1321

**Description**

Solicitation Of Funds From And By Students -

<https://simbli.eboardsolutions.com/SU/yFjUTdDPvXE0Ual3usa2IA==>

Solicitation Of Funds From And By Students -

<https://simbli.eboardsolutions.com/SU/gfpun2pSpVJqkmr3B7v0slshg==>

3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==">https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==">https://simbli.eboardsolutions.com/SU/zPs9HLtslshppqbH6809dB9Ew==</a>
3460	Financial Reports And Accountability - <a href="https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==">https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==</a>
3460	Financial Reports And Accountability - <a href="https://simbli.eboardsolutions.com/SU/XHCr7YiYWOiw9RhiRrIIDQ==">https://simbli.eboardsolutions.com/SU/XHCr7YiYWOiw9RhiRrIIDQ==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
3554	Other Food Sales - <a href="https://simbli.eboardsolutions.com/SU/EU9fUJMPBXgrRXampcVEaUg==">https://simbli.eboardsolutions.com/SU/EU9fUJMPBXgrRXampcVEaUg==</a>
3554	Other Food Sales - <a href="https://simbli.eboardsolutions.com/SU/duyObVX5nuDlhwCf3uj8pA==">https://simbli.eboardsolutions.com/SU/duyObVX5nuDlhwCf3uj8pA==</a>
5000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGT2eig==">https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGT2eig==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPyvwICkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPyvwICkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/EbLCvCQt44XBu1Vz7xwzdA==">https://simbli.eboardsolutions.com/SU/EbLCvCQt44XBu1Vz7xwzdA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==">https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==">https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/C2TLQSQO7B6S2fKo6bDzDg==">https://simbli.eboardsolutions.com/SU/C2TLQSQO7B6S2fKo6bDzDg==</a>

**Policy 3511.1: Integrated Waste Management**

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that the conservation of water, energy, and other natural resources, the protection of the environment, and the implementation of an effective waste diversion program are connected to the Eden Area Regional Occupational Program's (Eden Area ROP's) educational mission and are essential to the health and well-being of the community. The Superintendent or designee shall develop and implement a cost-effective, integrated waste management program that incorporates the principles of green school operations.

The Eden Area ROP's integrated waste management program shall include strategies designed to promote waste management practices of source reduction, recycling, and composting to help the Eden Area ROP reduce and recycle solid and organic waste, properly dispose of potentially hazardous materials, improve efficiency in the use of natural resources, and minimize the impact of such use on the environment. The program shall address all areas of the Eden Area ROP's operations, including, but not limited to, procurement, resource utilization, and facilities management practices.

The Superintendent or designee may collaborate with city, county, and state agencies and other public or private agencies in developing and implementing the Eden Area ROP's integrated waste management program.

The Superintendent or designee shall make every effort to identify funding opportunities for the Eden Area ROP's integrated waste management program, including applying for available grants or other cost-reduction incentives.

The Superintendent or designee may provide appropriate educational and training opportunities to students and staff regarding the benefits and methods of conserving natural resources and the manner in which integrated waste management strategies impact such efforts.

The Superintendent or designee shall regularly monitor all aspects of the Eden Area ROP's integrated waste management program and shall provide an update to the Board on its effectiveness 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**

14 CCR 17225.12

Ed. Code 17070.96

Ed. Code 17072.35

Ed. Code 32370-32376

Ed. Code 33541

Ed. Code 8700-8707

Pub. Res. Code 41780

Pub. Res. Code 25410-25421

Pub. Res. Code 40050-40063

Pub. Res. Code 42620-42622

Pub. Res. Code 42630-42647

Pub. Res. Code 42649-42649.7

**Description**

Commercial solid waste - <https://simbli.eboardsolutions.com/SU/6LplusKEU3vslsh9NfJ1LIAGbbsA==>

Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards - <https://simbli.eboardsolutions.com/SU/vsczR2pwGdptWPStlWcBplusA==>

New construction grants; use for designs and materials for high performance schools - <https://simbli.eboardsolutions.com/SU/zWQFjoqdzYSwxOexycSq8Q==>

Recycling paper

Science requirements

Environmental education

Waste diversion

Energy conservation assistance

Integrated waste management act

Source reduction and recycling programs

Schoolsite source reduction and recycling assistance program

Recycling of commercial solid waste

**Management Resources References**

Website

**Description**

California Department of Resources Recycling and Recovery - <https://simbli.eboardsolutions.com/SU/KMvIVPILqslsh31A0uslshw1H9A==>

Website

California Division of State Architect - <https://simbli.eboardsolutions.com/SU/hJbF2eSykngelMB6DkhLHg==>

Website

California Environmental Protection Agency - <https://simbli.eboardsolutions.com/SU/PDGuslshocmW9Y3LpMnmxDplusg==>

Website

California Energy Commission - <https://simbli.eboardsolutions.com/SU/PIQLnQcFqu8ca1LlqIdQ4A==>

Website

U.S. Environmental Protection Agency - <https://simbli.eboardsolutions.com/SU/xtGqeFQEClplusOWk8xfkTVsw==>

Website

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Cross References**

0100

**Description**

Philosophy - <https://simbli.eboardsolutions.com/SU/emLXslshVXgslshhZ9nt8SVefow==>

3000

Concepts And Roles - <https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusJFgA==>

3270

Sale And Disposal Of Books, Equipment And Supplies - <https://simbli.eboardsolutions.com/SU/mZ8rRymslshsSyzN2Un5g288w==>

3270

Sale And Disposal Of Books, Equipment And Supplies - <https://simbli.eboardsolutions.com/SU/ITSnzs2NarKOsish5NwHA8fCg==>

3312

Contracts - <https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==>

3514

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

3514.2

Integrated Pest Management - <https://simbli.eboardsolutions.com/SU/zLBELNz0oqwFZ1DBltoVdQ==>

4131

Staff Development - <https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==>

4131

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

4331

Staff Development - <https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==>



**Regulation 3511.1: Integrated Waste Management**

**Status:** DRAFT

**Original Adopted Date:** Pending

For all applicable areas of Eden Area Regional Occupational Program (Eden Area ROP) operations, the Superintendent or designee shall design an integrated waste management program that minimizes the generation of waste, encourages the recovery and diversion of reusable materials from the waste stream, improves efficiency in the utilization of natural and material resources, and protects the environment. The program shall implement measures and/or practices to:

1. Reduce the consumption of disposable materials, increase the composting of organic materials, and fully utilize all materials prior to disposal
2. Recycle materials such as paper, glass, plastic, and aluminum
3. Prefer recycled, biodegradable, and other environmentally preferable products when procuring materials for use in Eden Area ROP schools and buildings or contracting for the construction or modernization of any Eden Area ROP building
4. Work with city, county, or other government agencies to locate markets for the Eden Area ROP's reusable and recyclable materials
5. Minimize the use of nonbiodegradable materials and work with vendors and contractors to use packaging and delivery materials that generate less waste

**Recycling**

Any school site or Eden Area ROP facility which generates four or more cubic yards of solid waste per week shall take at least one of the following actions: (Public Resources Code 42649.1, 42649.2)

1. Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials
2. Subscribe to a recycling service which may include mixed waste processing that yields diversion results comparable to source separation

Any school site or Eden Area ROP facility which generates two or more cubic yards per week of solid waste, recyclables, and organics shall arrange for recycling services specifically for organic waste, including food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Such facilities shall take at least one of the following actions: (Public Resources Code 42649.8, 42649.81-42649.82, 42649.84)

1. Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste
2. Recycle organic waste onsite or self-haul organic waste for recycling
3. Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste
4. Make other arrangements to sell or donate recyclable organic waste materials

Any school site or Eden Area ROP facility that meets the above thresholds for solid or organic waste shall place a recycling bin or container for solid or organic waste, as applicable, in areas where food or other materials are purchased at the facility for immediate consumption. The recycling bin or container shall be: (Public Resources Code 42649.2, 42649.81)

1. Adjacent to each bin or container for nonrecyclable trash, except in restrooms
2. Visible and easily accessible
3. Clearly marked with educational signage indicating appropriate items to be placed in the recycling bin or container in accordance with state law and the local jurisdiction's waste ordinances and practices

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**State References**

14 CCR 17225.12

Ed. Code 17070.96

Ed. Code 17072.35

Ed. Code 32370-32376

Ed. Code 33541

Ed. Code 8700-8707

Pub. Res. Code 41780

Pub. Res. Code 25410-25421

Pub. Res. Code 40050-40063

Pub. Res. Code 42620-42622

Pub. Res. Code 42630-42647

Pub. Res. Code 42649-42649.7

**Description**

Commercial solid waste - <https://simbli.eboardsolutions.com/SU/6LplusKEU3vslsh9NfJ1LIAGbbsA==>

Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards - <https://simbli.eboardsolutions.com/SU/ysczR2pwGdptWPSttWcBplusA==>

New construction grants; use for designs and materials for high performance schools - <https://simbli.eboardsolutions.com/SU/zWQFjoqdzYSwxOexycSq8Q==>

Recycling paper

Science requirements

Environmental education

Waste diversion

Energy conservation assistance

Integrated waste management act

Source reduction and recycling programs

Schoolsite source reduction and recycling assistance program

Recycling of commercial solid waste

**Management Resources References**

Website

California Department of Resources Recycling and Recovery - <https://simbli.eboardsolutions.com/SU/KMvVPILqslsh31A0uslshw1H9A==>

Website

California Division of State Architect - <https://simbli.eboardsolutions.com/SU/hJbF2eSykngelMB6DkhLHg==>

Website

California Environmental Protection Agency - <https://simbli.eboardsolutions.com/SU/PDGuslshocmW9Y3LpMnmnxnDplusg==>

Website	California Energy Commission - <a href="https://simbli.eboardsolutions.com/SU/PIQLnQcFqu8ca1LIqIdQ4A==">https://simbli.eboardsolutions.com/SU/PIQLnQcFqu8ca1LIqIdQ4A==</a>
Website	U.S. Environmental Protection Agency - <a href="https://simbli.eboardsolutions.com/SU/xtGqeEQECIplusOWk8xfkTVsw==">https://simbli.eboardsolutions.com/SU/xtGqeEQECIplusOWk8xfkTVsw==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Cross References**

0100  
3000  
3270  
3270  
3312  
3514  
3514.2  
4131  
4131  
4331  
7131

**Description**

Philosophy - <https://simbli.eboardsolutions.com/SU/emLAXslshVXgslshhZ9nt8SVefow==>  
 Concepts And Roles - <https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==>  
 Sale And Disposal Of Books, Equipment And Supplies - <https://simbli.eboardsolutions.com/SU/mZ8rRymslshsSyzN2Un5g288w==>  
 Sale And Disposal Of Books, Equipment And Supplies - <https://simbli.eboardsolutions.com/SU/ITSnzs2NarKOslshSNwHA8fCg==>  
 Contracts - <https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==>  
 Environmental Safety - <https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==>  
 Integrated Pest Management - <https://simbli.eboardsolutions.com/SU/zLBELNz0oqwFZ1DBltoVdQ==>  
 Staff Development - <https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKKC8eqAV4yg==>  
 Staff Development - <https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==>  
 Staff Development - <https://simbli.eboardsolutions.com/SU/WoVVV14SyA2vNgt348oslshRcw==>  
 Relations With Local Agencies - <https://simbli.eboardsolutions.com/SU/fplushFB7oyUV0nUTI3PqM27Q==>

**Policy 3515: Campus Security**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020

The Governing Board is committed to providing a school environment that promotes the safety of students, staff, and visitors to school grounds. The Governing Board also recognizes the importance of protecting the Eden Area Regional Occupational Program (Eden Area ROP) property, facilities, and equipment from vandalism and theft.

(cf. 4158/4258/4358 - Employee Security)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5142 - Safety)

The Superintendent or designee shall develop campus security procedures, which may be included in the Eden Area ROP's comprehensive safety plan. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

(cf. 0450 - Comprehensive Safety Plan)

#### Surveillance Systems

In consultation with the Eden Area ROP's safety planning committee, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras may not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the Eden Area ROP's surveillance equipment shall be disabled so that sounds are not recorded.

(cf. 5131.1 - Bus Conduct)

(cf. 5145.12 - Search and Seizure)

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous and targeted locations around school buildings and grounds. These signs shall state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the Eden Area ROP's surveillance system and that the recordings may be used in disciplinary proceedings and/or referred to local law enforcement, as appropriate.

(cf. 5144 - Discipline)

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

To the extent that any images from the Eden Area ROP's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Governing Board policy and administrative regulation.

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

#### Legal Reference:

##### EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act, especially:

17075.50 Classroom security locks, new construction projects

7583 Classroom security locks, modernization projects

32020 Access gates

32211 Threatened disruption or interference with classes

3228032289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security departments

49050-49051 Searches by school employees

49060-49079 Student records

## PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626 626.11 Disruption of schools

## CALIFORNIA CODE OF REGULATIONS, TITLE 24

1010.1.9 Door operations

1010.1.11 Lockable doors from the inside

## CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

## UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

## CODE OF FEDERAL REGULATIONS, TITLE 34

99.3 Definition of education records

## COURT DECISIONS

Branum v. Overton County School Board (2008) 516 F. 3d 489

New Jersey v. T.L.O. (1985) 469 U.S. 325

## ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action. 2002

## NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

BP 3515(d)

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and

Law Enforcement Agencies rev. 2005

## U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs on Photos and Videos under FERPA

## WEB SITES

CSBA: <http://www1v.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

National School Safety Center: <http://www.sclwolsafety.us>

U.S. Department of Education, Protecting Student Privacy: <https://studentprivacy.ed.gov>

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

## State References

24 CCR 1010.1.11

24 CCR 1010.1.9

CA Constitution Article 1, Section 28(c)

Ed. Code 17070.10-17079.30

Ed. Code 17583

Ed. Code 32020

Ed. Code 32211

Ed. Code 32280-32289

Ed. Code 35160

Ed. Code 35160.1

Ed. Code 38000-38005

Ed. Code 49050-49051

Ed. Code 49060-49079

## Description

Lockable doors from the inside

Door operations

Right to Safe Schools -  
<https://simbli.eboardsolutions.com/SU/4uKslshNFWJwiWPc9Z3j2hmaA==>

Leroy F. Greene School Facilities Act -  
<https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==>

Classroom security locks, modernization projects

School gates; entrances for emergency vehicles

Threatened disruption or interference with classes

School safety plans

Authority of governing boards

Broad authority of school districts

Security departments

Searches by school employees

Student records

Pen. Code 469  
Pen. Code 626-626.11

### Federal References

20 USC 1232g  
34 CFR 99.3  
US DOE Publication

### Management Resources References

Attorney General Opinion  
Attorney General Opinion  
Court Decision  
Court Decision  
CSBA Publication  
  
National Institute of Justice Publication

Website

Website

Website

Website

Website

### Cross References

0450

0450

1250

1250

3000

3440

3515.2

3515.2

3515.4

3515.7

Unauthorized making, duplicating or possession of key to public building  
School crimes

### Description

Family Educational Rights and Privacy Act (FERPA) of 1974  
Definition of education records  
FAQs on Photos and Videos under FERPA

### Description

75 Ops.Cal.Atty.Gen. 155 (1992)  
83 Ops.Cal.Atty.Gen. 257 (2000)  
Brannum v. Overton County School Board (2008) 516 F. 3d 489  
New Jersey v. T.L.O. (1985) 469 U.S. 325  
Safe Schools: A Planning Guide for Action, 2002  
The Appropriate and Effective Use of Security Technologies in U.S. Schools:  
A Guide for Schools and Law Enforcement Agencies, rev. 2005  
U.S. Department of Education, Protecting Student Privacy -  
<https://simbli.eboardsolutions.com/SU/GNvVR5HO1z1slshpN79CN8BQ==>  
National Institute of Justice -  
<https://simbli.eboardsolutions.com/SU/OJiCljdjfhnpHtlp5dK0Kwg==>  
National School Safety Center -  
<https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXplMccKw==>  
California Department of Education, Safe Schools -  
<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>  
CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

### Description

Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>  
Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>  
Visitors/Outsiders -  
<https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==>  
Visitors/Outsiders -  
<https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==>  
Concepts And Roles -  
<https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==>  
Inventories -  
<https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==>  
Disruptions -  
<https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==>  
Disruptions -  
<https://simbli.eboardsolutions.com/SU/l8RKMawepXwJIKODuncGAw==>  
Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==>  
Firearms On School Grounds -  
<https://simbli.eboardsolutions.com/SU/VYQ2JezJO6lzOvah9mvSQ==>

3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYTgqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYTgqMDwjJm9DVL8MA==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==">https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==</a>
3530	Risk Management/Insurance - <a href="https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==">https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==</a>
4119.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==">https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKK8eqAV4yg==">https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKK8eqAV4yg==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==">https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==">https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==</a>
4219.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==">https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==">https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==</a>
4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==">https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==</a>
4331	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==">https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCppgkJijg==">https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCppgkJijg==</a>
5112.5	Open/Closed Campus - <a href="https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==">https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==">https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==">https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelPHA==">https://simbli.eboardsolutions.com/SU/nBIMDQybeRKnOHPijelPHA==</a>
5125.1	Release Of Directory Information - <a href="https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==">https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYtYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYtYU921plus82AxQexMSiKMA==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==">https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==">https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==">https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==</a>

5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgyMpslshoiHQ==">https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgyMpslshoiHQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==">https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPyvvICkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPyvvICkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==">https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==">https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFEQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFEQKa2zCpQ==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==">https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==">https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==</a>
7111	Evaluating Existing Buildings - <a href="https://simbli.eboardsolutions.com/SU/wzeEJOu6LpF9TQBwZwXTQQ==">https://simbli.eboardsolutions.com/SU/wzeEJOu6LpF9TQBwZwXTQQ==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==</a>

## Policy 3515.3: District Police/Security Department

Status: DRAFT

Original Adopted Date: Pending

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

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

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

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

(Security Department)

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

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

### Conduct of Officers

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

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

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

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

### Records

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

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

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

### State References

Bus. Code 7583-7583.4  
Ed. Code 35021.5  
Ed. Code 38000-38005  
Ed. Code 39672  
Ed. Code 45122.1  
Ed. Code 49079  
Fam. Code 6240-6274  
Gov. Code 3300-3312  
Gov. Code 8597-8598  
Pen. Code 12028.5  
Pen. Code 13510-13519.9  
Pen. Code 13700-13702  
Pen. Code 290.45  
Pen. Code 646.91  
Pen. Code 830-832.9  
Pen. Code 830.32

### Description

Private patrol operators - <https://simbli.eboardsolutions.com/SU/kBDCgRBUWNpP7GLr6TxJHw==>  
School police reserve corps  
Security departments  
School peace officers, fingerprinting  
Classified employees, conviction of a violent or serious felony  
Notification to teacher; student act constituting grounds for suspension or expulsion  
Emergency protective orders  
Public safety officers, rights and protections  
Peace officers  
Taking custody of weapons  
Standards for recruitment and training  
Response to domestic violence  
Sex offenders, authority of peace officers  
Emergency protective order for stalking  
Peace officers  
School district and community college police

Pen. Code 830.6	Reserve police officers, powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
Pen. Code 836	Peace officers; warrants
W&I Code 707	List of crimes
W&I Code 828-828.1	Disclosure of information re minors by law enforcement agency

### Management Resources References

California Department of Education Publication

Court Case

Website

Website

Website

### Cross References

0450  
0450  
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3515.2  
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4112.4  
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4112.5-E(1)  
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4219.43  
4219.43  
4258  
4312.4  
4312.5  
4312.5-E(1)  
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4319.43  
4319.43  
4358

### Description

Safe Schools: A Planning Guide for Action, 2002

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

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

Attorney General's Office, Crime and Violence Prevention Center - <https://simbli.eboardsolutions.com/SU/39pJjvdP0qJO2kAkdd3h8A==>

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

### Description

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>  
Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/qZV7UqOUTa6fu4JQDmEslsh5g==>  
Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==>  
Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/IozntKyUEVTuEwcqK7gFTw==>  
Campus Security - <https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==>  
Disruptions - <https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==>  
Disruptions - <https://simbli.eboardsolutions.com/SU/I8RKMAwepXwJIKODuncGAw==>  
Recovery For Property Loss Or Damage - <https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==>  
Criminal Background Checks For Contractors - <https://simbli.eboardsolutions.com/SU/6NORWZVUbKQw0W2HTslshcINA==>  
Firearms On School Grounds - <https://simbli.eboardsolutions.com/SU/VYQ2JezJO6IzOvah9mvSQ==>  
Health Examinations - <https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/3P09wyFbXplus4VEYWbAjdQrw==>  
Personnel Files - <https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==>  
Employee Security - <https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==>  
Classified Personnel - <https://simbli.eboardsolutions.com/SU/9190lmGyhOxru3lNkmtmOg==>  
Recruitment And Selection - <https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==>  
Appointment And Conditions Of Employment - <https://simbli.eboardsolutions.com/SU/VCQ6GPJq0bw3mpPvkXF2slshg==>  
Health Examinations - <https://simbli.eboardsolutions.com/SU/UplusyEUuDoIplusQdeSd0HGnnMg==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/oh3rdA8IZ0yz1FP4esRjBg==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/4znoK8Wbgb6NPQqqsWiVK5w==>  
Personnel Files - <https://simbli.eboardsolutions.com/SU/plusz18lfjwhNBmtLe5GvL59A==>  
Evaluation/Supervision - <https://simbli.eboardsolutions.com/SU/Q0plusAPQXtrFrE5dqwAsBp9g==>  
Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==>  
Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCra==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==>  
Employee Security - <https://simbli.eboardsolutions.com/SU/AfuKAeTga4iIOnYXFTDwDg==>  
Health Examinations - <https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/trv9WTDcmarPQnhQEg0nHw==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==>  
Personnel Files - <https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/VUIGSwOeV4CxaaW4YKtTw==>  
Employee Security - <https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpgkJjig==>

5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1EarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1EarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kjVlsishQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kjVlsishQKYzslshVslshyLkw==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNlqyypmupAc0pDJJng==">https://simbli.eboardsolutions.com/SU/SffkNlqyypmupAc0pDJJng==</a>
5142.1	Identification And Reporting Of Missing Children - <a href="https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==">https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==">https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>

**Regulation 3515.3: District Police/Security Department**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

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

**Qualifications of Security Officers**

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

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

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

**Equipment**

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

**Use of Force**

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

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

**Disciplinary Action**

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

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

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

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**State References**

Bus. Code 7583-7583.4  
Ed. Code 35021.5  
Ed. Code 38000-38005  
Ed. Code 39672  
Ed. Code 45122.1  
Ed. Code 49079  
Fam. Code 6240-6274  
Gov. Code 3300-3312  
Gov. Code 8597-8598  
Pen. Code 12028.5  
Pen. Code 13510-13519.9  
Pen. Code 13700-13702  
Pen. Code 290.45  
Pen. Code 646.91  
Pen. Code 830-832.9  
Pen. Code 830.32

**Description**

Private patrol operators - <https://simbli.eboardsolutions.com/SU/kBDCgRBUWNgP7GLr6TxJHw==>  
School police reserve corps  
Security departments  
School peace officers, fingerprinting  
Classified employees, conviction of a violent or serious felony  
Notification to teacher; student act constituting grounds for suspension or expulsion  
Emergency protective orders  
Public safety officers, rights and protections  
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Taking custody of weapons  
Standards for recruitment and training  
Response to domestic violence  
Sex offenders, authority of peace officers  
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Pen. Code 830.6	Reserve police officers, powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
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W&I Code 707	List of crimes
W&I Code 828-828.1	Disclosure of information re minors by law enforcement agency

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California Department of Education Publication

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4112.5-E(1)  
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4212.5-E(1)  
4212.6  
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4312.4  
4312.5  
4312.5-E(1)  
4312.6  
4319.43  
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### Description

Safe Schools: A Planning Guide for Action, 2002

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

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

Attorney General's Office, Crime and Violence Prevention Center - <https://simbli.eboardsolutions.com/SU/39pJjvdP0qJO2kAkdd3h8A==>

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

### Description

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>  
Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/qZV7UqOUTa6fu4JQDmEslsh5g==>  
Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==>  
Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/IozntKyUEVTuEwcqK7gFTw==>  
Campus Security - <https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==>  
Disruptions - <https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==>  
Disruptions - <https://simbli.eboardsolutions.com/SU/I8RKMAwepXwJIKODuncGAW==>  
Recovery For Property Loss Or Damage - <https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==>  
Criminal Background Checks For Contractors - <https://simbli.eboardsolutions.com/SU/6NORWZVUbKQw0W2HTslshcINA==>  
Firearms On School Grounds - <https://simbli.eboardsolutions.com/SU/VYQ2JezJO6IzOvah9mvSQ==>  
Health Examinations - <https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/dPpXsdorwqecSSz0slshTByH7g==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/3P09wyFbXplus4VEYWbAjdQrw==>  
Personnel Files - <https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==>  
Employee Security - <https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==>  
Classified Personnel - <https://simbli.eboardsolutions.com/SU/9190lmGyhOxru3lNkmtmOg==>  
Recruitment And Selection - <https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==>  
Appointment And Conditions Of Employment - <https://simbli.eboardsolutions.com/SU/VCQ6GPJq0bw3mpPvkXF2slshg==>  
Health Examinations - <https://simbli.eboardsolutions.com/SU/UplusyEUuDoIplusQdeSd0HGnnMg==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/oh3rdA8IZ0yz1FP4esRjBg==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/4znoK8Wbgb6NPQqqsWiVK5w==>  
Personnel Files - <https://simbli.eboardsolutions.com/SU/plusz18lfjwhNBmtLe5GvL59A==>  
Evaluation/Supervision - <https://simbli.eboardsolutions.com/SU/Q0plusAPQXtrFrE5dqwAsBp9g==>  
Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==>  
Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCra==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==>  
Employee Security - <https://simbli.eboardsolutions.com/SU/AfuKAeTga4iIOnYXFTDwDg==>  
Health Examinations - <https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/trv9WTdCmarRPQnhQEg0nHw==>  
Criminal Record Check - <https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==>  
Personnel Files - <https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==>  
Universal Precautions - <https://simbli.eboardsolutions.com/SU/VUIGSwOeV4CxaaW4YKtTw==>  
Employee Security - <https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpgkJjig==>

5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==">https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/cloDY1EarL8O01PyPYplusZ3g==">https://simbli.eboardsolutions.com/SU/cloDY1EarL8O01PyPYplusZ3g==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/hFj9y0kjVlsishQKYzslshVslshyLkw==">https://simbli.eboardsolutions.com/SU/hFj9y0kjVlsishQKYzslshVslshyLkw==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==">https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==">https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNlqyypmupAc0pDJJng==">https://simbli.eboardsolutions.com/SU/SffkNlqyypmupAc0pDJJng==</a>
5142.1	Identification And Reporting Of Missing Children - <a href="https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==">https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==">https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==">https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==</a>

**Policy 3530: Risk Management/Insurance**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020

The Governing Board desires to promote the safety of students, staff, and the public while protecting Eden Area Regional Occupational Program (Eden Area ROP) resources. The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices.

The Eden Area ROP shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection against loss which may occur due to hazards facing the Eden Area ROP.

To determine the most economical means of insuring the Eden Area ROP consistent with required services, the Superintendent or designee shall annually review the Eden Area ROP 's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance, or a combination of these means. Decisions regarding the means of insuring the Eden Area ROP shall be based on a careful analysis of past claims records indicating the frequency and magnitude of losses and a prediction of future losses.

To minimize the Eden Area ROP's exposure to liability, the Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall enforce these policies and related procedures fairly and consistently. The Superintendent or designee shall provide safety-related training and protective equipment to staff as appropriate for their position.

The Superintendent or designee shall periodically report to the Board on the Eden Area ROP's risk management activities, including, but not limited to, the Eden Area ROP's property and liability risks and exposures and the effectiveness of the Eden Area ROP 's risk management and loss control 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**

**Description**

Ed. Code 17029.5	Contract funding; board liability - <a href="https://simbli.eboardsolutions.com/SU/98slsh1GqFP4cptRWWFMJy1IQ==">https://simbli.eboardsolutions.com/SU/98slsh1GqFP4cptRWWFMJy1IQ==</a>
Ed. Code 17565-17592	Board duties re property maintenance and control
Ed. Code 32350	Liability on equipment loaned to district
Ed. Code 35162	Power to sue, be sued, hold and convey property
Ed. Code 35200-35214	Liabilities
Ed. Code 35208	Liability insurance
Ed. Code 35211	Driver training civil liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 35214	Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
Ed. Code 35331	Provision for medical or hospital service for pupils (on field trips)
Ed. Code 39837	Transportation to summer employment program
Ed. Code 41021	Requirement for employee's indemnity bond
Ed. Code 44873	Qualifications for physician (liability coverage)
Ed. Code 49470-49474	District medical services and insurance
Gov. Code 820.9	Members of local public boards not vicariously liable
Gov. Code 831.7	Hazardous recreational activities
Gov. Code 989-991.2	Local public entity insurance
Lab. Code 3200-4855	Workers' compensation

**Cross References****Description**

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==">https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==">https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==</a>
3000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==">https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==</a>
3314.2	Revolving Funds - <a href="https://simbli.eboardsolutions.com/SU/xDGvZXyTHIRO2OFs7h64plusg==">https://simbli.eboardsolutions.com/SU/xDGvZXyTHIRO2OFs7h64plusg==</a>
3430	Investing - <a href="https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==">https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==</a>
3440	Inventories - <a href="https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==">https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==</a>
3452	Student Activity Funds - <a href="https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==">https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==</a>
3512	Equipment - <a href="https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==">https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==</a>
3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==">https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==</a>
3514	Environmental Safety - <a href="https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==">https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==">https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxES3VyoOg==">https://simbli.eboardsolutions.com/SU/2hidvIno9FVKAxES3VyoOg==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==</a>
3515.21	Unmanned Aircraft Systems (Drones) - <a href="https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==">https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==</a>
3515.4	Recovery For Property Loss Or Damage - <a href="https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQ==">https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQ==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
3541.1	Transportation For School-Related Trips - <a href="https://simbli.eboardsolutions.com/SU/07B0hURbp4lCUdX52eipMQ==">https://simbli.eboardsolutions.com/SU/07B0hURbp4lCUdX52eipMQ==</a>
3541.1-E(1)	Transportation For School-Related Trips - <a href="https://simbli.eboardsolutions.com/SU/ARSeO4qugrdLx3pyTg4T8A==">https://simbli.eboardsolutions.com/SU/ARSeO4qugrdLx3pyTg4T8A==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/tA8Nrxn4fwhdPnt5IFP14w==">https://simbli.eboardsolutions.com/SU/tA8Nrxn4fwhdPnt5IFP14w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==">https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==</a>
4113.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==">https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==</a>

4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==">https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==">https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==</a>
4119.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==">https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CslshfDPq6lA==">https://simbli.eboardsolutions.com/SU/yplusZQkNPplusVgJ1CslshfDPq6lA==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/pshcIC7wzn1rm5QJ2w4a0g==">https://simbli.eboardsolutions.com/SU/pshcIC7wzn1rm5QJ2w4a0g==</a>
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWl0slshmNzKw==">https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWl0slshmNzKw==</a>
4132	Publication Or Creation Of Materials - <a href="https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbtnHVJ9QTsk1w==">https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbtnHVJ9QTsk1w==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslsghppplusNU8Ha2g==">https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslsghppplusNU8Ha2g==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusOj2itiw==">https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusOj2itiw==</a>
4156.3	Employee Property Reimbursement - <a href="https://simbli.eboardsolutions.com/SU/jsKplusBlouvUYlvzXfyfN3tA==">https://simbli.eboardsolutions.com/SU/jsKplusBlouvUYlvzXfyfN3tA==</a>
4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==">https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==</a>
4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/NUi9lJnCBslshj1GBQM8Xslsh95A==">https://simbli.eboardsolutions.com/SU/NUi9lJnCBslshj1GBQM8Xslsh95A==</a>
4157.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/eapplus8slsha90VEMYhONwpP4W6Q==">https://simbli.eboardsolutions.com/SU/eapplus8slsha90VEMYhONwpP4W6Q==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==">https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==</a>
4213.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==">https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==">https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==">https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==</a>
4219.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==">https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==">https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==">https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==</a>
4219.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/6EMCiTQOZEIEGxk31LqzAQ==">https://simbli.eboardsolutions.com/SU/6EMCiTQOZEIEGxk31LqzAQ==</a>
4232	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/HKsd8plusLyzRFYlbsZJslshHMw==">https://simbli.eboardsolutions.com/SU/HKsd8plusLyzRFYlbsZJslshHMw==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/CSLIbrhNraqTMiUivWKcAA==">https://simbli.eboardsolutions.com/SU/CSLIbrhNraqTMiUivWKcAA==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==">https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==</a>
4256.3	Employee Property Reimbursement - <a href="https://simbli.eboardsolutions.com/SU/goaCVX6Pm0HuQ26AiJ0PGA==">https://simbli.eboardsolutions.com/SU/goaCVX6Pm0HuQ26AiJ0PGA==</a>

4257	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==">https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==</a>
4257	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/VO4JacyT52vMpFQtlYnupQ==">https://simbli.eboardsolutions.com/SU/VO4JacyT52vMpFQtlYnupQ==</a>
4257.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/tAof7vbCgzvdDutAAPbRCg==">https://simbli.eboardsolutions.com/SU/tAof7vbCgzvdDutAAPbRCg==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/AfuKAeTga4iOnYXFTDwDg==">https://simbli.eboardsolutions.com/SU/AfuKAeTga4iOnYXFTDwDg==</a>
4313.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/3FlczQKjslshF0xWHoNT6wyTQ==">https://simbli.eboardsolutions.com/SU/3FlczQKjslshF0xWHoNT6wyTQ==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/AXmklsIsH6ESRrrr2slpOw==">https://simbli.eboardsolutions.com/SU/AXmklsIsH6ESRrrr2slpOw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==">https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==</a>
4319.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==">https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==">https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/SkmJzMjG76R7fVH4lcJBQ==">https://simbli.eboardsolutions.com/SU/SkmJzMjG76R7fVH4lcJBQ==</a>
4319.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==">https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==</a>
4332	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/63bMplusgqDtJ4qX5xg6F8Xwg==">https://simbli.eboardsolutions.com/SU/63bMplusgqDtJ4qX5xg6F8Xwg==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==">https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==">https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==</a>
4356.3	Employee Property Reimbursement - <a href="https://simbli.eboardsolutions.com/SU/ZcplusY7tKSUbomMWbu4FuJbQ==">https://simbli.eboardsolutions.com/SU/ZcplusY7tKSUbomMWbu4FuJbQ==</a>
4357	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==">https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==</a>
4357	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/LQIMthUd3bBwKMxWIEdPKg==">https://simbli.eboardsolutions.com/SU/LQIMthUd3bBwKMxWIEdPKg==</a>
4357.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/xELGWyNkwxwK9IGpbRRLJw==">https://simbli.eboardsolutions.com/SU/xELGWyNkwxwK9IGpbRRLJw==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkLjig==">https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkLjig==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==</a>
5131.61	Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==">https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Sntz1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Sntz1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAcOpDJJng==">https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAcOpDJJng==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>

5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkjf9hFwJDlhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkjf9hFwJDlhUw==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJRDmIpgi15Ja3ktA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggbRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggbRzyCdRgcBmA==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcm9LYvUlplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcm9LYvUlplusqAHSqmQO2etA==</a>
6162.6	Use Of Copyrighted Materials - <a href="https://simbli.eboardsolutions.com/SU/KGOZjglkMPmOrvAslshEI88rQ==">https://simbli.eboardsolutions.com/SU/KGOZjglkMPmOrvAslshEI88rQ==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQToow==">https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQToow==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==">https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==</a>
9260	Legal Protection - <a href="https://simbli.eboardsolutions.com/SU/slsh3oGM4uPRVMq7XB4uslshlshGg==">https://simbli.eboardsolutions.com/SU/slsh3oGM4uPRVMq7XB4uslshlshGg==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplUSDNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplUSDNMSVOXcjS490DMe4c0w==</a>

**Regulation 3530: Risk Management/Insurance**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020

**Risk Management**

The Superintendent or designee, in consultation with risk management, insurance, safety, or other professionals as appropriate, shall:

1. Identify the risks inherent in Eden Area Regional Occupational Program (Eden Area ROP) operations and programs, including physical sites, educational and experiential programs, computer networks and systems, employment and staffing, and transportation services, using methods that may include, but are not limited to, physical inspections, surveys, staff interviews, compliance reviews, contract reviews, review of policies and procedures, and consultation with experts
2. Analyze, evaluate, and prioritize identified risks based on the frequency and likelihood of the risk and the potential impact to the Eden Area ROP
3. Develop strategies to reduce or mitigate identified risks, such as new or modified policies, processes, or procedures; training or loss prevention programs; and/or additional or repairs to equipment, real property, computer networks, or other physical assets
4. Implement strategies to promote safety and prevent loss, taking into account the nature of the risks, the associated exposures, and the costs and benefits associated with the proposed response
5. Mitigate potential loss following an incident through activities such as effective claims management, litigation management, disaster recovery, or a modified duty program for workers' compensation

The Superintendent or designee shall advise the Governing Board of any needed action requiring Board approval.

Following any incident resulting in potential or actual harm or injury to a person or damage to property, staff shall promptly document the date and time of the incident, a description of the incident, and any persons present.

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

**Insurance**

Insurance or risk pooled coverage shall include, but not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. Insurance against fire or other property damage (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)
4. Fidelity bond insurance for employees whose duty includes handling Eden Area ROP funds, and other employees as needed (Education Code 41021)

**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 17029.5

Ed. Code 17565-17592

Ed. Code 32350

**Description**

Contract funding; board liability -

<https://simbli.eboardsolutions.com/SU/98slsh1GqFP4cptRWWFMJy1IQ==>

Board duties re property maintenance and control

Liability on equipment loaned to district

Ed. Code 35162	Power to sue, be sued, hold and convey property
Ed. Code 35200-35214	Liabilities
Ed. Code 35208	Liability insurance
Ed. Code 35211	Driver training civil liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 35214	Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
Ed. Code 35331	Provision for medical or hospital service for pupils (on field trips)
Ed. Code 39837	Transportation to summer employment program
Ed. Code 41021	Requirement for employee's indemnity bond
Ed. Code 44873	Qualifications for physician (liability coverage)
Ed. Code 49470-49474	District medical services and insurance
Gov. Code 820.9	Members of local public boards not vicariously liable
Gov. Code 831.7	Hazardous recreational activities
Gov. Code 989-991.2	Local public entity insurance
Lab. Code 3200-4855	Workers' compensation

## Cross References

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==">https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==">https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==">https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==">https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==</a>
3000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==">https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==</a>
3314.2	Revolving Funds - <a href="https://simbli.eboardsolutions.com/SU/xDGvZXYtHIRO2OFs7h64plusg==">https://simbli.eboardsolutions.com/SU/xDGvZXYtHIRO2OFs7h64plusg==</a>
3430	Investing - <a href="https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==">https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==</a>
3440	Inventories - <a href="https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==">https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==</a>
3452	Student Activity Funds - <a href="https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkMVw==">https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkMVw==</a>
3512	Equipment - <a href="https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==">https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==</a>
3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/QBAtHzMbORG1k62wZkQ2Aw==">https://simbli.eboardsolutions.com/SU/QBAtHzMbORG1k62wZkQ2Aw==</a>
3514	Environmental Safety - <a href="https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==">https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzaoOUQrg==">https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzaoOUQrg==</a>
3514.1	Hazardous Substances - <a href="https://simbli.eboardsolutions.com/SU/2hidvln09FVKAxFS3VyoOg==">https://simbli.eboardsolutions.com/SU/2hidvln09FVKAxFS3VyoOg==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypjEw==">https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypjEw==</a>

3515.21	Unmanned Aircraft Systems (Drones) - <a href="https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==">https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==</a>
3515.4	Recovery For Property Loss Or Damage - <a href="https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==">https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==">https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==</a>
3516	Emergencies And Disaster Preparedness Plan - <a href="https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==">https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==</a>
3541.1	Transportation For School-Related Trips - <a href="https://simbli.eboardsolutions.com/SU/07B0hURbp4lCUdX52eipMQ==">https://simbli.eboardsolutions.com/SU/07B0hURbp4lCUdX52eipMQ==</a>
3541.1-E(1)	Transportation For School-Related Trips - <a href="https://simbli.eboardsolutions.com/SU/ARSeO4qugrdLx3pyTg4T8A==">https://simbli.eboardsolutions.com/SU/ARSeO4qugrdLx3pyTg4T8A==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==">https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==">https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==</a>
4113.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==">https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==">https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4ft29FNg==">https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4ft29FNg==</a>
4119.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==">https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/ypplusZQkNPplusVgJ1CslshlfdPq6lA==">https://simbli.eboardsolutions.com/SU/ypplusZQkNPplusVgJ1CslshlfdPq6lA==</a>
4119.42	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/pshclC7wn1rm5QJ2w4a0g==">https://simbli.eboardsolutions.com/SU/pshclC7wn1rm5QJ2w4a0g==</a>
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWl0slshmnzKw==">https://simbli.eboardsolutions.com/SU/IEJtSpUs82NDYWl0slshmnzKw==</a>
4132	Publication Or Creation Of Materials - <a href="https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbthHVJ9QTsk1w==">https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbthHVJ9QTsk1w==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==">https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusOj2itiw==">https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusOj2itiw==</a>
4156.3	Employee Property Reimbursement - <a href="https://simbli.eboardsolutions.com/SU/jsKplusBlouvUYlvzXfyfN3tA==">https://simbli.eboardsolutions.com/SU/jsKplusBlouvUYlvzXfyfN3tA==</a>
4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==">https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==</a>
4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/NUi9lJnCBslshj1GBQM8Xslsh95A==">https://simbli.eboardsolutions.com/SU/NUi9lJnCBslshj1GBQM8Xslsh95A==</a>
4157.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/eapplus8slsha90VEMYhONwpP4W6Q==">https://simbli.eboardsolutions.com/SU/eapplus8slsha90VEMYhONwpP4W6Q==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==">https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==</a>
4213.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==">https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==">https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==</a>

4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==">https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==</a>
4219.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==">https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==">https://simbli.eboardsolutions.com/SU/FprMQVUplus9slshFXSbTixlrN1g==</a>
4219.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==">https://simbli.eboardsolutions.com/SU/MNfPF6jY2btmGmbXT3vPJg==</a>
4219.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/6EMCiTQOZEIEGxk31LqzAQ==">https://simbli.eboardsolutions.com/SU/6EMCiTQOZEIEGxk31LqzAQ==</a>
4232	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/HKsd8plusLyzRFYlBsZJjslshHMw==">https://simbli.eboardsolutions.com/SU/HKsd8plusLyzRFYlBsZJjslshHMw==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTMiUivWKcAA==">https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTMiUivWKcAA==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==">https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==</a>
4256.3	Employee Property Reimbursement - <a href="https://simbli.eboardsolutions.com/SU/goaCVX6Pm0HuQ26AiJ0PGA==">https://simbli.eboardsolutions.com/SU/goaCVX6Pm0HuQ26AiJ0PGA==</a>
4257	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==">https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VejXVw==</a>
4257	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/VO4JacyT52vMpFQTLynupQ==">https://simbli.eboardsolutions.com/SU/VO4JacyT52vMpFQTLynupQ==</a>
4257.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/tAof7vbCgzvdDutAAPbRCg==">https://simbli.eboardsolutions.com/SU/tAof7vbCgzvdDutAAPbRCg==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/AfuKAeTga4iOnYXFtDwDg==">https://simbli.eboardsolutions.com/SU/AfuKAeTga4iOnYXFtDwDg==</a>
4313.4	Temporary Modified/Light-Duty Assignment - <a href="https://simbli.eboardsolutions.com/SU/3FIczQKjslshF0xWHoNT6wyTQ==">https://simbli.eboardsolutions.com/SU/3FIczQKjslshF0xWHoNT6wyTQ==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRrrr2slpOw==">https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRrrr2slpOw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==">https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==</a>
4319.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==">https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==">https://simbli.eboardsolutions.com/SU/eq9EslshVu2hGxovkvPBTaYOA==</a>
4319.42	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/SkmJjzMjG76R7fVH4lcJBQ==">https://simbli.eboardsolutions.com/SU/SkmJjzMjG76R7fVH4lcJBQ==</a>
4319.42-E(1)	Exposure Control Plan for Bloodborne Pathogens - <a href="https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==">https://simbli.eboardsolutions.com/SU/m41iaJcGUrJkqE2rcNZJTg==</a>
4332	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/63bMplusgqDtJ4qX5xg6F8Xwg==">https://simbli.eboardsolutions.com/SU/63bMplusgqDtJ4qX5xg6F8Xwg==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==">https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==">https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==</a>
4356.3	Employee Property Reimbursement - <a href="https://simbli.eboardsolutions.com/SU/ZcplusY7tKSUbomMWbu4FuJbQ==">https://simbli.eboardsolutions.com/SU/ZcplusY7tKSUbomMWbu4FuJbQ==</a>
4357	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==">https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==</a>

4357	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/LQIMthUd3bBwKMxWIEdPKg==">https://simbli.eboardsolutions.com/SU/LQIMthUd3bBwKMxWIEdPKg==</a>
4357.1	Work-Related Injuries - <a href="https://simbli.eboardsolutions.com/SU/xELGWyNkwxwK9IGpbRRLJw==">https://simbli.eboardsolutions.com/SU/xELGWyNkwxwK9IGpbRRLJw==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkLjg==">https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkLjg==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==">https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==</a>
5131.1	Bus Conduct - <a href="https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==">https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==</a>
5131.61	Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==">https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==">https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/SffkNIqyympupAcOpDJJng==">https://simbli.eboardsolutions.com/SU/SffkNIqyympupAcOpDJJng==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==">https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==">https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==">https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==</a>
5142	Safety - <a href="https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==">https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==">https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==">https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==">https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==">https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==">https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==</a>
6153	School-Sponsored Trips - <a href="https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==">https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==</a>
6162.6	Use Of Copyrighted Materials - <a href="https://simbli.eboardsolutions.com/SU/KGOZjglkMPmOrvAslshEI88rQ==">https://simbli.eboardsolutions.com/SU/KGOZjglkMPmOrvAslshEI88rQ==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==">https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==</a>
6163.2	Animals At School - <a href="https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==">https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQTtoow==">https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQTtoow==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==">https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==</a>
9260	Legal Protection - <a href="https://simbli.eboardsolutions.com/SU/slsh3oGM4uPRVMq7XB4uslshslshGg==">https://simbli.eboardsolutions.com/SU/slsh3oGM4uPRVMq7XB4uslshslshGg==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==">https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==</a>

**Policy 3600: Consultants**

**Status:** DRAFT

**Original Adopted Date:** 03/05/2020

The Governing Board authorizes the use of consultants and other independent contractors to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by Eden Area Regional Occupational Program (Eden Area ROP) staff because of limitations of time, experience, or knowledge. Individuals, firms, or organizations employed as independent contractors may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional, or other matters.

As part of the contract process, the Superintendent or designee shall determine that the individual, firm, or organization is properly classified as an independent contractor.

A person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the Eden Area ROP is able to demonstrate that all of the following conditions have been met: (Labor Code 2775)

1. The person is free from the control and direction of the Eden Area ROP in connection with the performance of the work.
2. The person is performing work that is outside the usual course of the Eden Area ROP providing educational services.
3. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as the work to be performed.

The determination of whether an individual acting as a sole proprietor or a firm or other business organization is an independent contractor shall be made in accordance with Labor Code 2775-2785, as applicable.

All consultant contracts shall be brought to the Board for approval.

All qualified independent contractors shall be accorded equal opportunity for contracts regardless of actual or perceived race, ethnicity, color, national origin, ancestry, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, immigration status, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 220; Government Code 12940)

Independent contractors shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend approval of the contract.

Any consultant hired by the Eden Area ROP who is subject to the filing requirements in the Eden Area ROP's conflict of interest code shall file a Statement of Economic Interests within the time period required by law. (Government Code 87302)

When employees of a public university, county office of education, or other public agency serve as consultants or independent contractors in other capacities for the Eden Area ROP, they shall certify as part of the agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for the Eden Area ROP.

The Board prohibits the harassment of an independent contractor by any Eden Area ROP employee or by any other person with whom the independent contractor comes in contact during the course of employment with the Eden Area ROP. Additionally, the Board prohibits the harassment of an Eden Area ROP employee by an independent contractor. Any complaint of harassment shall be investigated and resolved in accordance with applicable Eden Area ROP complaint procedures. (Government Code 12940)

policy.

### State References

2 CCR 18700-18760

Ed. Code 10400-10407

Ed. Code 17596

Ed. Code 220

Ed. Code 35010

Ed. Code 35172

Ed. Code 35204

Ed. Code 44925

Ed. Code 45103

Ed. Code 45103.5

Ed. Code 45134-45135

Ed. Code 45256

Gov. Code 12940-12952

Gov. Code 53060

Gov. Code 82019

Gov. Code 87300-87313

Lab. Code 2750.3

Unemp. Ins. Code 606.5

Unemp. Ins. Code 621

### Management Resources References

Court Decision

Court Decision

### Cross References

0415

3312

3515.6

4030

4030

### Description

Conflicts of Interest -

<https://simbli.eboardsolutions.com/SU/h6CnVsMHk2STR4xUUmlXdQ==>

Cooperative improvement programs -

<https://simbli.eboardsolutions.com/SU/7fvn0nUuu7rwqQl0ax6FRA==>

Limit on continuing contracts

Prohibition of discrimination

Control of district; prescription and enforcement of rules

Promotional activities

Contract with attorney in private practice

Part-time readers employed as independent contractors

Classified service in districts not incorporating the merit system

Contracts for management consulting services; restrictions

Employment of retired classified employee

Merit system districts; classified service; positions established for professional experts on a temporary basis

Unlawful employment practices

Special services and advice

Definition, designated employee -

<https://simbli.eboardsolutions.com/SU/zplus8Q3o2R2NLwPmnxGAmkxg==>

Conflict of interest code -

<https://simbli.eboardsolutions.com/SU/YaObxMYA749OVplusgURs6YDA==>

ABC three-part test: employees and independent contractors

Determination of employment status -

<https://simbli.eboardsolutions.com/SU/vunJ6ZjAgfPAIsPuyTf9slshA==>

Employer and employee defined -

<https://simbli.eboardsolutions.com/SU/OZhUQFP2kaV5yBqJXD8TgQ==>

### Description

Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal. 5th 903

S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal. 3d 341

### Description

Equity -

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

Contracts -

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

Criminal Background Checks For Contractors -

<https://simbli.eboardsolutions.com/SU/6N0RWZVUbKQw0W2HTslshclINA==>

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/tA8Nrxn4fwhdPnt5IEP14w==>

Nondiscrimination In Employment -

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

4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==">https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==">https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==</a>
4119.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==">https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==</a>
4132	Publication Or Creation Of Materials - <a href="https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbtnHVJ9QTsk1w==">https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbtnHVJ9QTsk1w==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==">https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==">https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==</a>
4219.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==">https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==</a>
4232	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/HKsd8plusLyzRFYlbsZJjslshHMw==">https://simbli.eboardsolutions.com/SU/HKsd8plusLyzRFYlbsZJjslshHMw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/AXmklsishE6ESRtrrr2slIpOw==">https://simbli.eboardsolutions.com/SU/AXmklsishE6ESRtrrr2slIpOw==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==">https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==</a>
4319.11-E(1)	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==">https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==</a>
4332	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/63bMplusgqDtJ4qX5xg6F8Xwg==">https://simbli.eboardsolutions.com/SU/63bMplusgqDtJ4qX5xg6F8Xwg==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==">https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==</a>
9270-E(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==">https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==</a>

**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the 2021-2022 First Interim Report

## **BACKGROUND**

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The First Interim Report reflects revenues and expenditures as of October 31, 2021. The report was prepared and reviewed in accordance with all federal, state and local adopted criteria and standards using Local Control Funding Formula (LCFF) and Local Control Action Plan (LCAP).

The District Board of Education shall certify in writing whether or not Eden Area ROP is able to meet its financial obligations for the remainder of the 2020-2021 fiscal year and, based on current forecasts, for the next two subsequent fiscal years 2021-2022 and 2022-2023, respectively. The certifications shall be classified as either positive, qualified, or negative, pursuant to standards and criteria adopted by the State Board of Education (Education Code 33127). Eden Area ROP is certifying a positive certification, and that staff prepared the report, along with assumptions using the School Services of California (SSC) Inc. Dartboard as well as Alameda County Office of Education (ACOE) guidelines. In certifying the 2021-2022 First Interim Report as positive, the Board understands its fiduciary responsibility to maintain fiscal solvency for the current and the two subsequent fiscal years.

The report confirms the Eden Area ROP's ability to meet all financial obligations for the current fiscal year 2021-2022 and two subsequent fiscal years 2022-2023 and 2023-2024. Finally, the Eden Area ROP continues to meet and exceed AB 1200 requirements. The report is included under separate cover and is available for review by the public upon request.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the 2021-2022 First Interim Report.

**DATE:** November 4, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** 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

## **BACKGROUND**

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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**

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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 6 21/22 would enable the Eden Area ROP to hold virtual Governing Board meetings.

## **RECOMMENDATION**

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It is recommended that the Governing Board 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.

# EdenAreaROP

## RESOLUTION NO. 6-21/22

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### 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, 2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. Effective Date of Resolution. This Resolution shall take effect December 10, 2021, and shall be effective until the earlier of (i) January 9, 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 9<sup>th</sup> day of December 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Ongoing Agreement with Infinite Campus for Student Information System Services for the High School Programs

## **BACKGROUND**

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With the reporting demands needed for current grants and future grant opportunities, a more robust student information system is needed. There have been several unsuccessful efforts to identify a student information system that will meet the needs of the organization.

## **CURRENT SITUATION**

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The Eden Area ROP currently utilizes "Socrates" Student Information System to track student attendance and grades for the center students. Off-site student program information is also imported into the system to track total enrollment in programs. This system does not have the capability of meeting all of our data needs. For example, work-based learning data is currently maintained in a separate spreadsheet, switching to a student information system that can also store work-based learning experiences will enable the organization to track experiences by student, as required for the CTE Incentive grant.

One time set up fees and training will cost \$45,200 and annual fees for maintaining the system will cost \$43,750

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the ongoing agreement with Infinite Campus for student information system services for the high school programs.

# INFINITE CAMPUS END USER LICENSE AGREEMENT

This Infinite Campus End User License Agreement (“Agreement”) is made between Infinite Campus, Inc., a Minnesota corporation located at 4321 109<sup>th</sup> Ave NE, Blaine, MN 55449-6794 (“Infinite Campus”) and:

(“Licensee”)

Name: Eden Area ROP

Address: 26316 Hesperian Blvd Hayward, CA 94545

## RECITALS

- A. Infinite Campus has developed certain proprietary student information software and documentation, which is updated and revised by Infinite Campus from time to time, and Infinite Campus has licensed from third parties, or developed other products and services, as offered by Infinite Campus, and amended from time to time (collectively, the “Infinite Campus Products”);
- B. Infinite Campus, or an Infinite Campus Authorized Channel Partner, may provide certain services for Infinite Campus Products, including software implementation services, software maintenance services, training services, data conversion services, project management services, product support services, technical support services and application hosting services (collectively, the “Infinite Campus Services”); and
- C. Infinite Campus and Licensee desire to enter into this Agreement for the purpose of facilitating the licensing and implementation of certain Infinite Campus Products and delivery of certain Infinite Campus Services identified on one or more Order and Pricing Schedules, subject to the terms and conditions of this Agreement.

NOW, THEREFORE, for and in consideration of the terms and conditions hereinafter stated, the parties agree as follows:

## 1. Rights and Obligations

- 1.1 License Grant. Subject to the terms and conditions hereof, Infinite Campus grants Licensee a personal, limited, non-exclusive, non-transferable, non-sublicensable, non-perpetual, license to use: (i) the specific Infinite Campus Products identified on the applicable Order and Pricing Schedules; and (ii) the related documentation (which may include, but is not limited to, users’ manuals, reference guides, programmers’ guides and/or system guides, as applicable and as available). Licensee shall install and use Infinite Campus Products and the documentation solely for its own internal use and for the purposes for which such Infinite Campus Products and documentation were designed.
- 1.2 Products and Services. Subject to the terms and conditions hereof, Infinite Campus, or an Infinite Campus Authorized Channel Partner, shall provide the Infinite Campus Services as listed on the applicable Order and Pricing Schedules.

## 2. Ownership and Protection of Infinite Campus Products

- 2.1 Ownership. Licensee acknowledges that Infinite Campus Products; all source code, object code, class libraries, user interface screens, algorithms, development frameworks, repository, system designs, system logic flow, and processing techniques and procedures related thereto; the documentation, any system user documentation, or other documentation related thereto; any copies and derivatives of any of the foregoing, in whole or in part; as well as all copyright, patent, trademark, trade secret and other proprietary rights in any of the foregoing; are and shall remain the sole and exclusive confidential property of Infinite Campus or Infinite Campus licensor. Licensee further acknowledges that any reports or other data generated by Infinite Campus Products regarding traffic flow, feature use, system loads, product installation, and/or similar information, are the exclusive property of Infinite Campus and may be used, and Licensee hereby specifically authorizes the use of such reports and/or other data, by Infinite Campus in any manner that Infinite Campus deems to be appropriate.
- 2.2 Protection of Infinite Campus Products and Documentation. Licensee shall not allow, and shall not allow any third party to:
  - a) adapt, modify, change, maintain, translate, decompile, disassemble, reconstruct, or reverse engineer Infinite Campus Products or the documentation, or any portion thereof;
  - b) identify or discover any source code of Infinite Campus Products;
  - c) distribute, sell, or sublicense copies of Infinite Campus Products or the documentation or any portion thereof;

- d) create copies of Infinite Campus Products or the documentation except to make a copy of any program which is required as an essential step in its utilization or to make an archival or back-up copy of Infinite Campus Products; or
- e) incorporate any portion of Infinite Campus Products into or with any other Infinite Campus Products or other products, or create any derivative works of Infinite Campus Products or the documentation.

2.3 **Confidentiality.** Licensee agrees that Infinite Campus Products contain proprietary information, trade secrets, know-how, and confidential information that are the exclusive property of Infinite Campus or Infinite Campus licensor(s). During the period this Agreement is in effect and at all times after its termination, Licensee and its employees and agents shall maintain the confidentiality of this information and not sell, license, publish, display, distribute, disclose or otherwise make available this information to any third party, nor use such information other than to inform permitted users of the conditions and restrictions on the use of Infinite Campus Products or the documentation, and to the extent permitted by law, Licensee will not disclose the terms and conditions of this Agreement without the prior written consent of Infinite Campus.

### 3. Fees and Payment Terms

3.1 **Payment Terms.** Licensee shall pay Infinite Campus, or Infinite Campus' Authorized Channel Partner, the fees as provided in the Applicable Order and Pricing Schedules, excluding any identified third-party fees. Licensee shall pay third-party fees directly to the specified third party.

- a) The fees for the Infinite Campus Products shall be valid from the Service Start Date until the conclusion of the term specified on the Applicable Order and Pricing Schedules (the "Initial Term").
- b) Licensing, hosting, and support fees will be invoiced on the Service Start Date for the Initial Term.
- c) SIS implementation services, if any, will be invoiced immediately after the Effective Date.
- d) Travel expenses and premium product implementation services, if any, will be invoiced monthly as expenses or services are incurred.
- e) All invoices are Net 30.

3.2 **Annual Recurring Fees.** Following the Initial Term, for each twelve (12) month period thereafter (each a "Subsequent Term"), Licensee shall pay annual fees according to the then-current license fees for the licensed Infinite Campus Products listed with an annual recurring price on the Applicable Order and Pricing Schedules (the "Annual Recurring Fees"). Infinite Campus will review the number of students enrolled, as certified by the state in which the Licensee resides, and if the total number of enrolled students has increased or decreased, Infinite Campus may increase or decrease the Annual Recurring Fees according to the then-current license fees for the applicable Infinite Campus Products and Services.

3.3 **Travel Expenses.** To the extent Infinite Campus will be incurring any expenses on Licensee's behalf in performance of this Agreement, Licensee agrees to pay Infinite Campus for all travel and other incidental expenses, including, but not limited to, meals, telephone charges, and shipping costs incurred in connection with Infinite Campus' performance of its duties under this Agreement. Such expenses shall be incurred in accordance with the Business Expense Policy located at <https://www.infinitecampus.com/policies>.

3.4 **Taxes.** All amounts set forth on the Applicable Order and Pricing Schedules are exclusive of applicable sales and similar taxes, and it shall be Licensee's responsibility to pay all such taxes, if applicable.

### 4. Indemnification; Warranties

4.1 **Indemnifications.**

- a) If Licensee notifies Infinite Campus in writing and gives Infinite Campus sole control over the defense and all related settlement negotiations, Infinite Campus will defend, hold harmless and indemnify Licensee against any damages finally awarded or amounts paid in settlement as a result of any claim or threat of claim brought by a third party against Licensee, to the extent based on an allegation that: (i) Products for which Licensee has licensed from Infinite Campus infringes any U.S. patent, copyright, trademark, trade secret or other proprietary right of a third party, or (ii) a defective Product directly caused death or personal injury; provided that Licensee did not alter, modify, or otherwise change the Product or software that gave rise to such claim.
- b) To the extent permitted by law, Licensee will defend, hold harmless and indemnify Infinite Campus against any claim or threat of claim brought by a third party against Infinite Campus arising out of the acts or omissions of Licensee or its employees, excluding acts or omissions expressly required or prescribed by this Agreement.

- c) If either party seeks indemnification provided for in Section 4.1, each party seeking indemnification will cooperate with and provide reasonable assistance in the defense or settlement of any claim or legal proceeding. Licensee and Infinite Campus will not make public any terms, or the mere existence, of any settlements.
- d) THE FOREGOING STATES THE ENTIRE LIABILITY AND OBLIGATION OF INFINITE CAMPUS WITH RESPECT TO ANY INFRINGEMENT, OR CLAIMS OF INFRINGEMENT, REGARDING INFINITE CAMPUS' PRODUCTS, OR ANY PORTION THEREOF, WITH REGARD TO ANY PATENT, COPYRIGHT, TRADE SECRET, OR OTHER PROPRIETARY RIGHT.

#### 4.2 Warranties.

- a) Infinite Campus warrants that, during the ninety (90) day period (the "Warranty Period") commencing on the delivery date of Infinite Campus Product to Licensee, Infinite Campus Products will operate in substantial conformity with the documentation when used in strict compliance therewith. This warranty is contingent upon Licensee's installation of all corrections, enhancements, updates, and new releases provided by Infinite Campus to Licensee and the absence of damage or abuse to Infinite Campus Products.
- b) Notwithstanding the foregoing, Licensee acknowledges that it is solely responsible for having the appropriate compatible network(s) and operating system environment(s), and as Licensee's sole and exclusive remedy for any breach of this warranty, Infinite Campus shall, at its sole option, within a reasonable period of time, provide all reasonable programming services to correct programming errors in Infinite Campus Products, replace Infinite Campus Products or terminate this Agreement and refund to the Licensee the license fees paid to Infinite Campus under this Agreement for the defective Infinite Campus Products, as set forth in Section 6.2(c) of this agreement, refunding the unamortized portion (assuming straight line amortization) of the annual license fees paid Any professional services provided under this Agreement are provided "as is" without representation or warranty of any kind or nature.
- c) Infinite Campus represents and warrants that, (a) the work to be performed and services to be provided by it hereunder will be rendered using sound, professional practices and in a competent and professional manner by knowledgeable, trained and qualified personnel; (b) the work will be configured using commercially reasonable technical specifications; (c) the work will operate in conformance with the terms of this Agreement; (d) the work to be performed by it will not violate any law, statute, ordinance or regulation (including without limitation the laws and regulations governing export control, unfair competition, anti-discrimination or false advertising); (e) the work performed will not be defamatory, trade libelous, unlawfully threatening or unlawfully harassing; (f) the work performed will not be obscene, child pornographic, or indecent; and (g) the work performed will be free of any software disabling devices, internal controls, or computer programming routines that are intended to damage, detrimentally interfere with, surreptitiously intercept or expropriate any system, data or personal information.
- d) EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION 4.2, INFINITE CAMPUS MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND ANY WARRANTIES OF QUALITY OR PERFORMANCE, OR AS A RESULT OF A COURSE OF DEALING OR USAGE OF TRADE, WITH RESPECT TO INFINITE CAMPUS PRODUCTS, MAINTENANCE, SUPPORT, OR OTHER SERVICES.

#### 5. **Limitations of Liability**

IN NO EVENT WILL INFINITE CAMPUS BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, INDIRECT, PUNITIVE OR SPECIAL DAMAGES OF ANY NATURE, SUCH AS LOST PROFITS. INFINITE CAMPUS' TOTAL LIABILITY WILL BE LIMITED TO THE LICENSE FEES ACTUALLY PAID BY LICENSEE TO INFINITE CAMPUS FOR THE APPLICABLE INFINITE CAMPUS PRODUCTS, SUBJECT HOWEVER TO A TWELVE (12) MONTH STRAIGHT LINE DEPRECIATION COMMENCING ON THE DATE OF DELIVERY OF SUCH INFINITE CAMPUS PRODUCTS.

#### 6. **Agreement Term and Termination**

- 6.1 Agreement Term. The term of this Agreement (the "Agreement Term") shall begin on the date this Agreement is executed by the Licensee ("Effective Date") and shall remain in effect until terminated pursuant to Section 6.2.

**6.2 Agreement Termination.** This Agreement may be terminated as follows:

- a) either party may terminate this Agreement, with or without cause, with no less than thirty (30) days written notice.
- b) either party may terminate this Agreement if one party's actions expose the other party to any violation of law and fails to cure such actions within fifteen (15) days of notice thereof;
- c) either party may terminate this Agreement and any other active agreement with the other party if the other party fails to fully perform any material obligation under this Agreement with thirty (30) days to cure;
- d) notwithstanding the foregoing, if the Licensee violates the provisions of Article 2 of this Agreement Infinite Campus may terminate this Agreement immediately without notice.

In the event of termination of this Agreement by Infinite Campus pursuant to Section 6.2(a) prior to an anniversary date, Infinite Campus shall refund the unamortized portion (assuming straight line amortization) of the annual license fees paid. In the event of termination of this Agreement by Infinite Campus pursuant to Sections 6.2(b), 6.2(c) or 6.2(d) prior to an anniversary date, Infinite Campus shall be entitled to prepaid license fees for the balance of the year of termination.

In the event of termination of this Agreement by the Licensee pursuant to Section 6.2(a) prior to an anniversary date Infinite Campus shall be entitled to prepaid license fees for the balance of the year of termination. In the event of termination of this Agreement by the Licensee pursuant to Section 6.2(b) or 6.2(c) Infinite Campus shall refund the unamortized portion (assuming straight line amortization) of the annual license fees paid.

**6.3 Responsibilities in the Event of Termination.**

- a) Upon any termination of this Agreement and/or the license to use any Infinite Campus Products, Licensee shall cease to use Infinite Campus Products and Infinite Campus Services and shall return to Infinite Campus all Infinite Campus Products and all copies thereof and all proprietary and confidential property of Infinite Campus. Licensee shall expunge all copies of Infinite Campus Products from its computer(s) and server(s). Failure to comply with this Section shall constitute continued use of Infinite Campus Products. Licensee shall provide a certificate from an officer of Licensee stating compliance with this Section. Infinite Campus shall also have such other legal and equitable rights and remedies to which it may be entitled with respect to Licensee's failure to comply with the provisions of this Agreement.
- b) Upon ninety (90) business days following the termination of this Agreement, or sooner at the request of the Licensee, Infinite Campus warrants that the original and all copies of Licensee information, educational records and pupil records as such terms are defined by the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99, "FERPA"), and any other State or Federal law relating to the protection of confidential student information, will be returned to the Licensee or destroyed in such a manner that such information cannot be read, executed, viewed or in any way accessed when destroyed. Nothing herein, however, prohibits Infinite Campus from continuing to possess and use any reports or other data generated by Infinite Campus Products or Infinite Campus Services regarding traffic flow, feature use, system loads, product installation, and/or similar information.

**6.4 No Liability for Termination.** Except as provided for in this Agreement, neither party shall be liable to the other for damages of any kind, including incidental or consequential damages, damages for loss of prospective business or loss of continuing business, or otherwise which arise due to the expiration or termination of this Agreement. This does not relieve either party from responsibility for damages caused by its actions or breaches of the Agreement, but only for damages related to or resulting from the expiration or termination of the business relationship.

**6.5 Survivorship.** Those sections that by their nature survive expiration or termination of this Agreement will survive such expiration or termination.

**7. Additional Terms**

**7.1** If not already covered by a separate agreement from an Infinite Campus Authorized Channel Partner for any items (a) – (c) below, and if Licensee has chosen any of the following services directly from Infinite Campus, as specified on an applicable Order and Pricing Schedule then Licensee understands and agrees that the following terms and conditions also apply:

- a) Cloud Hosting (Standard Cloud or Cloud Choice). <https://www.infinitecampus.com/policies/index/cloud-hosting-services-terms>
- b) On-Site Hosting. <https://www.infinitecampus.com/policies/index/on-site-hosting-services-terms>

- c) Software Support Services. <https://www.infinitecampus.com/policies/index/software-support-services-terms>
- d) Online Registration. By agreeing to purchase Online Registration, Licensee also understands and agrees that it will use the Infinite Campus Digital Repository Services, which use is subject to the terms and conditions located at <https://www.infinitecampus.com/policies/digital-repository-services-terms-of-service>.

## 8. General Terms and Conditions

- 8.1 Assignment. This Agreement is personal to Licensee. Licensee shall not, voluntarily or involuntarily, sublicense, sell, assign, give, or otherwise transfer this Agreement. Any such transfer or attempted transfer shall be null and void. Infinite Campus has the right to assign or otherwise transfer its rights and obligations under any of this Agreement, whether voluntarily, involuntarily, or by operation of law.
- 8.2 Governing Law. This Agreement will be governed and interpreted under the laws of the state of Minnesota, U.S.A, without regard to its conflict of law's provisions. Any litigation between the parties will take place in the state or federal courts in Minnesota, and both parties waive any objection to the jurisdiction of and venue in such courts. Any action arising out of or related to this Agreement must be brought within one (1) year from the first date such action could have been brought, despite any longer period provided by statute. If a longer period is provided by statute, the parties hereby expressly waive it.
- 8.3 Amendments; Waiver. This Agreement shall not be amended or modified except in writing by duly authorized representatives of the parties that refer specifically to this Agreement. The failure of either party to enforce the provisions hereof shall not be construed to be a waiver of such provisions or of the right to enforce such provisions later.
- 8.4 Severability. If a court of competent jurisdiction holds that any provision of this Agreement is invalid or unenforceable, the remaining portions of this Agreement will remain in full force and effect, and the parties will replace the invalid or unenforceable provision with a valid and enforceable provision that achieves the original intent of the parties and economic effect of the Agreement.
- 8.5 Headings, Exhibits, and Construction. Article and section headings are for reference only and will not be considered as parts of this Agreement. The attached exhibits, and the Applicable Order and Pricing Schedules, and hyperlinked terms and conditions are an integral part of this Agreement and are incorporated by reference. Wherever the singular is used, it includes the plural, and, wherever the plural is used, the singular is included.
- 8.6 Force Majeure. Except for the obligation to make payments, neither party will be liable for any failure or delay in its performance under this Agreement due to any cause beyond its reasonable control, including acts of war, acts of God, acts of terrorism, epidemics, pandemics, earthquakes, floods, embargos, riots, sabotage, labor shortages or disputes, governmental acts or failure of the Internet (not resulting from the actions or inactions of Infinite Campus), provided that the delayed party: (i) gives the other party prompt notice of such cause, and (ii) uses its reasonable commercial efforts to promptly correct such failure or delay in performance.
- 8.7 Entire Agreement. This Agreement supersedes all previous agreements and representations of, between or on behalf of the parties regarding the subject matter herein. Except as stated in Section 8.3 above, any document, instrument, or agreement issued or executed contemporaneous or after this Agreement shall not alter the terms and conditions of this Agreement. This Agreement contains all Infinite Campus' and Licensee's agreements, warranties, understandings, conditions, covenants, and representations regarding the subject matter herein. Neither Infinite Campus nor Licensee will be liable for any warranties, understandings, conditions, covenants, or representations not expressly set forth or referenced in this Agreement. Licensee acknowledges that Infinite Campus reserves the right to refuse any different or additional provisions in purchase orders, invoices or similar documents, and such refused provisions will be unenforceable.
- 8.8 Notices. Any notice under this Agreement must be in writing and will be deemed given upon the earlier of actual receipt or ten (10) days after being sent by first class mail, return receipt requested, to the address set forth below for Infinite Campus and to the address designated on page one (1) of this Agreement by Advocate for receipt of notices, or as may be provided by the parties.

Infinite Campus, Inc.  
Sales Contracts Management  
4321 109<sup>th</sup> Ave NE  
Blaine, MN 55449-6794

Eden Area ROP  
26316 Hesperian Blvd  
CA, 94545

Either party may give notice of its change of address for receipt of notices by giving notice in accordance with this Section.

- 8.9 Applicable Law. Infinite Campus complies and shall comply with applicable laws governing online privacy and student data privacy, including the Child Privacy Protection and Parental Empowerment Act, FERPA, the Children's Online Privacy Protection Act, and state laws. Licensee may review these laws and their related regulations by logging on to the U.S. Federal Trade Commission's website at <http://www.ftc.gov>.
- a) While providing services during the term of this Agreement, Infinite Campus may process and store Licensee data and may have access to student education records that are subject to FERPA. Such information is considered confidential and is protected. To the extent that Infinite Campus has access to "education records" under this Agreement, it is deemed a "school official," as each of these terms are defined under FERPA. Infinite Campus shall use education records only for the purposes of fulfilling its duties under this Agreement. To improve the products and services it provides, Infinite Campus may use anonymized or de-identified, non-PII data, as well as seek input from the Licensee and its employees regarding use of Infinite Campus Products and Infinite Campus Services. Except as required by law or court order, Infinite Campus shall not disclose or share education records with any third party unless: (i) permitted by the terms of this Agreement, (ii) directed to do so, in writing, by Licensee, or (iii) to subcontractors who have agreed to maintain the confidentiality of the education records to the same extent required of Infinite Campus under this Agreement.
  - b) In the event any third party seeks to access education records that are subject to FERPA beyond the access that is provided to Infinite Campus affiliated individuals for purpose of providing the services under the Agreement, whether said third party request is in accordance with FERPA or other Federal or relevant State law or regulations, Infinite Campus shall immediately inform Licensee of such request in writing, if it is allowed to do so. Infinite Campus shall not provide direct access to such data or information or respond to said third party requests, unless compelled to do so by court order or lawfully issued subpoena from any court of competent jurisdiction. Should Infinite Campus receive a court order or lawfully issued subpoena seeking the release of such data or information, Infinite Campus shall provide immediate notification, along with a copy thereof, to Licensee prior to releasing the requested data or information, if allowed by law or judicial and/or administrative order/subpoena.
  - c) If Infinite Campus experiences a security breach concerning any education record covered by this Agreement, Infinite Campus shall immediately notify Licensee and take immediate steps to limit and mitigate such security breach to the extent possible. The Parties agree that any material breach by Infinite Campus of the confidentiality obligation set forth in this Agreement may, at Licensee's discretion, result in cancellation of this Agreement and the eligibility for Infinite Campus to receive any information from Licensee for a period of not less than five (5) years. The Parties further agree to indemnify and hold each other harmless for any loss, cost, damage, or expense suffered by the non-breaching Party, including but not limited to the cost of notification of affected persons, as a direct result of the breaching Party's unauthorized disclosure of education records that are subject to FERPA, or any other confidentiality/privacy provision, whether federal, state, or administrative in nature.
  - d) Upon termination of this Agreement, Infinite Campus shall return and/or destroy all education records that it received from Licensee hereunder as, and in accordance with, Section 6.3(b) of this Agreement. Infinite Campus shall not knowingly retain copies of any education records received from Licensee once Licensee has directed Infinite Campus as to how such information shall be returned and/or destroyed. Furthermore, Infinite Campus shall ensure that it disposes of all education records received from Licensee in a commercially reasonable manner that maintains the confidentiality of the contents of such records (e.g., shredding paper records, erasing and reformatting hard drives, erasing and/or physically destroying any portable electronic devices).
- 8.10 Export Rules. Licensee agrees that Infinite Campus Products will not be shipped, transferred, or exported into any country or used in any manner prohibited by the United States Export Administration Act or any other export laws, restrictions, or regulations (collectively the "Export Laws"). In addition, if Infinite Campus Products are identified as export controlled items under the Export Laws, Licensee represents and warrants that Licensee is not a citizen, or otherwise located within, an embargoed nation (including without limitation Iran, Iraq, Syria, Sudan, Libya, Cuba, North Korea, and Serbia) and that Licensee is not otherwise prohibited under the Export Laws from receiving Infinite Campus Products. All rights to use Infinite Campus Products under this Agreement are granted on the condition that such rights are forfeited if Licensee fails to comply with the terms of this Section

- 8.11 U.S. Government End-Users. Each component licensed under this Agreement that constitute Infinite Campus Products and Services is a “commercial item” as that term is defined at 48 C.F.R. 2.101, consisting of “commercial computer software” and/or “commercial computer software documentation” as such terms are used in 48 C.F.R. 12.212. Consistent with 48 C.F.R. 12.212 and 48 C.F.R. 227.7202-1 through 227.7202-4, all end users acquire Infinite Campus Products and Services with only those rights set forth herein.
- 8.12 Electronic Signatures; Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed, will be deemed to be an original and all of which when taken together will constitute one Agreement. The parties agree that the electronic signature of a party to this Agreement shall be as valid as an original signature of such party and shall be effective to bind such party to this Agreement. The parties agree that any electronically signed document related hereto shall be deemed (a) to be “written” or “in writing,” (b) to have been signed and (c) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. Such paper copies will be admissible as between the parties to the same extent and under the same conditions as other original business records created and maintained in documentary form. Neither party shall contest the admissibility of true and accurate copies of electronically signed documents based on the best evidence rule or as not satisfying the business records exception to the hearsay rule. For purposes hereof, “electronic signature” means a manually signed original signature that is then transmitted by electronic means; “transmitted by electronic means” means sent in the form of a facsimile or sent via the internet as a “pdf” (portable document format) or other replicating image attached to an email message; and, “electronically signed document” means a document transmitted by electronic means and containing, or to which there is affixed, an electronic signature.

IN WITNESS WHEREOF, this Infinite Campus End User License Agreement has been executed by the duly authorized representative of Infinite Campus and Licensee.

**Infinite Campus, Inc.**

By: *Stephanie Svoboda*  
 Name: Stephanie Svoboda  
 Its: Authorized Signer  
 Date: Nov 10, 2021

**Licensee**

By:  
 Name:  
 Its:  
 Date:

## Order and Pricing Schedule for Eden Area ROP - CA

Prepared for	Prepared by	Prepared on	Service Start Date
Elaine Alvite Eden Area ROP Director of Educational Services P: +15102932903 ealvite@edenrop.org	Paula Soucheray Senior Sales Consultant P: (763) 795-4406 paula.soucheray@infinitecampus.com	November 10, 2021  <b>Initial Term</b> 12 Months	July 1, 2022

### Campus SIS Licensing, Support and Hosting

Item	Quantity	Net Price	Initial Term Prorated Price	Annual Recurring Fees
SIS -	4,500	\$6.00 Annual Per Student	\$27,000.00	\$27,000.00
SIS Support -	1	\$10,000.00 Annual Fixed	\$10,000.00	\$10,000.00
Hosting - Cloud Choice -	4,500	\$1.00 Annual Per Student	\$4,500.00	\$4,500.00
<b>TOTAL CAMPUS SIS LICENSING, SUPPORT AND HOSTING:</b>			<b>Initial Term Prorated Total: \$41,500.00</b>	<b>Annual Recurring Total: \$41,500.00</b>

### Premium Products Licensing and Support

Item	Quantity	Net Price	Initial Term Prorated Price	Annual Recurring Fees
Campus Passport -	4,500	\$0.50 Annual Per Student	\$2,250.00	\$2,250.00
<b>TOTAL PREMIUM PRODUCTS LICENSING AND SUPPORT</b>			<b>Initial Term Prorated Total: \$2,250.00</b>	<b>Annual Recurring Total: \$2,250.00</b>

### Implementation Services

Product	Quantity	Unit	Net Total Price
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SIS Implementation	1	One-Time	\$39,600.00
Travel Expense	2	Per Trip	\$5,100.00
Data Health Check Service	1	One-Time	\$500.00
Total Implementation Services:			\$45,200.00

Totals	Initial Term Prorated Total: \$43,750.00 Implementation Services Total: \$45,200.00 Annual Third-Party Fees Year 1 Total: \$0.00 Third-Party One Time Fees: \$0.00  Applicable taxes will be calculated at time of billing.		
	Initial Term Grand Total: \$88,950.00 Annual Third-Party Fees: \$0.00 Infinite Campus Annual Recurring Fees: \$43,750.00 Annual Recurring Total: \$43,750.00 Grand Total: \$88,950.00		

Eden Area ROP

By:  
Name:  
Its:  
Date:



**DATE:** December 9, 2021  
**TO:** ROP Governing Board  
**FROM:** Linda Granger, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** 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

## **BACKGROUND**

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The Eden Area ROP and Chabot College work collaboratively to support Eden Area ROP students in earning college level credit for courses whilst in high school. Through concurrent enrollment, a faculty member from Chabot College can teach students college level classes on our campus. This concurrent enrollment model has been implemented through a team teaching approach, with the Chabot College faculty member teaching alongside the Eden Area ROP instructor. Students in these programs earn both high school and college credit.

## **CURRENT SITUATION**

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The Eden Area ROP appoints Chabot College to render the instruction of college level courses, to be held to the same rigor as approved by the Chabot Curriculum Committee, taught by way of adjunct or full-time faculty, in its sole discretion. Both Chabot College and Eden Area ROP will work together to select appropriate courses, which shall run between 4-16 weeks, with dates and times to be arranged between the two parties and shall be deemed open classes and thereby open to regular Chabot College students.

## **RECOMMENDATION**

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It is recommended that the Governing Board 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.

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT**  
**AND**  
**EDEN AREA REGIONAL OCCUPATIONAL**  
**PROGRAM**

This Memorandum of Understanding between Chabot-Las Positas Community College District - Chabot College and Eden Area Regional Occupational Program, is made on Dec. 19, 2021 regarding offering college level classes to students to pursue early college credit which serves as a bridge to facilitate a smooth transition into college pathways programs.

**RECITALS:**

WHEREAS, the Eden Area Regional Occupational Program desires to avail itself of the expertise of Chabot College in the aforesaid areas, in which it acknowledges the expertise of Chabot College.

**AGREEMENT:**

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants and conditions herein set forth, the parties hereto agree as follows:

**1. APPOINTMENT:**

Eden Area Regional Occupational Program hereby appoints Chabot College to render the instruction of college level courses as described in Section 2 hereof for the term of this Agreement.

**2. CHABOT COLLEGE:**

It is understood that:

- a) During the term of this Agreement, Chabot College shall render to Eden Area Regional Occupational Program by and through adjunct or full-time faculty, in its sole discretion, to teach college level credit courses at Eden Area Regional Occupational Program facility.
- b) Chabot College and Eden Area Regional Occupational Program will work together to select appropriate courses, which shall run between 4-16 weeks with dates and times to be arranged between the two parties.
- c) Chabot College classes held at Eden Area Regional Occupational Program shall be deemed open classes and thereby open to regular Chabot College students.
- d) Chabot College classes held at Eden Area Regional Occupational Program will follow approved course outlines and be held to the same rigor as approved by Chabot Curriculum Committee.
- e) Prior to the first day of classes, Chabot College will provide to Eden Area Regional Occupational Program the following:

1. Concurrent Enrollment College Applications for participating high school students
2. Instructor Name and Course Syllabus
3. Dates of Class and Final Exam Schedule
4. Student Conduct and Due Process Policy
5. Last Day to drop the course with No Grade of Record (NGR) on transcript
6. Last day to withdraw with a "W" on transcript
7. List of required textbooks and/or course materials

f) It is the responsibility of the student to follow the COLLEGE process when requesting an official COLLEGE transcript for grade submission to Eden Area Regional Occupational Program

### **3. Eden Area Regional Occupational Program:**

It is understood that:

(a) Eden Area Regional Occupational Program high school students desiring to enroll in Chabot classes will apply to Chabot College through California Community College Apply (CCCApply) and submit a Chabot Concurrent Enrollment Application and attain all necessary school and parental/guardian signatures as required.

(b) Eden Area Regional Occupational Program high school students will be enrolled at Chabot College and as such, will be held to the same "Student Conduct and Due Process Policy" as outlined in the Chabot College 2020-2021 catalog (see Attachment A).

(c) Eden Area Regional Occupational Program high school students will be earning college credit and as such, classes will be held to the same rigorous standards and course outline as approved by Chabot Curriculum Committee.

(d) The Eden Area Regional Occupational Program staff will be notified on the first day of class of the following important information:

1. Course Syllabus
2. Dates of Class and Final Exam Schedule
3. Student Conduct and Due Process Policy
4. Last Day to drop the course with No Grade of Record (NGR) on transcript
5. Last day to withdraw with a "W" on transcript

## **COURSE CANCELLATION**

- In the event of low enrollment two weeks prior to a scheduled class, Chabot College will decide whether to conduct a specific class.
- CLPCCD and Eden Area Regional Occupational Program agree to make good faith efforts to make mutually agreeable decisions.

**I AGREE TO THE MEMORANDUM OF UNDERSTANDING AS OUTLINED IN THE  
RECITALS, COVENANTS AND CONDITIONS CONTAINED HEREIN:**

Executed on   December 19, 2021  

By:  \_\_\_\_\_

**EDEN AREA REGIONAL OCCUPATIONAL PROGRAM**

**Anthony Oum, Fiscal Services Administrator**

By: \_\_\_\_\_

**CHABOT COLLEGE**

By: \_\_\_\_\_

**CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT**

**Jonah Nicholas, Vice Chancellor, Business Services**

# ATTACHMENT A

## DISTRICT ADMINISTRATIVE PROCEDURE AP 5500 STANDARDS OF STUDENT CONDUCT

### References:

Education Code Sections 66300 and 66301;  
Accreditation Standard 11.A.7.b

**Definitions:** The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

Causing, attempting to cause, or threatening to cause physical injury to another person.

Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee and the campus safety administrator/ supervisor.

Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5. Committing or attempting to commit robbery or extortion.

Causing or attempting to cause damage to District property or to private property on campus.

Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.

Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.

Committing sexual harassment as defined by law or by District policies and procedures.

Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.

- Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.

Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.

Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.

Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by college faculty.

Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.

- Unauthorized entry upon or use of District facilities. Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
  - Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.**

Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an **academic presentation in a classroom, or equivalent** site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

All complaints of alleged misconduct made against a student by any person should be submitted to the Vice President of Student Services or designee, with a copy to the area administrator. These complaints must be made in writing, specifying the time, place, and nature of the alleged misconduct. Identifying information for the complainant is also required. If the Dean or the Vice President of Student Services determines the complaint to be capricious, the complaint may be dismissed.

## STUDENT RIGHTS AND RESPONSIBILITIES

The Vice President of Student Services or designee (VPSS/Designee) shall conduct an investigation of the reported incident as is appropriate. The VPSS/Designee will confer with the accused student for the purposes of advising the student of the report and of the student's rights under college rules and regulations. The VPSS/Designee may also procure information relating to the report from the accused student and other persons, including an assessment of damage to property or injury to persons. Such investigations shall be treated as confidential and shall not be placed in the student's file unless a charge is upheld and a decision is rendered by the VPSS/Designee against the student.

Following investigation, the VPSS/Designee will render a decision in writing to the student as well as the person filing the complaint against the student (if appropriate) within five (5) working days. The VPSS/Designee may find that the complaint lacks merit; or deliver a written statement to the accused student formally charging that student with misconduct.

This statement will specify one of the following actions that will be taken in the case:

1. Place on record a verbal or written reprimand.
2. Place the student on probation, temporary exclusion or suspension.
3. Recommend expulsion to the District Board of Trustees via the President of the College and the District Chancellor.
4. Assign the case for further review to a formal Hearing Committee.

The student may do one of the following:

1. Accept the VPSS/Designee decision.
2. Notify the Vice President of Student Services or designee in writing within two (2) working days to initiate a formal hearing.

### Policy Definitions

The term (District) means Chabot-Las Positas Community College District.

1. The term (College) means Chabot College or Las Positas College.
2. The term "student" includes all persons taking courses at the College, both full time and part-time studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the (College) are considered "students".
3. The term "faculty member" means any persons hired by the (College/District) to conduct classroom activities.
4. The term "manager" includes any person employed by the (College/District) performing assigned administrative, professional, or staff responsibilities.

5. The term "agent of the college" includes any person who is a student, faculty member (College/District) official or any other person employed by the (College).
6. The term "(College) premises" includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the (College) including adjacent streets and sidewalks.
7. The term "college community" includes any person who is a student, faculty member, staff, (College/District) official or any other person employed by the (College).
8. The term "organization" means any number of persons who have complied with the formal requirements for (College) enrollment/registration.
9. The term "behavior" includes conduct and expression.
10. The term "hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization or causes, or is likely to cause bodily danger, or physical or emotional harm, to any member of the college community.
11. The term "deadly weapons" includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy club, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, or any knife having a blade longer than five inches, pistol, revolver, or any other firearm, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club.
12. The term "shall" is used in the imperative sense.
13. The term "may" is used in the permissive sense.
14. The term "Policy" is defined as the written regulations of the (College/District) as found in, but not limited to, the Student Code, and College Catalog.
15. The term "cheating" includes, but is not limited to: fraud, deceit, or dishonesty in an academic assignment or using or attempting to use materials, or assisting others in using materials which are prohibited or inappropriate in the context of the academic assignment. In questions, such as: copying or attempting to copy from others during an exam or on an assignment, communicating answers with another person during an exam, preprogramming a calculator to contain answers or other unauthorized information for exams, using unauthorized materials, prepared answers, written notes, or concealed information during an exam, or allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.

16. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work or another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared; by another person or agency engaged in the selling of term papers or other academic materials.
17. The term "designee" is the person(s) designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.
18. The term "day" means a day during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days-for purposes of notice and response under this Administrative Procedure-- may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

Date Approved: March 18, 2014; Revised August 2016.  
(This procedure replaces Administrative Rules and Procedures 5512)

## DISTRICT ADMINISTRATIVE PROCEDURE AP 5520 STUDENT DISCIPLINE PROCEDURES

### References:

Education Code Sections 66300, 72122, and 76030

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct. If the student wishes to proceed beyond the informal process described in AP 550, then the following procedure applies. This procedure guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

### Definitions:

**District** – The Chabot-Las Positas Community College District.

**Student** – Any person currently enrolled as a student at any college or in any program offered by the District.

**Instructor** – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

**Designee** – A person designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.

**Short-term Suspension** – Exclusion of the student by the Chancellor for good cause from one or more classes for a period of up to ten consecutive days of instruction.

**Long-term Suspension** – Exclusion of the student by the Chancellor for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

**Expulsion** – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

**Removal from class** – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

**Written or verbal reprimand** – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

**Withdrawal of Consent to Remain on Campus** – Withdrawal of consent by the campus security administrator/supervisor or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the campus security administrator/supervisor or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

## STUDENT RIGHTS AND RESPONSIBILITIES

**Day** - Days during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days-for purposes of notice and response under this Administrative Procedure-- may be reasonably extended to ensure the responsible parties are able to appropriately attend to the Issue. Notice of extension will be provided to the student.

### Short-term Suspensions, Long-term Suspensions, and

**Expulsions:** Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply: **Notice**

- The Vice President of Student Services or designee (VPSS/Designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
  - the specific section of the Standards of Student Conduct that the student is accused of violating.

#### **accusation.**

the right of the student to meet with the VPSS/Designee to discuss the accusation, or to respond in writing.

the nature of the discipline that is being considered.

**Time limits** - The notice must be provided to the student within 5 days of the date on which the conduct was reported; in the case of continuous, repeated or ongoing conduct, the notice must be provided within 10 days of the date on which conduct was reported which led to the decision to take disciplinary action.

- **Meeting** — If the student chooses to meet with the VPSS/Designee, the student will again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation. Within 5 days of the meeting, subject to any needed further investigation, the VPSS/Designee will deliver a written statement to the accused student in accordance with Administrative Procedure 5500. The student may either accept the VPSS/Designee decision, and allow the recommended action to proceed, or may, if the recommended action is long-term suspension or expulsion, notify the VPSS/Designee in writing within two (2) working days to initiate a formal hearing.

**Short-term Suspension** - After the meeting described above, the VPSS/Designee may decide to impose a short-term suspension, to impose some lesser disciplinary action, or to end the matter. A short-term suspension will be for up to 10 days. Written notice of the VPSS/Designee decision shall be provided to the student within 5 days after the meeting. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action, and the effective date of the action to be taken. The VPSS/Designee decision on a short-term suspension or lesser disciplinary action shall be final.

**Long-term Suspension** - Within 15 days after the meeting described above, the Chancellor or designee, generally college President Chancellor/ Designee) shall, pursuant to a recommendation from the VPSS/Designee, decide whether to impose a long-term suspension. Written notice of the Chancellor/Designee decision shall be provided to the student. If the Chancellor/Designee decision is to impose a long-term suspension, the notice will include the right of the student to request a formal hearing before the long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

**Expulsion** - Within 15 days after the meeting described above, the Chancellor/Designee shall, pursuant to a recommendation from the VPSS/Designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Chancellor/Designee's decision shall be provided to the student. If the Chancellor/Designee decision is to impose an expulsion, the notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

### **Hearing Procedures - Request for Hearing.**

Within 5 days after receipt of the VPSS/Designee decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Chancellor/Designee or designee.

**Schedule of Hearing** - The formal hearing shall be held within 20 days after a formal request for hearing is received.

**Hearing Panel** - The hearing panel for any disciplinary action shall be composed of at least one administrator, one faculty member, and one student.

## STUDENT RIGHTS AND RESPONSIBILITIES

The Chancellor/Designee, the president of the Academic Senate, and the Associate Students president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The Chancellor/Designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

**Hearing Panel Chair** -The Chancellor/Designee shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

**Conduct of the Hearing** - The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the VPSS/Designee.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his/her evidence. The burden shall be on the college representative to prove by substantial evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice.

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within 10 days following the close of the hearing, the hearing panel shall prepare and send to the Chancellor/Designee a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

### **Chancellor/Designee Decision:**

**Long-term suspension** - Within 10 days following receipt of the hearing panel's recommended decision, the Chancellor/ Designee shall render a final written decision. The Chancellor/ Designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor/ Designee modifies or rejects the hearing panel's decision, the Chancellor/Designee shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Chancellor/Designee shall be final.

## STUDENT RIGHTS AND RESPONSIBILITIES

**Expulsion** – Within 10 days following receipt of the hearing panel's recommended decision, the Chancellor/Designee shall render a written recommended decision to the Board of Trustees. The Chancellor/Designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor/Designee modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Chancellor/Designee decision shall be forwarded to the Board of Trustees.

**Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the Chancellor/Designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the Chancellor/Designee and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

**Immediate Interim Suspension** (Education Code Section 66017): The Chancellor/Designee may order immediate suspension of a student where he/she concludes that Immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten days.

**Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the VPSS/ Designee and the area dean. The area dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the VPSS/ Designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the VPSS/Designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

**Withdrawal of Consent to Remain on Campus:** The campus safety administrator/supervisor or VPSS/Designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent to remain on campus is withdrawn a written report must be promptly made to the Chancellor/Designee.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to Interim suspensions.

In no case shall consent be withdrawn for longer than 5 days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

## STUDENT RIGHTS AND RESPONSIBILITIES

**Time Limits:** Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Date Approved: March 18, 2014; Revised August 2016

### DISTRICT ADMINISTRATIVE PROCEDURE AP 5530 STUDENT RIGHTS AND GRIEVANCES

**References:**

Education Code Section 76224(a);  
Title IX, Education Amendments of 1972

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include grievances regarding:

- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final: "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.

Violation of policies and procedures by the college to the extent they have a direct and significant impact on the student, such as on the student's exercise of rights of free expression. Under this section, a grievance may be initiated by a student alleging the violation of college/ district policies and procedures against an Instructor, an administrator or a member of the classified staff.

This procedure does not apply to:

Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures.

**Sex discrimination, sexual harassment, or illegal discrimination** which are covered under separate Board Policies and Administrative Procedures.

- Financial aid actions, which are covered under separate Board Policies and Administrative Procedures.
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

**Definitions:**

**Party** – The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

**Student** – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

**Designee** – A person designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The Vice President of Academic Affairs or college President may name a designee for Vice President of Academic Affairs. The Chancellor or college President may name a designee for President. The Chancellor may name the college President or another designee for Chancellor.

**Respondent** – Any person claimed by a grievant to be responsible for the alleged grievance.

**Day** – Days during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days-for purposes of notice and response under this Administrative Procedure-- may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

**Informal Resolution** – Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.

The Vice President of Academic Affairs or designee shall serve as Grievance Officer on grade disputes and grievances arising out of instructional services. The Vice President of Student Services or designee shall serve as Grievance Officer for grievances arising outside of instructional services. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.

## STUDENT RIGHTS AND RESPONSIBILITIES

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he/she has a grievance shall file a Statement of Grievance with the appropriate Grievance Officer within 10 days of the incident on which the grievance is based, or 10 days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution. If the student wishes the grievance to become official. Within 5 days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of 10 days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

**Grievance Hearing Committee:** The college President shall at the beginning of each academic year, establish a standing panel of 15 members of the college community, including 5 students, 5 faculty members and 5 administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit names to the Chancellor for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include at least 1 student, 1 Instructor, and 1 college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Grievance Officer who shall determine whether cause for disqualification has been shown. If the Grievance Officer feels that sufficient ground for removal of a member of the committee has been

presented, the Grievance Officer shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

The Grievance Officer shall sit with the Grievance Hearing Committee but shall not vote, except to break a tie. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

**Request for Grievance Hearing –** A request for a grievance hearing shall be filed on a Request for a Grievance Hearing no later than 10 days following the student's first meeting with the Grievance Officer.

Within 10 days following receipt of the request for grievance hearing, the college President shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures; The grievant is a student as defined in these procedures, which include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of **harassment**.

If the grievance does not meet each of the requirements, the Grievance Officer shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within 5 days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within 15 days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 5-day notice of the date, time and place of the hearing.

## STUDENT RIGHTS AND RESPONSIBILITIES

### Hearing Procedure

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent himself/herself, and may also have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Officer, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than 5 days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee *may* also request legal assistance through the Grievance Officer. Any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The hearing shall be recorded by the Grievance Officer either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee Chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded shall be considered to be unavailable.

Within 10 days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the college President a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

**President's Decision:** Within 5 days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the college President shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The President may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight. If the President does not accept the decision or a finding or recommendation of the Hearing Committee, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the President shall be final, subject only to appeal as provided below.

**Appeal:** Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the college President within 5 days of that decision. The President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

## STUDENT RIGHTS AND RESPONSIBILITIES

Any party to the grievance may appeal the decision of the President after a hearing before a Grievance Hearing Committee by filing an appeal with the President. The President may designate a college administrator or request that the Chancellor designate a District administrator to review the appeal and make a recommendation.

Any such appeal shall be submitted in writing within five days following receipt of the President's decision and shall state specifically the grounds for appeal.

The written appeal shall be sent to all concerned parties. All parties may submit written statements on the appeal.

The President's designee shall review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record. Following the review of the record and appeal statements, the President's designee shall make a written recommendation to the President regarding the outcome of the appeal.

The President may decide to sustain, reverse or modify the decision of the President's designee. The President's decision shall be in writing and shall include a statement of reasons for the decision. The President's decision shall be final.

The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the appeal decision shall be sent to all parties.

### **Time limits:**

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Date Approved: March 18, 2014; Revised August 2016

(This procedure replaces Administrative Rules and Procedures

