



GOVERNING BOARD MEETING AGENDA

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

Thursday, November 4, 2021
5:45 pm

GOVERNING BOARD MEMBERS

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

MISSION STATEMENT

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



Regular Meeting of the ROP Governing Board
Date: Thursday, November 4, 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/88295255098?pwd=SC93d09LZ2Rnd09XYWZySDQxWldlZz09> to at the noticed meeting time.
Meeting ID: **882 9525 5098**
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 **882 9525 5098**, 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 October 7, 2021 (pages 5-9)
- B. Request the Governing Board to approve the Bill Warrants (pages 10-15)
- C. Request the Governing Board to approve the Personnel Action Items (pages 16-17)
- D. Request the Governing Board to approve the Advisory Committee Members (pages 18-38)
- E. Request the Governing Board to approve the Agreement with AppleOne for IT Support Services for the 2021-2022 School Year (pages 39-44)
- F. Request the Governing Board to approve the Agreement with Eide Bailly for Fixed Assets Consulting Services for the 2021-2022 School Year (pages 45-49)

- G. Request the Governing Board to approve the 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 (pages 50-55)

IX. Information Items

- A. Business Partners of the Year (page 56)
- B. Principals' Breakfast (page 57)
- C. First Reading of Governing Board Policies and Administrative Regulations 0000, 2000 and 3000 (pages 58-132)

X. Action Items

- A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations and Exhibit (pages 133-169)
- 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 (pages 170-173)

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

STUDENT OF THE MONTH



DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Presentation of ROP Student of the Month Awards

BACKGROUND

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

CURRENT SITUATION

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

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

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

RECOMMENDATION

Information only

CONSENT CALENDAR

CONSENT CALENDAR



Minutes of the Regular Meeting of the ROP Governing Board October 7, 2021

I. Call to Order

Juan Campos, Board President, called the meeting to order at 5:45 p.m. on Thursday, October 7, 2021. Due to COVID-19 all Board members and attendees attended the meeting virtually via Zoom.

II. Roll Call

Eden Area ROP Governing Board Members Present:

Juan Campos, Board President	San Lorenzo USD
Dot Theodore, Vice-President	Castro Valley USD
Gabriel Chaparro, Member	Hayward USD
James Aguilar, Member	San Leandro USD

Superintendent: Linda Granger, present

Eden Area ROP Administrators Present:

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:

Heather Bystrom	Medical Careers Instructor
Mikel Jackson	Sports Medicine Instructor
Gabriela Juarez	Executive Assistant
Alysa Machado	Medical Careers Instructor
Angel Peters	Medical Careers Instructor
Sukhi Sidhu	Career Counselor

Others Present:

Roman Muñoz	Lozano Smith
Students of the Month and their families	

III. Pledge of Allegiance

Karen Chen led the Pledge of Allegiance.

IV. Mission Statement

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

VI. Action Items

- A. Request the Governing Board to approve the Adoption of Resolution 4 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 October 7, 2021 through November 6, 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 4 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 October 7, 2021 through November 6, 2021.

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

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

None

VIII. Consent Calendar

Trustee Dot Theodore moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of September 2, 2021
- B. Minutes of the Special Governing Board Meeting of September 20, 2021
- C. Bill Warrants
- D. Personnel Action Items
- E. Quarterly Report on Williams Act Complaints and Resolutions
- F. Agreement with the Alameda County Workforce Development Board, Workforce Innovation and Opportunity Act (WIOA) Youth Innovation Program for Youth and Young Adult Workforce Development Services for the 2021-2025 School Year
- G. MOU with the Jewish Vocational and Career Counseling Service (JVS) to Provide the Foundations in Dental Assisting Course for the 2021-2022 School Year

Trustee Gabriel Chaparro seconded the motion.

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

IX. Information Items

A. ROP Pathway Review-Patient Care

Elaine Alvite, Director of Educational Services, introduced Mikel Jackson to present the pathway review for patient care as the instructor of the Sports Medicine program.

Mr. Jackson reviewed the Sports Medicine program which is in its fourth year. He shared that the program is offered at Hayward, Tennyson, Mt. Eden and Arroyo High Schools.

Students are introduced to the medical career pathways and given a general overview of medical professions with an emphasis on patient care especially sports related injuries. The goal is to provide high-quality CTE instruction and preparatory skills to continue their education in college. Subjects that they may continue in college are kinesiology, anatomy and physiology, human biology, medical terminology, biomechanics, medical ethics, health and nutrition. Students in this pathway can go on to work as chiropractors, athletic trainers, physical therapists, orthopedic physicians, sports medicine doctors, sports nutritionists and registered dietician. Another goal is to introduce professionals within the field to develop professional networks and portfolios via work-based learning opportunities, clubs and community service.

All programs are University of California a-g approved. Three courses are elective g and the other course is science d. The course is also articulated with Chabot College. Students on campus also have the opportunity to participate in the student-led club where the goal is to increase professional networking, awareness campaigns and activism.

B. ROP Pathway Review-Health Care Administrative Services

Elaine Alvite, Director of Educational Services, introduced Alysa Machado to continue the presentation on the Medical Pathway and provide an overview of the Medical Careers program.

Ms. Machado shared that the pathway is composed of feeder programs and the capstone program. The capstone program is the Medical Careers program that she teaches along with Heather Bystrom and Angelica Peters. The feeder courses are taught at the high schools and include Biomedical Science and Sports Medicine where students are introduced into the medical field. Medical Careers curriculum focuses on career exploration, anatomy and physiology, medical terminology, OSHA standards for handling bodily fluids and infection control, clinical and administrative skills, introduction to billing and coding, job seeking skills and professionalism. The benefit of taking the course is that students are exposed to different career pathways, have internship opportunities, qualify for articulation with Chabot College, receive a-g college credit, and become eligible to test for CCMA and BLS certifications. Students are also exposed to work-based learning opportunities such as listening to guest speakers from the industry and in previous years going on field trips, participating in Kaiser Permanente's youth career day and participating in the student leadership service-learning project. Looking to the future of the medical careers program, instructors are working with year 2 students to prepare for the NHA exam to receive their medical assistant certificate upon completion of the class, students will continue having the opportunity to become BLS certified and staff is working on adding the opportunity for students to be EKG certified.

C. Back to School Night

Manuschka Michaud, Principal, reported information about the Back to School Night. Back to School Night was held live via Zoom on October 6, 2021. The event began with all parents and staff in one meeting room where a 30-minute overview was given by the Superintendent about the benefit of being enrolled in an Eden Area ROP CTE program. Following the presentation, each instructor held their own Zoom meeting with parents. Ms. Michaud concluded her report by sharing a video of the highlights of a day in the life of an Eden Area ROP student.

D. WASC Self Study Action Plan Update

Linda Granger, Superintendent, presented on the Eden Area ROP's WASC Self Study Action Plan that was based on the results of over a yearlong self-study process in which staff reviewed the current practices, identified what we are doing well and areas in which require additional focus. Based on these findings we identified five key issues and developed an action plan to address the issues in the coming year. The action plan goals are improving communication, providing quality CTE programs, implementing systems supporting student success, continuing to pursue funding opportunities and using data to inform instructional practices and programmatic needs.

E. First Reading of Governing Board Policies, Administrative Regulations and Exhibit

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

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

NUMBER	TYPE	TITLE	STATUS
1113	Exhibit	District and School Web sites	New
1312.3	Policy	Uniform Complaint Procedures	Replaced
1312.3	Regulation	Uniform Complaint Procedures	Replaced
1312.4	Regulation	Williams Uniform Complaint Procedures	Replaced
1313	Policy	Civility	New
6115	Policy	Ceremonies and Observances	New
6115	Regulation	Ceremonies and Observances	Replaced
6161.1	Policy	Selection and Evaluation of Instructional Materials	Replaced

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

X. Superintendent's Report

Superintendent Granger shared with the Governing Board that a new Pandemic Services Liaison has been hired. The Pandemic Services Liaison will implement weekly testing starting the week of October 18. She also shared that the Roving Substitute position has been filled to help with classroom coverage.

Superintendent Granger noted that as the Board took action tonight to pass the resolution that allowed the Board meeting to be held virtually via AB 361, we will continue to reevaluate on a monthly basis the need to meet virtually if circumstances still warranted meeting virtually. She offered the option of meeting in a larger classroom in the event that conditions allow for an in-person Board meeting. The Governing Board members were all agreeable to meet in-person in November in a larger meeting space.

XI. Governing Board Reports

Trustee Gabriel Chaparro, Hayward USD representative, shared that HUSD had passed the vaccination mandate shortly before the Governor who passed a similar mandate.

Trustee Juan Campos, San Lorenzo USD representative, reported that SLzUSD continues to face a substitute shortage as most districts are as well.

XII. Recess to Closed Session

The meeting was called into closed session at 6:53 pm

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

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

The meeting resumed to open session at 7:43 p.m.

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

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

XIV. Adjournment

The meeting was adjourned at 7:44 p.m.

Approved by the Eden Area ROP Governing Board _____.

Linda Granger, Superintendent
Clerk to the ROP Governing Board



DATE: November 4, 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

The bill warrants submitted for approval are for the period of September 15, 2021 through October 8, 2021 and include test warrant numbers and voided warrants.

CONSENT CALENDAR



DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Mercedes Henderson, Human Resources Administrator
SUBJECT: Request the Governing Board to approve the Personnel Action Items

CURRENT SITUATION

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

CONSENT CALENDAR



DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Elaine Alvite, Director of Educational Services
SUBJECT: Request the Governing Board to approve the Advisory Committee Members

BACKGROUND

In accordance with the 11 Elements of High-Quality Career Technical Education, Advisory Committees are established to provide advice and support for all career technical education programs. Business, labor and industry partners provide expertise and advice to the Eden Area ROP and school district CTE staff in understanding the current labor market, updating course descriptions to changing industry standards, and deciding upon the acquisition of up-to-date textbooks and classroom materials. The Eden Area ROP coordinates 20 separate Advisories for our classes and our JPA member districts, according to CDE designated industry sectors and pathways. Our coordinated Advisories foster collaboration among similar CTE programs and leverage the time of business partners to assist more than one program at a time.

CURRENT SITUATION

In accordance with the Carl D. Perkins Act, the Governing Board appoints Advisory Committee members every year. Attached are lists of recommended Advisory Committee members. Business, labor and industry have signed a letter of commitment to this year's Advisories.

PROGRAM	LOCATION
Auto Collision and Refinishing	Center
Automotive Technology	Center, Castro Valley & San Leandro High Schools
Biotechnology	Castro Valley & Tennyson High Schools
Careers in Education, Future Academy	Center, Arroyo High School
Careers in Law, Forensics and Public Safety	Center & San Lorenzo High School
Construction Technology, Wood Technology	Center, Hayward & San Leandro High Schools
Culinary Science, Food & Nutrition	Center & Castro Valley High School
Cybersecurity, ICT	Center & Castro Valley High School

PROGRAM	LOCATION
Dental Assisting	Center
Engineering	Castro Valley High School
First Responder	Center
Graphics	Mt. Eden, San Lorenzo, Castro Valley & San Leandro High Schools
Marketing, Entrepreneurship	Arroyo, Castro Valley & San Leandro High Schools
Medical Careers	Center & Royal Sunset High School
Photography, Advanced Photography	Castro Valley, Hayward, Mt. Eden, Arroyo, & San Lorenzo High Schools
Sports Medicine	Mt. Eden, Hayward & Arroyo High Schools
Theater	Hayward & Eastbay Arts/Royal Sunset High Schools
Video Production	San Leandro & San Lorenzo High Schools
Welding Technology	Center & San Leandro High School

CONSENT CALENDAR

EdenAreaROP

Advisory Members

Sector: Transportation

Pathway: Structural Repair & Refinishing

Instructor: Daniel Pareja (ROP)

Advisory Members

Name	Company
Lisa Daves	Mendelson Autobody
Edgar Juarez	Caliber Collision
Ben Shell	PPG



EdenAreaROP

Advisory Members

Sector: Transportation

Pathway: Systems Diagnostics, Service, and Repair

Instructor: David Espinoza (ROP), Armando Politron (ROP), Darren Rees (CV),
Andy Shyers (SLE)

Advisory Members

Name	Company
Jonathan Sira	Keystone Automotive
Brain McKee	Hunter Engineering
Mace Gjerman	Peterson University
Kevin Dietrich	Bigge Crane
Ruben Gonzalez	San Leandro Brake and Wheel Center
Mario Arellano	J & J Auto Repair
Sean Mele	Fred's Wrenchouse
Jim Baum	Chabot College
Mark Garcia	Mark's Transmission and Automotive
Jonathan Sira	
Kevin Ortiz	Auto TechPlus
Henry Castro	Fiat/Alfa Romeo/ Maserati of Burlingame
Francisco Bailon	Fiat/Alfa Romeo/ Maserati of Burlingame
Randy Shelton	Peterson Cat

Sector: Health Science & Medical Technology
Pathway: Biotechnology
Instructor: Laura O' Brien (CV), Lata Mistry (CV), Karen Kelly (TEN)

Advisory Members

Name	Company
Gary Howard	Gladstone Institute
Matthew Kaser	Bell & Associates
Thomas Maciel Lester	Audentes Therapeutics
Tiffani Quan	University of California, Berkeley
Sarah Foster-Peck	Boehringer Ingelheim

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Advisory Members

Sector: Education, Child Development, and Family Services

Pathway: Education

Instructor: Erika Emery (ROP), Brian Fredin (ARR)

Advisory Members

Name	Company
Deidra Daniels	Childcare Center
DiShawn Givens	Fremont Unified School District
Ciarra Barron	Hayward Unified School District
Elizabeth Rosas	Castro Valley USD

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Advisory Members

Sector: Public Services

Pathway: Public Safety

Instructor: Ashley Auguste (ROP), Michael O' Connell (SLZ)

Advisory Members

Name	Company
Jeffrey Lewis	Farmers Insurance
Elgin Lowe	Alameda County District Attorney
Lt. Robert McManus	San Leandro Police Department
Captain Luis Torres	San Leandro Police Department
Jessica Vile	Chabot College
Mark Marquez	Hayward PD
Comm. Jack Tucker	AC Sheriff's Department

EdenAreaROP

Advisory Members

Sector: Building & Construction Trades

Pathway: Residential and Commercial Construction
Cabinetry, Millwork, and Woodworking

Instructor: Bill Deslaurier (ROP), Hunter Lower (HAY), Michael Raytis (SLE)

Advisory Members

Name	Company
Chris Floethe	Construction Craft Training (Retired)
Nicolas Harvey	Bay Area Redwood
Phil Johnson	ACCO Engineered Systems
Jack Wilding	Mellow Mule Co.
Ken Hugen	Bay Area Redwood
Mike Christian	Red Point Builders
Matt Wolpe	Laney College

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Advisory Members

Sector: Hospitality, Tourism & Recreation
Pathway: Food Science, Dietetics & Nutrition
Instructor: Amanda Rose (ROP), Vicki Gilmour (CV)

Advisory Members

Name	Company
Gary Freund	California State University, East Bay
Dr. Thomas Padron	California State University, East Bay
Carolyn Payne	Caterer
Mark Duesler	Frontier Energy
Rangel Makayla	
Bryan Roy	Eriks Deli & Cafe

EdenAreaROP

Advisory Members

Sector:	Information and Communications Technologies
Pathway:	Networking and Information Support and Services
Instructor:	Kent Doan (ROP), Louis Stanley (CV)

Advisory Members

Name	Company
Gary Dylina	Pantheon Systems
Chris Stoval	Tech Plus Consulting
Gaspar Modelo-Howard	Palo Alto Networks, Inc.
Chris Bagg	Comcast

EdenAreaROP

Advisory Members

Sector: Health Science and Medical Technology

Pathway: Patient Care (Dental)

Instructor: Kathy O' Brien (ROP)

Advisory Members

Name	Company
Denise Bailey	Retired Instructor
Candace Niccolson	Barniv Dental
Dr. Steven Rothi	Dr. Rothi, DDS
Nydia Tadeo	Dr. Rothi, DDS
Mayra Apodaca RDA	
Helena Martin RDS	
Susan So MD	

EdenAreaROP

Advisory Members

Sector: Engineering and Architecture
Pathway: Engineering Design
Instructor: Lisa Holmes (CV), Jessica Porter (CV), Ian Lockey (HAY)

Advisory Members

Name	Company
Linda Renteria	Casa Sanchez Foods
Valentin Doering	Astellas Gene Therapies
Tim Smith	AECOM
Claire Luce	Blue Origin
Lydia Aman	Soc. Of Women Engineers

EdenAreaROP

Advisory Members

Sector: Public Services
Pathway: Emergency Response
Instructor: Marlene McDowell (ROP), Captain John Peters (ROP)

Advisory Members

Name	Company
Danielle Vidal	Falck Ambulance
Deputy Chief Eric Vollmer	City of Hayward Fire Dept.
Chief Garrett Contreras	City of Hayward Fire Dept.

EdenAreaROP

Advisory Members

Sector:	Arts, Media and Entertainment
Pathway:	Design, Visual, and Media Arts
Instructor:	Cameron Greenfield (CV), Larry Lavendel (MTE), Judy Okolie (TEN), Deborah Reinerio (SLE), Robert Jackson (SLZ)

Advisory Members

Name	Company
Shannon Hackley	Shannon Leigh
Steve Jones	Plantain Studios
Molly McCoy	Molly McCoy Graphic Design
Barbara Alexander	Design West Graphics
Jojo Razor	Websites by Jojo



EdenAreaROP

Advisory Members

Sector:	Marketing, Sales and Services
Pathway:	Marketing & Entrepreneurship/Self Employment
Instructor:	Zennaita Bradford (TEN), Rick Charles (HAY), Vanita Lee-Tatum (MTE), Christina Charlton (ARR), Laura Jagroop (SLE)

Advisory Members

Name	Company
Gautam Biswas	State Bank of India
Luis G. Fernandez	Blue Arris
Dawn Fregosa	Collaborative Education Advisors.com
Damon Johnson	Raised Marketing
Elaine Faxon	Forensic Analytical Consulting
Quency Phillips	Que Agency
Surina Piyadasa	Dynamically Speaking
Carole Wright	Mima LLC
Zachery Borja	Blue Arris
Justin Kent	SONY
Ruben Garza	Alpah Energy Management

EdenAreaROP

Advisory Members

Sector: Health Science & Medical Technology
Pathway: Patient Care (Medical Careers)
Instructor: Heather Bystrom (ROP), Alysa Machado (ROP), Jennifer Heath (RS),
Angelica Peters (ROP)

Advisory Members

Name	Company
Pat Kolyouthapong	FACES for the Future
Heidi Limjoco	Health Partners
Peter Quiambao	Director of Marketing, Healthcare MIMA
Kelly Griest	Kaiser Permanente
Jaqueline Hernandez	St. Rose Volunteer/ FACES Alumni
George Dib	St. Rose Volunteer/ FACES Alumni

Sector: Arts, Media, and Entertainment

Pathway: Design, Visual and Media Arts

Instructor: Jeff Vendsel (CV), Mark Koehler (HAY), David Gurley (MTE),
Jeff Baughman (ARR), Ken Gossett (SLZ)

Advisory Members

Name	Company
Leisl Burns	Studio One Photography
Lauren Finch	Academy of Arts University, of San Francisco
Scot Tucker	Photo Consultant, SF State
Chloe Jackman	Chloe Jackman Photography
Leon Saperstein	Studio-FAB
Bryan Gray	Bryan Gray Photography
Jack Simpson	Jack Simpson Photography
Yelle Gonzales	Lemonad Media
Edwardo Gonzales	Lemonad Media
Astrid Orellana	Estrella Productions
Steve Babujak	
Anthony Dimaano	Freelance/James Logan

EdenAreaROP

Advisory Members

Sector: Health Science & Medical Technology

Pathway: Patient Care [Sports Medicine]

Instructor: Mikel Jackson (MTE), Quiana Porter-Wilson (HAY), Kris Bernard (ARR)

Advisory Members

Name	Company
Ysel Ganda	Chiropractic Stockton Sports
Dan Miller	Chabot College Head Athletic Trainer
Jeff Roberts	Ohlone College Athletic Trainer
Shawn Jenkins	Stockton Sports Performance

EdenAreaROP

Advisory Members

Sector: Arts, Media, and Entertainment

Pathway: Performing Arts

Instructor: Tavis Kammet (HAY), Jennifer Dreyfus (EBA)

Advisory Members

Name	Company
Monica Dominguez	Dance Live Dream Center
Cody Poehnelt	CSUEB Theatre
Lizzie Flores	CSUEB Theatre
Angel Casal	CSUEB Theatre
Benjamin Krantz	
Brian Katz	Custom Made Theatre Co.

EdenAreaROP

Advisory Members

Sector: Arts, Media and Entertainment

Pathway: Design, Visual and Media Arts

Instructor: Tony Farley (SLE), Lance McVay (SLZ), Kevin Johnson (SLZ)

Advisory Members

Name	Company
Roy Miles Jr.	Northstarr Media Group
Jon Bolf	Apple
Alex Haynes	Google, Event Production Design Engineer
Rey Godoy	Seaglass Production
Charles Brown	Berkeley IT Dept.
Kevin Logosh	independent sound technician
Trinh Dinh	Google ASG (You Tube Specialist)

EdenAreaROP

Advisory Members

Sector: Manufacturing & Product Development
Pathway: Welding & Materials Joining and Product Innovation and Design
Instructor: Barbara Juarez (ROP), Eduardo Nava (SLE), Kevin Buckley (BRK),
Joseph Liu (BRK)

Advisory Members

Name	Company
Alex Demirjian	Miller Electric
Louis Quindlen	Laney College
Henry Funcke	Outreach/Rotation Coordinator Sheet Metal Workers' Local 104 and Bay Area Industry Training Fund
Ken Miller	Business Agent/Organizer
Alvin Jeong	Baxter International
David Vetrano	Chabot College
Ron Sharp	



DATE: November 4, 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 AppleOne for IT Support Services for the 2021-2022 School Year

BACKGROUND

Occasionally, the Eden Area ROP needs IT support services to address the daily technological needs of the agency in order to support the ongoing operation of our network.

CURRENT SITUATION

The Eden Area ROP has identified a temporary employee from AppleOne to provide IT support services for the purpose as stated above.

CONSENT CALENDAR



This Conditions of Service ("**Agreement**") is between Eden Area Regional Occupational Program ("**Client**") and Howroyd-Wright Employment Agency, Inc. dba AppleOne Employment Services ("**AppleOne**"). In consideration of the parties' mutual covenants, conditions, and promises contained herein, the parties agree as follows:

TEMPORARY AND TEMPORARY-TO-HIRE SERVICES

1. Employees or associates of AppleOne or any of its subcontractors temporarily assigned to Client shall be referred to in the singular as "**Temporary Employee**" and in the plural as "**Temporary Employees**." Temporary Employees are subject at all times to Client's direct and indirect supervision; AppleOne does not supervise such employees on their assignments. Client further agrees that while on assignment with Client, Temporary Employees shall not be permitted, without express advance written approval by an officer of AppleOne, to i) engage in travel or otherwise operate a motor vehicle or any non-office machinery or equipment on behalf of Client, ii) handle cash or valuables or negotiable instruments (Client shall also not pay Temporary Employees directly or advance any funds to them.), iii) be permitted unsupervised or uncontrolled access to confidential or proprietary information, including confidential access codes, iv) be permitted unsupervised access to or control of Client's business premises, v) remove any property of Client from Client's business premises, vi) purchase, consume or distribute any alcohol, or vii) consume drugs, unless advance written authorization is provided by a physician. Should any Temporary Employee be permitted to engage in any of the activities described in i) - vii) above, AppleOne shall have no responsibility arising therefrom, and Client agrees to indemnify, defend and hold harmless AppleOne for any and all liabilities, losses, claims, injuries, suits, judgments, expenses, charges, fines, interest or penalties (collectively, "**Losses**") resulting from the employee's conduct.
2. Background check services are available for an additional fee to Client and must be agreed to in writing between AppleOne and Client. Background check services may be conducted by one or more of AppleOne's preferred, third-party vendors (e.g., A-Check Global). Client shall indemnify, defend and hold harmless AppleOne for any and all Losses arising from or related to i) the background checks or the performance thereof and ii) AppleOne's assignment of any Temporary Employees to Client, at Client's request, before the full completion of Client- or AppleOne-required background checks, including any legal requirements associated therewith.
3. AppleOne provides its services in compliance with its obligations as an equal opportunity and affirmative action employer. AppleOne's recruiting procedures are free of discrimination based on race, religion, ancestry, color, national origin, age, gender identity or expression, genetic information, marital status, medical condition, physical or mental disability, protected veteran status, sex (including pregnancy), sexual orientation, or any other characteristic protected by applicable federal, state or local laws. AppleOne also consider qualified applicants regardless of criminal histories, consistent with legal requirements.
4. Client agrees to immediately contact its AppleOne representative or the AppleOne Human Resources Hotline at (800) 270-9120 upon receipt of any complaint by a Temporary Employee regarding, but not limited to, any of the following: sexual harassment, discrimination, retaliation, bullying, wage and hour issues, meal and rest breaks or any other employment-related concern. Further, Client agrees to comply with the American with Disabilities Act and any local health accommodation requirements, and upon request by AppleOne, agrees to participate in an interactive process with AppleOne and any Temporary Employee who seeks a reasonable workplace accommodation.
5. Client agrees to indemnify, defend and hold harmless AppleOne and its subsidiaries and related entities, and all of their respective officers, directors, shareholders, employees, agents and representatives (collectively, "**AppleOne Parties**") for Losses arising out of any violation of laws by Client. In addition, Client agrees to comply with all laws, regulations and ordinances relating to work site health and safety, and agrees to provide Temporary Employees a safe and healthful workplace. Client agrees to indemnify, defend and hold harmless AppleOne Parties for Losses arising out of Client's violations of the Occupational Safety and Health Act of 1970, or any similar state law with respect to workplaces owned, leased or supervised by Client, and/or to which Temporary Employees are assigned. For any serious injury, illness or death of a Temporary Employee occurring in a place of employment or in connection with an AppleOne employee's assignment with Client, Client shall notify AppleOne immediately (Notification to AppleOne is also required in the event of any accident or medical treatment.) and is

required to report immediately, by telephone or fax, to the nearest Occupational Safety and Health Administration (“**OSHA**”) office. Client is authorized and required by AppleOne to make the report on behalf of both AppleOne and Client. Client shall provide to OSHA all information required by applicable law, as well as AppleOne’s name, address, phone number and contact person, and the Temporary Employee’s name. Client shall notify AppleOne immediately after the report has been made.

6. Client will not reassign or relocate a Temporary Employee without prior written authorization by AppleOne. Client agrees to assume all liability for any third party claim arising after any reassignment or relocation that occurs without such authorization.

7. Client understands that Temporary Employees are assigned to Client to render temporary services, and that absent an agreement to the contrary, are not assigned to become employed by Client. Client acknowledges the considerable expense incurred by AppleOne to advertise, recruit, evaluate, train and quality control its employees. Client will not, without prior written authorization by AppleOne, hire an AppleOne employee, interfere with the employment relationship between AppleOne and its employee, or directly or indirectly cause an AppleOne employee to transfer to another temporary help service.

8. Client understands that AppleOne may refer candidates for Client’s evaluation or assign AppleOne employees to render temporary services at Client often while such persons seek direct hire employment through AppleOne. If Client, either directly or indirectly, such as through any company within Client’s control, solicits, offers employment to and/or hires any AppleOne candidate or employee as an employee or consultant in any position, or utilizes such person’s services through another temporary or outsourcing service, or any party affiliated with Client refers such person to any other employer and said person becomes employed by that employer: i) at any time from the date such person’s identity is provided by AppleOne to Client until six (6) months thereafter, or ii) within six (6) months after termination of such person’s temporary assignment through AppleOne at Client, whichever is the later, Client agrees to pay AppleOne a direct hire fee in accordance with AppleOne’s standard fee schedule stipulated by the parties to be equal to thirty percent (30%) of such person’s first year annualized wage or salary. Unless Client presents written evidence to AppleOne of Client’s prior knowledge of an AppleOne referred candidate i) within three (3) business days of AppleOne’s referral of such candidate to Client, or ii) prior to Client’s interview of such candidate, or iii) prior to AppleOne’s assignment of such candidate at Client, whichever is earliest, Client understands and agrees that Client is liable for the payment of any direct hire fee due to AppleOne pursuant to this Agreement.

9. AppleOne offers temporary-to-hire services to Client. An AppleOne employee temporarily assigned to Client is an employee of AppleOne until released to Client. Should Client be interested in hiring an AppleOne referred candidate or employee, Client shall contact AppleOne, who will establish the terms and conditions for releasing such person to Client’s payroll, including the conversion fee to be paid by Client if such terms are not otherwise agreed to between the parties. If any Client accounts are in default according to the payment terms in Section 12, Client shall bring the accounts current prior to the hiring. If Client hires an AppleOne employee with a Client account in default, Client agrees to pay AppleOne a conversion fee equivalent to the direct hire fee as set forth in Section 8 of this Agreement.

INVOICING AND PAYMENT

10. Client understands that Temporary Employees must be paid weekly, and agrees to promptly review and approve or verify timecards or hours worked. Client agrees to pay and shall be liable for any and all charges incurred based upon Client approved or verified timecards or hours or similar information submitted by Client to AppleOne. If timecards or hours lack timely Client approval or verification, AppleOne will process payroll and invoices based upon the timecards or hours submitted by the employees.

11. Client shall reimburse AppleOne for any expenses that are incurred by AppleOne or Temporary Employees, which are reasonably related to or arise out of the services provided to Client or the discharge of duties by Temporary Employees for Client under this Agreement (“**Reimbursable Expenses**”). Such Reimbursable Expenses may include a reasonable amount for Temporary Employee internet service or mobile device service for remote work, Client-required equipment and tools, Client-required uniforms, pre-employment health screening (e.g., COVID-19 testing) and fit for duty doctor’s visit costs. Expenses for travel shall not be invoiced or reimbursed unless such travel expenses have been previously authorized by Client.

12. AppleOne shall invoice Client weekly for services and any other obligations hereunder. Client agrees that payment of invoices is due upon receipt. Client agrees that an account balance that remains unpaid thirty (30) days after the invoice date will be considered in default. Client agrees to pay costs of collection, including attorneys' fees.

13. Client's payment method (Check box.): ☐ **ApplePay's eCheck**. Client may sign up at www.applepay.com. ☐ ACH/Other shall be discussed between Client and the AppleOne representative. Notwithstanding anything to the contrary in this Agreement, in the event that AppleOne is subject to any third party fees or costs related to AppleOne's compliance with Client's invoicing or payment policies or practices (e.g., Ariba fees, credit card fees, etc.), AppleOne will pass such fees or costs through to Client without markup.

14. Client and AppleOne acknowledge that through the Patient Protection and Affordable Care Act of 2010, as amended ("**ACA**"), and regulations promulgated thereby, statutory requirements have been imposed upon certain employers of certain employees working in the United States. AppleOne is committed to fulfilling its ACA obligations through offering ACA-compliant benefits to eligible contingent workers, including Temporary Employees. In demonstrating Client's commitment to ACA compliance, Client agrees to share in ACA-related costs by paying a \$0.54 surcharge for each hour of service provided by each Temporary Employee. The surcharge will be billed to Client in a separate line item on the invoice.

15. Client, or federal, state or local laws, either currently existing or enacted in the future, may mandate that Temporary Employees undergo specific training (e.g., sexual harassment prevention training), presentations and other curricula ("**Trainings**"), where the payment of wages is required by law. Unless otherwise agreed to by the parties in writing, the parties agree that AppleOne will invoice Client for the time spent by Temporary Employee on such Trainings, as well as for voting, as allowed by applicable law, according to the regular markup percentage or bill rate that AppleOne charges for such employee.

16. Federal, state or local laws, either currently existing or enacted in the future, may require AppleOne or Client to provide one or more Temporary Employees with certain paid sick, quarantine or COVID-19-related leave (Each such law is a "**Paid Leave Law**"). AppleOne and Client agree to comply with all provisions of each Paid Leave Law with respect to Temporary Employees as such laws become effective. Unless otherwise agreed to by the parties in a writing, to address the costs for compliance with a Paid Leave Law, the parties agree that AppleOne will invoice Client for the paid leave of a Temporary Employee according to the regular markup percentage or bill rate that AppleOne charges for such employee provided that the criteria required for the payment of leave to such employee under applicable law has been met.

17. Unless otherwise agreed to by the parties elsewhere in the Agreement and/or in any of the Agreement's mutually agreed upon ancillary exhibit(s) or document(s), to the extent that AppleOne may be required to pay the Temporary Employee overtime under any federal, state or local law, AppleOne, as applicable, will bill Client i) based upon the Temporary Employee's legally applicable hourly pay rate for overtime work plus the markup percentage for the Temporary Employee, or ii) an overtime bill rate, which will be calculated by applying a multiplier of 1.5 or 2.0 (for double time, where applicable) to the Temporary Employee's hourly bill rate.

18. Additional agreed upon pricing for the services to Client under this Agreement may be set forth in one (1) or more exhibit(s) to this Agreement or as mutually agreed upon by the parties in writing. The parties agree that upon thirty (30) days' written notice to Client, pricing under this Agreement may change if AppleOne's expenses for statutory or other fixed costs increase, or if new or additional statutory or government-imposed taxes, fees or costs are incurred by AppleOne after the Effective Date. These taxes, fees or costs may include, but are not limited to those related to: Workers' Compensation Insurance, State Unemployment Insurance, federal, state or local taxes, regulations or ordinances (including but not limited to Wage Determinations, Health & Welfare Benefits, SCLS/SCA, vacation pay, holiday pay, Paid Leave Laws or minimum wage laws), or an increase in the ACA surcharge. The parties agree that such written notice may be in the form of an electronic communication, including email.

OTHER TERMS

19. Despite anything to the contrary in the Agreement, Client shall defend, indemnify and hold harmless AppleOne Parties from and against any and all Losses to the extent caused by Client's failure to inform AppleOne, in writing, that Client or any job orders or services hereunder, are subject to Federal Acquisition Regulation and/or Defense Federal Acquisition Regulation Supplement, Service Contract Labor Standards, formerly known as the

McNamara-O'Hara Service Contract Act of 1965 ("**SCLS/SCA**"), Davis-Bacon Act of 1931, Federal Paid Sick Leave (EO 13706), or any other federal law where a security clearance or any kind of government-issued credential or designation is required.

20. To the maximum extent permitted by applicable law, neither Client nor AppleOne shall have any liability for any indirect, consequential, special or incidental damages, damages for loss of profits or revenues, whether in an action in contract or tort, even if such party has been advised of the possibility of such damages, unless such party has engaged in gross negligence or willful misconduct or the damages arise from a third party claim for which a party is entitled to indemnification in this Agreement.

21. This Agreement supersedes any and all other agreements, either oral or written, between the parties or anyone acting on behalf of a party hereto, with respect to the subject matter hereof. This Agreement contains all of the covenants, conditions, warranties, representations, inducements, promises or agreements (oral, written, on a website, or otherwise) ("**Promises**") between the parties with respect to the subject matter hereof. Each party hereto acknowledges that no Promises have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other Promises, which are not contained herein, shall be valid or binding. Any oral Promises or modifications concerning this Agreement shall be of no force or effect, except by a subsequent written amendment to this Agreement.

22. The confidential and/or proprietary information of the disclosing party will be held in strict confidence by the receiving party and will not be disclosed by the receiving party to any third party, or used by the receiving party for its own purposes, except to the extent that such disclosure or use is necessary in the performance by the receiving party of its obligations under this Agreement. The receiving party upon the request of the disclosing party will destroy or return all writings or documents that contain information subject to the protections of this section.

23. The laws of the State of California shall govern this Agreement, its interpretation and any disputes regarding the services. Any action concerning this Agreement or the services shall be instituted in the state or federal courts located in County of Alameda in the State of California, and AppleOne and Client agree to the exclusive personal jurisdiction of said courts and waive any rights to a change of venue. In the event that a party hereto commences any legal or equitable action or other proceeding, the prevailing party shall be entitled to recover reasonable attorneys' fees in addition to any other relief.

24. This Agreement shall be in effect from the last date set forth below ("**Effective Date**") and shall continue until terminated at any time by either party in writing. Absent a prior agreement between the parties, services provided by AppleOne to Client before the Effective Date shall be considered as having been provided subject to the provisions of this Agreement. The rights and obligations in this Agreement, which by their nature should survive, will remain in full force and effect following the termination of this Agreement.

25. In the event that any provision of this Agreement shall be unenforceable or inoperative as a matter of law, the remaining provisions shall remain in full force and effect.

26. As Client's staffing supplier, AppleOne considers itself a critical vendor to Client, and AppleOne is committed to helping its clients through turbulent times. To ensure alignment on this issue, AppleOne requests and Client agrees that, in the unlikely event of a Client bankruptcy filing, that AppleOne will be a critical vendor of Client so that all services performed by AppleOne under this Agreement, or any other agreement between the parties, before and after any bankruptcy filing, are paid in accordance with the parties' applicable contractual terms.

27. A waiver of a breach of any covenant, condition, or promise of this Agreement shall not be deemed a waiver of any succeeding breach of the same or any other covenant, condition, or promise of this Agreement. No waiver shall be deemed to have been given unless given in writing.

28. The parties agree that this Agreement (and/or any of the Agreement's mutually agreed upon ancillary exhibit(s) or document(s)) may be electronically signed and that any electronic signature appearing on this Agreement (and/or such exhibit(s) or document(s)) is the same as a handwritten signature for the purposes of validity, enforceability and admissibility. Further, the parties agree that this Agreement may be executed in counterparts, each of which together shall be deemed one and the same instrument. Moreover, the exchange of this entire executed Agreement (and/or such exhibit(s) or document(s)) that is in photostatic or portable document format (.pdf) form by electronic mail or by another electronic means shall be considered original(s) and shall constitute effective execution and delivery of the original(s).

For Client



Signature

Anthony Oum

Printed Name

Fiscal Financial Officer

Title

09/27/2021

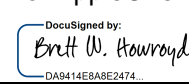
Date

26316 Hesperian Blvd

Hayward, CA 94545

Address

For AppleOne



Signature

Brett W. Howroyd

Printed Name

President

Title

9/27/2021

Date

327 W Broadway

Glendale, CA 91204

Address

AppleOne is an equal opportunity and affirmative action employer. We proudly embrace diversity in all of its manifestations. We are firmly committed to anti-racism, and as leaders of fairness in work, do not tolerate or support racism or any discriminatory practices.



DATE: November 4, 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 Eide Bailly for Fixed Assets Consulting Services for the 2021-2022 School Year

BACKGROUND

Annually, the Eden Area ROP is required to track fixed assets (i.e., Objects 6100 – Sites & Improvement of Sites, 6200 – Buildings & Improvement of Buildings, 6400 – Equipment Capital Purchase and 6500 – Equipment Replacement Capital Purchase).

CURRENT SITUATION

An area that requires to be completed for Eden Area ROP's annual audit is to develop a schedule of fixed assets with historical cost, depreciation expense and accumulated depreciation. Eide Bailly will assist the Eden Area ROP to develop said schedule and modernize our tracking of fixed assets.

CONSENT CALENDAR



October 5, 2021

Anthony Oum
Eden Area Regional Occupational Program
26316 Hesperian Blvd
Hayward, California 94545

This Agreement addresses the objective, scope, approach, conditions, report, limitations, warranty and other provisions relating to the fixed asset consulting that Eide Bailly LLP (“we”) will provide to Eden Area Regional Occupational Program (“you” or “the Company”).

Objective and Scope

The objective of the study is to provide fixed asset consulting services as requested by you. Our services will remain advisory in nature.

The scope will be to update and improve the 2020 Fixed Asset Rollforward workpaper. We will account for additions, disposals, and depreciation for the current year. We will evaluate for areas of improvement within the current workpaper.

Engagement Team

Your Eide Bailly engagement leaders are as follows; Mark Rogers will serve as engagement Principal; Ellen Thomas Evans will serve as engagement Manager. In addition to these engagement leaders, your team will include Certified Public Accountants, construction managers and other fixed asset specialists, as appropriate.

Documentation and Quality Assurance

The process of accumulating the needed information for us to do the study would begin upon receiving your approval of the study as stated in this Agreement. The cooperation of your personnel is imperative for timely completion of the study. We will make best efforts to meet expected completion dates and tax deadlines.

You are responsible for assuming all management responsibilities, and for overseeing any services we provide by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience. In addition, you are responsible for evaluating the adequacy and results of the services performed and accepting responsibility for the results of such services.

It is our policy to keep records related to this engagement for eight years. However, we do not keep any of your original records, so we will return those to you upon the completion of the engagement. When records are returned to you, it is your responsibility to retain and protect the records for possible future use, including potential examination by governmental or regulatory agencies. By signing this engagement letter, you agree that upon the expiration of the eight-year period, we are free to destroy our records related to this engagement.

Fees

Our fees for the services under this Agreement will be based on our hourly rates for this type of work. Based on our experience and the information received to date, the fixed fee will be \$300 an hour up to 2,000 dollars.

In addition, we will be compensated for any time and expenses, including time and expenses of legal counsel, we may incur in conducting or responding to discovery requests or participating as a witness or otherwise in any legal, regulatory, or other proceedings as a result of our Firm's performance of these services. You and your attorney will receive, if lawful, a copy of every subpoena we are asked to respond to on your behalf and will have the ability to control the extent of the discovery process to control the costs you may incur.

Should our relationship terminate before the study is completed you will be billed for reasonable services to the date of termination. Invoices are due Net 30 upon receipt. If collection action is necessary, expenses and reasonable attorney's fees will be added to the amount due.

You will agree to provide the information necessary to complete the study in a timely manner. If the information provided is incomplete, inaccurate or not provided timely, or if during the study it is discovered that additional time is warranted due to unforeseen or unforeseeable circumstances, the scope of the study may change requiring additional fees and/or the warranty provisions stated later in this agreement to be adjusted. Any such change will be discussed with you as soon as its presence becomes known to us.

We will not verify the accuracy of cost data or the date the building was placed in service, and we will not verify proof of expenditures made giving you the right to depreciate the building costs. If any such data provided to us turns out to be materially inaccurate or unsubstantiated, the warranty provisions of this agreement may be voidable by us.

Should you be audited by the Internal Revenue Service and your depreciation based upon this consulting becomes an issue, we shall provide up to twelve hours of representation before the IRS for this study, at your request, for no additional charge.

Should you request additional services or representation during a tax examination or audit, those services would be provided under a separate agreement. Unless you request, the fixed asset study will not be changed or updated for subsequent changes or modifications to the law and regulations or the judicial and administrative interpretations thereof.

Dispute Resolution

The following procedures shall be used to resolve any disagreement, controversy or claim that may arise out of any aspect of our services or relationship with you, including this engagement, for any reason ("Dispute"). Specifically, we agree to first mediate.

Mediation

All Disputes between us shall first be submitted to non-binding mediation by written notice ("Mediation Notice") to the other party. In mediation, we will work with you to resolve any differences voluntarily with the aid of an impartial mediator. The mediator will be selected by mutual agreement, but if we cannot agree on a mediator, one shall be designated by the American Arbitration Association ("AAA").

The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the Dispute. Mediation will be conducted with the parties in person in the Minneapolis office of Eide Bailly or the Eide Bailly office from which the study originated.

Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties.

Either party may commence suit on a Dispute after the mediator declares an impasse.

Governing Law and Venue

We both agree to submit any unresolved Dispute to trial by a federal or state court venued in County of Alameda, California. This agreement shall be governed by and construed in accordance with the laws of the State of California (regardless of the laws that might be applicable under the principles of conflict of law) as to all matters including without limitation, matters of validity, construction, effect, and performance.

Limitation of Damages and No Punitive Damages

The exclusive remedy available to you in any adjudication proceeding shall be the right to pursue claims for actual damages that are directly caused by acts or omissions that are breaches by us of our duties under this agreement and/or under applicable professional standards, such damages will be limited to no more than two times fees paid under this agreement. In no event shall we be liable to you for any punitive or exemplary damages, or for attorneys' fees.

Time Limitation

The nature of our services makes it difficult, with the passage of time, to gather and present evidence that fully and fairly establishes the facts underlying any Dispute. We both agree that, notwithstanding any statute of limitations that might otherwise apply to a Dispute, it is reasonable that you may not bring any legal proceeding against us unless it is commenced within twenty-four (24) months ("Limitation Period") after the first tax return is filed reflecting the basis allocations from this engagement, regardless of whether we do other services for you or that may relate to the fixed asset report.

The Limitations Period applies and begins to run even if you have not suffered any damage or loss, or have not become aware of the existence or possible existence of a Dispute.

Indemnity

You agree that none of Eide Bailly LLP, its partners, affiliates, officers or employees (collectively "Eide Bailly") shall be responsible for or liable to you for any misstatements in your financial statements and/or tax return that we may fail to detect as a result of knowing representations made to us, or the concealment or intentional withholding of information from us, by any of your owners, directors, officers or employees, whether or not they acted in doing so in your interests or for your benefit, and to hold Eide Bailly harmless from any claims, losses, settlements, judgments, awards, damages and attorneys' fees from any such misstatement, provided that the services performed hereunder were performed in accordance with professional standards, in all material respects.

If a claim is brought against you by a third-party that arises out of or is in any way related to the services provided under this engagement, you agree to indemnify Eide Bailly LLP, its partners, affiliates, officers and employees (collectively "Eide Bailly"), against any losses, including settlement payments, judgments, damage awards, punitive or exemplary damages, and the costs of litigation (including attorneys' fees) associated with the services performed hereunder provided that the services were performed in accordance with professional standards, in all material respects.

Assignments Prohibited


You agree that you will not and may not assign, sell, barter or transfer any legal rights, causes of actions, claims or Disputes you may have against Eide Bailly, its partners, affiliates, officers and employees, to any other person or party, or to any trustee, receiver or other third party.

Agreement and Acceptance

If the arrangements outlined in this Agreement meet with your approval, please indicate your acceptance by signing this letter in the space provided below and returning this Agreement to us. Should you have any questions or require additional information, please do not hesitate to call.

We appreciate the opportunity to serve you and look forward to working with you on this engagement.

EIDE BAILLY LLP



Mark Rogers
Principal

Agreed and Accepted By: Eden Area Regional Occupation Programs



Name

10/05/2021

Date



DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the 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

BACKGROUND

The National Center for Executive Leadership and School Board Development provides training and support to educational administrators and governing boards on a variety of topics from strategic planning and leadership development, to team building and ensuring organizational greatness.

CURRENT SITUATION

To support the efforts of the administrative team working effectively together, the National Center for Executive Leadership and School Board Development will provide training to the entire team and individual coaching to all the administrators. In addition to regularly scheduled advising sessions, the consultants will be available as needed to offer guidance and support to each administrator.

CONSENT CALENDAR

CONSULTING AGREEMENT

THIS AGREEMENT, made and entered into this **1st day of October, 2021** by and between **Eden Area ROP** hereinafter (**ROP**) and the **National Center for Executive Leadership and School Board Development**, an Independent Consultant, hereinafter (“Consultant”), a Private Consulting Business providing services in the areas of educational consultation, training and team building.

RECITALS

WHEREAS, Consultant has demonstrated training, experience, and competency to perform the special services required by this Agreement throughout his/her career in serving schools and school ROPs.

WHEREAS, Consultant represents that he/she has expertise in the area of Educational Consulting and is ready, willing, and able to provide consulting assistance to ROP on the terms and conditions set forth herein; and

NOW THEREFORE, in consideration of the obligations herein made and undertaken, the parties, intending to be legally bound, covenant and agree as follows:

Article 1

SERVICES TO BE DELIVERED

- 1.1 Consultant shall provide consulting services in the area of Educational Leadership and Team Building. Consultant shall render such services in accordance with the milestones set forth in Appendix A.
- 1.2 ROP shall provide and make available to Consultant such resources as shall be necessary to perform the services called for by this Agreement.

Article 2

COMPENSATION AND PAYMENT

- 2.1 In consideration of the services to be performed by Consultant, ROP shall, within 30 days from receiving an invoice of billing, pay the **National Center for Executive Leadership and School Board Development** the fees set forth in Appendix A attached hereto.

Article 3

DELIVERABLE OWNERSHIP

- 3.1 All right, title, and interest in and to any programs, systems, data, and materials furnished to Consultant by ROP are and shall remain the property of ROP.
- 3.2 All right, title, and interest in and to any programs, systems, data, and materials furnished to ROP by Consultant are and shall remain the property of Consultant.

Article 4

AGREEMENT PRIVACY

- 4.1** Without the permission of the ROP, for a period of 2 years from the date of termination of this Agreement, Consultant shall not disclose the nature of the effort undertaken for ROP or the terms of this Agreement to any other person or entity, except as may be necessary to fulfill Consultant's obligations hereunder.

Article 5

REPRESENTATIONS AND WARRANTIES

- 5.1** ROP warrants that it owns all right, title, and interest in and to any programs, systems, data, or materials furnished to Consultant hereunder.

Article 6

LIABILITY LIMITS

- 6.1** In no event shall either party be liable to the other for any consequential damages or lost profits of the other party.

Article 7

MISCELLANEOUS

- 7.1** Consultant shall not assign, transfer, or subcontract this Agreement or any of its obligations hereunder without the prior written consent of ROP.
- 7.2** This Agreement shall be governed and construed in all respects in accordance with the substantive laws of the **State of California**.
- 7.3** The parties are and shall be independent contractors to one another, and nothing herein shall be deemed to cause this Agreement to create an agency, partnership, or joint venture between the parties. Except as expressly provided in this Agreement, ROP shall not be liable for any debts, accounts, obligations, or other liabilities whatsoever of Consultant, including (without limitation) Consultant's obligation to withhold Social Security and income taxes for itself or any of its employees.
- 7.4** This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior representations, proposals, discussions, and communications, whether oral or in writing. This Agreement may be modified only in writing and shall be enforceable in accordance with its terms when signed by the party sought to be bound.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives, on the date and year first above written.

Eden Regional Occupation Program

By: _____

Signature: _____

Title: _____

Date: _____, 2021

National Center for Executive Leadership and School Board Development

By: Walt L. Hanline, Ed.D.

Walt L. Hanline

Title: Executive Director and Consultant

Date: October 1, 2021

Appendix A

Description of Services, Billing Expenses and Dates

Year 1 – 2021-2022

Description of Service	Delivery Date	Billing Amount	Billing Date
4 days - 1 hour coaching session for and with each Cabinet Member (6 individuals) provided virtually by Ms. Linda Luna, scheduled with 1 session in November, 1 in December, 1 in January and 1 in February	November – March 30	\$18,000	November 1, 2021
4 - 1 ½ hours of virtual Professional Learning Training on Leadership. This includes the necessary preparation and presentation time. 1 of the trainings provided by Dr. Mary Hopewell and Ms. Linda Lunda and 3 of the trainings provided by Ms. Linda Luna.	November– March 30	\$18,000	January 1, 2022
4 - Check-in Coaching Phone Calls with each Cabinet Member, scheduled with 1 session in November, 1 in December, 1 in January and 1 in February.	November– March 30	\$6,750	March 1, 2022
TOTAL BILLING		\$42,750.00	

Coach and Advisor Support Service. In the advisor/coaching/support role, Ms. Luna will:

- Shape Cabinet Member Coach/Advisor relationship upon a high level of professional ethics, appropriate confidentiality, competence, and trust.
- Work with each Cabinet Member in addressing the annual evaluation goals related to leadership and high performing teams.
- Provide intensive, contextualized, one-on-one support to each Cabinet member.
- Hold virtual meetings designed to address planning and intentional leadership focused on high performing teams.
- Provide, virtually, one-on-one hourly Coaching/Advising Sessions with each Cabinet member to strengthen intentional leadership focused on high performing teams.
- Provide check- in one-on-one support **phone calls** with each Cabinet member to strengthen intentional leadership focused on high performing teams.
- Provide unlimited virtual, phone & email contact with Superintendent to address any issues or challenges, on a 24/7 basis.

Year 2 – 2022-2023

Description of Service	Delivery Date	Billing Amount	Billing Date
4 days - 1 hour coaching session for and with each Cabinet Member (6 individuals) provided virtually by Ms. Linda Luna, scheduled with 1 session in September, 1 in November, 1 in February and 1 in March.	July 1 – March 30	\$18,000	July 1, 2022
4 - 1 ½ hours of virtual Professional Learning Training on Leadership. This includes the necessary preparation and presentation time. 1 of the trainings provided by Dr. Mary Hopewell and Ms. Linda Lunda and 3 of the trainings provided by Ms. Linda Luna.	July 1 – March 30	\$18,000	January 1, 2022
4 - Check-in Coaching Phone Calls with each Cabinet Member, scheduled with 1 session in August, 1 in October 1 in January and 1 in April.	July 1 – March 30	\$6,750	March 1, 2022
TOTAL BILLING		\$42,750.00	

Coach and Advisor Support Service. In the advisor/coaching/support role, Ms. Luna will:

- Shape Cabinet Member Coach/Advisor relationship upon a high level of professional ethics, appropriate confidentiality, competence, and trust.
- Work with each Cabinet Member in addressing the annual evaluation goals related to leadership and high performing teams.
- Provide intensive, contextualized, one-on-one support to each Cabinet member.
- Hold virtual meetings designed to address planning and intentional leadership focused on high performing teams.
- Provide, virtually, one-on-one hourly Coaching/Advising Sessions with each Cabinet member to strengthen intentional leadership focused on high performing teams.
- Provide check- in one-on-one support **phone calls** with each Cabinet member to strengthen intentional leadership focused on high performing teams.
- Provide unlimited virtual, phone & email contact with Superintendent to address any issues or challenges, on a 24/7 basis.

INFORMATION ITEMS



DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Elaine Alvite, Director of Educational Services
SUBJECT: Business Partners of the Year

BACKGROUND

The Eden Area ROP and school district programs are supported by our local business community in many ways. To honor those business members who have supported our programs and have contributed above and beyond during the school year, we honor our Business Partners of the Year. Due to the restriction of COVID-19, the Business Partner of the Year breakfast will not occur this year. Business Partners of the Year will be honored during our November Governing Board meeting.

CURRENT SITUATION

This year, the Eden Area ROP and the four school districts selected a total of eight Business Partners of the Year. These nominees have a passion and appreciation of school district and ROP career pathways and are dedicated to our students.

The following list of individuals are the Eden Area ROP's "Business Partners of the Year:"

NAME	COMPANY	NOMINATOR
San Leandro Chamber of Commerce	San Leandro Chamber of Commerce	San Leandro USD (Internships, WBL)
Melissa Marscin	Collision Repair Education Foundation	Eden Area ROP (Auto Refinishing)
Roy Miles Jr.	Northstarr Media Group	San Lorenzo (BADA)
Dirk Vanderlaan	Tesla	Eden Area ROP (Auto Repair)
Paul Nguyen	City of Hayward	Hayward USD (Engineering)
Todd Anglin	Anglin Insurance and Financial Services, Inc., State Farm	Castro Valley USD (Internships)
Brittany Albaugh	Construction Industry Education Foundation	Eden Area ROP (Construction)
Quency Phillips	Que Talent Agency	San Leandro USD (Marketing)

RECOMMENDATION

Information only



DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Elaine Alvite, Director of Educational Services
SUBJECT: Principals' Breakfast

BACKGROUND

It is the goal of the Eden Area ROP to continue to develop and implement Career Technical Education course offerings throughout the four districts we serve. We are working to build capacity through establishing strong pathways that encourage all students to enroll and stay enrolled in a rigorous course of study.

The Eden Area ROP staff work with students, parents, counselors, district, and school site administrators in designing a course of study to meet career, academic and employability standards.

CURRENT SITUATION

In a continuing effort, school site and Eden Area ROP administrators meet to discuss goals, challenges, and strategies for student success. On September 29, 2021, principals from 13 high schools were invited to collaborate virtually around the current trends in CTE, enrollment, funding, COVID-19 contact tracing, as well as the services the Eden Area ROP can provide for all school sites.

RECOMMENDATION

Information only

DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: First Reading of Governing Board Policies and Administrative Regulations 0000, 2000 and 3000

BACKGROUND

By law, districts are mandated to adopt policies and administrative regulations to help ensure that districts are legally compliant. New laws are passed by the legislature and congress every year and our policies can quickly become out-of-date. The last thorough review of all of the Eden Area ROP Governing Board policies and administrative regulations occurred in the 2019-2020 school year.

CURRENT SITUATION

The Eden Area ROP has contracted with California School Boards Association (CSBA) to receive regular updates and suggested policy language for any additions, changes, or modifications to educational code that impacts policy. Staff regularly review these updates and bring relevant changes to the board for their consideration throughout the year.

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

NUMBER	TYPE	TITLE	STATUS
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

Information only

EdenAreaROP **SUPERINTENDENT'S MEMO**

To: Eden Area ROP Governing Board
From: Linda Granger, Superintendent
Date: November 4, 2021
Re: First Reading of Board Policies and Administrative Regulations 0000, 2000 and 3000

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>BP 0430: Comprehensive Local Plan for Special Education</p> <p>As the Eden Area ROP does not identify or recommend students for placement in Special Education, we do not participate in a SELPA or create a local Plan for Special Education. Therefore, this Board Policy does not apply to us, and it is recommended that we rescind this Board Policy.</p>	<p>Rescind current EAROP Policy as it does not apply.</p>
<p>BP 0470: COVID-19 Mitigation Plan</p> <p>Policy updated to add new note to reflect that district are obligated to comply with COVID-19 mitigation requirements from multiple jurisdictional authorities including the California Department of Public Health (CDPH), the California Division of Occupational Safety and Health (Cal/OSHA), and local health authorities, to reflect guidance from CDPH and Cal/OSHA's COVID-19 prevention program and reflect requirements for districts to create and post COVID-19 safety plans. Policy updated to direct the Superintendent and/or designee to establish and maintain a COVID-19 safety plan that complies with public health guidance of CDPH, the requirements of Cal/OSHA, any orders of state or local health authorities, and any other applicable law and/or health order(s) and to omit specific details regarding COVID-19 mitigation practices due to the evolving nature of public health guidance. Policy updated to reflect NEW LAW (AB 86, 2021) and NEW LAW (AB 130, 2021) requiring the reporting of specified COVID-19 cases to CDPH and requiring the reporting of other information to the California Collaborative for Educational Excellence (CCEE). Policy updated to reflect NEW LAW (AB 86, 2021) and NEW LAW (AB 130, 2021) requiring districts that receive Extended Learning Opportunities (ELO) grant funding to implement a learning recovery program that provides supplemental instruction, support for social-emotional well-being, and to the maximum extent permissible as specified in U.S. Department of Agriculture guidelines, meals and snacks, to eligible students. Policy also updated to include promising practices for reengaging chronically absent students and to direct the Superintendent or designee to ensure the 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.</p>	<p>Replaces current EAROP Board Policy</p>
<p>BP 2121: Superintendent's Contract</p> <p>Policy updated to add professional development as an optional component that may be addressed in the superintendent's contract, consistent with CSBA's Superintendent Contract Template. Section on "Termination of Contract" deletes material related to maximum cash settlement requirements for contracts executed prior to January 1, 2016, since state law limits the term of the contract to a maximum of four years.</p>	<p>Replaces current EAROP Board Policy</p>

<p>BP 3110 Transfer of Funds</p> <p>Policy updated to reflect NEW LAW (SB 98, 2020) which authorizes, for the 2020-21 and 2021-22 fiscal years if the state defers any payments owed to districts, the temporary transfer of up to 85 percent of the maximum amount held in any fund or account for the payment of obligations. Item #4 revised to clarify requirements for transfers from special reserve funds for capital outlay or other purposes into the general fund for general operating purposes of the district.</p>	<p>Replaces current EAROP Board Policy</p>
<p>BP 3230 Federal Grant Funds</p> <p>Policy updated to reflect NEW FEDERAL REGULATIONS (85 Fed. Reg. 49506), effective November 12, 2020, which clarify and renumber requirements for the use and accounting of federal grant funds pursuant to the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called the "Uniform Guidance"). Policy reflects an amendment to the Uniform Guidance which extends the timeframe for submitting the final performance report from 90 to 120 calendar days after the ending date of the grant.</p>	<p>Revise from 90 days to 120 days</p>
<p>AR 3230 Federal Grant Funds</p> <p>Regulation updated to reflect NEW FEDERAL REGULATIONS (85 Fed. Reg. 49506), effective November 12, 2020, which clarify and renumber requirements for the use and accounting of federal grant funds pursuant to the Uniform Guidance. Regulation reflects amendments to the Uniform Guidance which (1) extend the timeframe for paying all obligations of federal funds from 90 to 120 calendar days after the end of the funding period; (2) require districts to give a preference to the purchase, acquisition, or use of goods, products, or materials from the United States as practicable; and (3) increase the threshold for "micropurchases" and "small purchases" that qualify for simplified procurement procedures. Regulation also adds the requirement to provide for disciplinary actions to be applied when officers, employees, or representatives of the district violate conflict of interest standards. Section on "Personnel" revised to (1) add the district's responsibility to check employee records and ensure that the charges are accurate, allowable, and properly allocated and (2) clarify the documentation requirements for employees whose salary is paid with state or local funds but is used to meet a cost-sharing or matching requirement of the federal grant.</p>	<p>Revise from 90 days to 120 days</p>
<p>AR 3311.3 Design-Build Contracts</p> <p>Regulation updated to reflect NEW LAW (AB 2311, 2020) which requires districts to include in all bid documents and construction contracts a notice that the project is subject to state "skilled and trained workforce" requirements. Regulation also adds a definition of "skilled and trained workforce," and describes the district's responsibilities if the contractor fails to demonstrate compliance with these requirements.</p>	<p>Replaces current EAROP Board Policy</p>
<p>AR 3320 Claims and Actions Against the District</p> <p>Regulation updated to add introductory information explaining the procedures that may be used to file a claim for money or damages against the district depending on the cause of action. Section on "Time Limitations" reorganized and clarified, especially with regard to the time limits for claims related to causes of actions which are excepted from the Government Claims Act, are not governed by any other claim presentation statute or</p>	<p>Replaces current EAROP Board Policy</p>

regulation, and are addressed through procedures established by the district. Regulation also reflects NEW LAW (SB 1473, 2020) which allows a person to submit a claim, amendment to a claim, or application for a late claim by electronic means, if so authorized by a board resolution, in which case the subsequent notices provided by the district must be sent to the electronic address from which the claim was sent unless the claimant specifies an alternative electronic address for that purpose.	
BP 3452 Student Activity Funds Policy updated to clarify that the policy does not apply to school-connected organizations that are not composed entirely of students or subject to the board's control and regulation. Section on "Fundraising" adds a reference to policy that addresses online fundraising, and addresses fundraising events that involve the sale of foods and/or beverages. Section on "Management and Reporting of Funds" updated to reflect Governmental Accounting Standards Board (GASB) Statement 84, which provides that, if the district has administrative or direct financial involvement with the student organization's assets, as defined, the student activity fund may be considered a governmental fund subject to specific accounting and financial reporting requirements.	Replaces current EAROP Board Policy
BP 3511.1 Integrated Waste Management Policy updated to reflect current legal requirements for recycling waste which are based on specified thresholds of waste generation and are detailed in the accompanying administrative regulation, add district goal to develop strategies for recycling organic waste, and more directly link waste management to education goals.	New
AR 3511.1 Integrated Waste Management Regulation updated to add new section on "Recycling" which contains (1) material formerly in item #2 above, (2) new material reflecting a determination by the California Department of Resources Recycling and Recovery (CalRecycle) regarding the level of statewide disposal of organic waste which triggered a requirement for any facility generating two or more cubic yards of solid waste per week to meet specified requirements pertaining to the recycling of organic waste, and (3) new material reflecting legal requirements to provide recycling bins or containers in a facility that generates four or more cubic yards of solid waste or two or more cubic yards of organic waste per week.	New
BP 3515 Campus Security Policy updated to include the language that video cameras may or may not be actively monitored.	Replaces current EAROP Board Policy
BP 3515.3 District Policy/Security Department Policy updated to reflect NEW LAW (SB 98, 2020) which encourages districts to redirect resources currently allocated to district police departments into student support services and professional development on cultural competency and restorative justice. Policy also updates the board's philosophical statement, adds optional language regarding staff training on appropriate contact with district police or security officers, and reflects NEW LAW (AB 846, 2020) which requires districts to review the job description that is used in recruitment and hiring and make changes that emphasize	Replaces current EAROP Board Policy

<p>community-based policing and collaborative problem solving while de-emphasizing the paramilitary aspects of the job. Section on "Conduct of Officers" revised to prohibit discrimination based on protected characteristics, prohibit district officers from assisting with immigration enforcement at district schools, and reflect requirement for district police departments to adopt policy that provides a minimum standard on the use of force. Policy also reflects the district's eligibility to receive surplus military equipment if the board approves the acquisition of such equipment, and adds a section on "Records" which limits officers' access to or release of student records except when otherwise authorized or required by law.</p>	
<p>AR 3515.3 District Policy/Security Department</p> <p>Regulation updated to reflect law which, effective July 1, 2021, extends the requirement to complete a specified course of training to include security officers who work 20 hours per week or less. Regulation also clarifies that the additional training requirements of Penal Code 832 apply to security officers who carry a firearm while performing their duties. Section on "Qualifications of Police Officers" adds the requirement to complete specialized training within two years of the first date of employment. New section on "Use of Force" reflects (1) NEW LAW (AB 1196, 2020) which prohibits a law enforcement agency from authorizing the use of carotid restraints or choke holds, and (2) the requirement for district police departments to adopt policy that provide a minimum standard on the use of force that includes specified components and is consistent with guidelines established by the Commission on Peace Officer Standards and Training.</p>	<p>Replaces current EAROP Board Policy</p>
<p>BP 3530 Risk Management/Insurance</p> <p>Policy updated to address the basis upon which insurance decisions should be made and the provision of safety-related training and protective equipment for staff. Policy also updated to delete material regarding the removal of an insurance agent as being implicit in a governing board's authority and explicit in insurance contracts. Timeline for reporting to the board on risk management activities revised from twice a year to periodically to give boards flexibility based on district need.</p>	<p>Replaces current EAROP Board Policy</p>
<p>AR 3530 Risk Management/Insurance</p> <p>Regulation updated to provide more detail in the list of risk management procedures, including examples of methods for identifying risks in district operations, the prioritization of risks based on frequency and potential impact, and examples of strategies to prevent loss. Regulation also adds optional language regarding the documentation of safety incidents.</p>	<p>Replaces current EAROP Board Policy</p>
<p>BP 3600 Consultants</p> <p>Policy updated to reflect NEW LAW (AB 2257, 2020) which recodifies the three-part test established in Dynamex Operations West, Inc. v. Superior Court of Los Angeles to determine whether a person providing services for remuneration should be classified as an employee or an independent contractor, and NEW LAWS (AB 2257 and AB 323, 2020) which establish exceptions to the use of the three-part test. Requirement to afford equal opportunity for contracts revised to add ethnicity and reflect NEW LAW (AB 3364, 2020) which changes the term "military and veteran status" to "veteran or military status."</p>	<p>Replaces current EAROP Board Policy</p>

~~Policy 0430: Comprehensive Local Plan For Special Education~~

Status: ADOPTED

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

~~The Governing Board desires to provide a free and appropriate public education to all individuals with disabilities who reside in the Eden Area Regional Occupational Program (Eden Area ROP) participating districts and may be enrolled in the Eden Area ROP schools or programs.~~

~~The Eden Area ROP will provide appropriate accommodations as described in the Individualized Education Program (IEP) from the participating district for those students with disabilities who enroll in Eden Area ROP classes or programs.~~

~~Before enrolling any individual with disabilities in Eden Area ROP classes, the participating district shall notify the Eden Area ROP and include the Eden Area ROP at the student's IEP team or 504 meeting.~~

~~An individual with disabilities means a student who has been identified as eligible and receives services from a participating district under the Individuals with Disabilities Education Act (IDEA), United States Code, Title 20, 1400-1482, and Education Code 56000 or a participating district's student who receives accommodations and modifications under Section 504 of the Rehabilitation Act of 1973.~~

~~The participating districts shall provide and pay for any services, accommodations, or modifications required under a student's IEP or 504 Plan while the student is enrolled in the Eden Area ROP programs.~~

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

~~To promote transparency and facilitate decision-making regarding COVID-19 mitigation strategies, the Superintendent or designee shall report to the Board on a regular basis regarding the following:~~

- ~~1. Level of community transmission of COVID-19~~
- ~~2. COVID-19 vaccination coverage in the community and among students and staff~~
- ~~3. Any local COVID-19 outbreaks or increasing trends~~
- ~~4. Changes to local, state, and/or federal public health guidance, orders, and laws~~
- ~~5. Any revisions to the district's COVID-19 safety plan~~

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.

Statewide Instructional Mode Survey On or before the second and fourth Monday of each month, the Superintendent or designee shall submit to the California Collaborative for Educational (CCEE) information required under Education Code 32091, in accordance with the form and procedures determined by CCEE.

Stakeholder Engagement and Community Relations

The **district 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, **district Eden Area ROP** operations, school schedules, and steps the **district 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 **district Eden Area ROP** shall continue to collaborate with local health officials and agencies, community organizations, and other stakeholders to ensure that **district 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.

Learning Recovery and Social-Emotional Support The Superintendent or designee shall develop a plan for assessing students' current academic levels early in the school year to ensure that each student is provided with appropriate opportunities for learning recovery based on need. The plan may include:

1. Use of interim or diagnostic assessments
2. Review of available data from assessments within the California Assessment of Student Performance and Progress
3. Review of attendance data from the 2020-2021 school year
4. Review of prior year grades
5. Discussion of student needs and strengths with parents/guardians and former teachers

The Superintendent or designee shall develop and implement a learning recovery program that, at a minimum, provides supplemental instruction and support for social emotional well-being, and to the maximum extent permissible meals and snacks, to eligible students. (Education Code 43522) **Supplemental Instruction and Support** The district shall provide students with evidence-based supports and interventions in a tiered framework that bases universal, targeted, and intensive supports on students' needs for academic, social-emotional, and other integrated student supports through a program of engaging learning experiences in a positive school climate. (Education Code 43522) Targeted and intensive supports may include: (Education Code 43522)

1. Extending instructional learning time based on student learning needs including through summer school or intersessional instructional programs
2. Tutoring or other one-on-one or small group learning supports provided by certificated or classified staff

3. Learning recovery programs and materials designed to accelerate student academic proficiency, English language proficiency, or both
4. Integrated student supports to address other barriers to learning, such as:
 - a. The provision of health, counseling, or mental health services
 - b. Access to school meal programs
 - c. Access to before and after school programs
 - d. Programs to address student trauma and social-emotional learning
 - e. Referrals for support for family or student needs
5. Community learning hubs that provide students with access to technology, high-speed internet, and other academic supports
6. Supports for credit deficient students to complete graduation or grade promotion requirements and to increase or improve students' college eligibility
7. Additional academic services for students, such as diagnostic, progress monitoring, and benchmark assessments of student learning
8. Other interventions identified by the Superintendent or designee

To ensure schoolwide implementation of the district's tiered framework of supports, the Superintendent or designee shall plan staff development that includes: (Education Code 43522)

1. Accelerated learning strategies and effective techniques for closing learning gaps, including training in facilitating quality learning opportunities for all students
2. Strategies, including trauma-informed practices, to engage students and families in addressing students' social-emotional health needs and academic needs

Reengagement for Chronically Absent Students

The Superintendent or designee shall implement strategies for identifying, locating, and reengaging students who were chronically absent or disengaged during the 2020-21 school year, including students who were kindergarten-age but who did not enroll in kindergarten. Strategies for reengaging students may include:

1. Personal outreach to families, including by staff who are known to families
2. Door-to-door campaigns
3. The use of social media to spread awareness about the implementation of COVID-19 mitigation strategies
4. Welcoming and supporting students who experienced chronic absenteeism due to the COVID-19 pandemic or who are returning to school after a long absence

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

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

Description

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

Federal References

29 CFR 825.100-825.702

29 USC 2601

29 USC 2601-2654

29 USC 2620

42 USC 1760

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

Management Resources References

California Department of Education Publication

California Department of Education Publication

Description

FAQs for 2019 Novel Coronavirus

FAQs on Grading and Graduation Requirements

California Department of Public Health Publication	CDPH Guidance for the Prevention of COVID-19 Transmission for Gathering, March 16, 2020
California Department of Public Health Publication	School Guidance on Novel Coronavirus or COVID-19, March 7, 2020
CDC and Prevention Publication	Interim Guidance for Admins of U.S. K-12 Schools & Child Care Programs to Plan, Prepare, & Respond COVID-19, March 25, 2020
CDC and Prevention Publication	Interim Guidance for Schools and Day Camps, May 2020
CDC and Prevention Publication	Considerations for Schools, rev. May 19, 2020
CSBA Publication	Sample School Board Resolution on Grading During Emergency School Closures
Office of Management and Budget Publication	Administrative Relief for Recipients & Applicants of Fed. Fin. Assist. Directly Impacted by COVID-19 Due to Loss, Memo M-20-17, March 19, 2020
Office of the Governor Publication	Executive Order N-30-20, March 17, 2020
Office of the Governor Publication	Executive Order N-26-20, March 13, 2020
U.S. Dept of Labor Poster	Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave Under the Families First Coronavirus Response Act
Website	Office of the Governor - https://simbli.eboardsolutions.com/SU/oyoOOFi5PQAUslshoOZChkJDg==
Website	World Health Organization - https://simbli.eboardsolutions.com/SU/vTalRfU9Al8h0R9LAjJIA==
Website	U.S. Department of Labor - https://simbli.eboardsolutions.com/SU/XtUknOSZrMFBuhJcJc2k9g==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	Office of Management and Budget - https://simbli.eboardsolutions.com/SU/yMG7KarnCsIshuDeiihOx8ZiA==

Cross References

0400	Comprehensive Plans - https://simbli.eboardsolutions.com/SU/ugBqpXslshQ6mvnMCly7aYRhQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEsIsh5g==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/MZnex5zDZ5qKnaolhltzVQ==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/grfk2plusfw2DJWZ6WMvypaA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/YCbehdu5XHVOvJxUuUnGiw==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==

1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/mtFPT6splusatps9s1X9nZbVg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/47Gs6oi9dRXOVaAl8xui5A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/2hidvIno9FVkAxFS3VyoOg==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==
4113	Assignment - https://simbli.eboardsolutions.com/SU/2NyBDtIcuASmbA3yRmjyQA==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/CpjiQJ0FcmGOqcqmNsVozQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/NUi9lJnCBslshj1GBQM8Xslsh95A==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/eewP9MaTI3ITpPD5D3GF4A==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/RUmOF7vplushYkYBLL7VeJXVw==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/VO4JacyT52vMpFQtLynupQ==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/slsh8oMjzcJGtcyVciXusC0bA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==

4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/3FlczQKjslshF0xWHoNT6wyTQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/l8weqTkZq1LhnQS2egO8ug==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/LQIMthUd3bBwKMxWIEdPKg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wul5V6hXWcizpM6hydtxDg==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/KsmK287z0DJJz6T0dpnv9w==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/fKYpybyLqli0I7hVjwHacw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/0l6eZ8EiEM3rgPslshslshUquNrg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/dNxtE0Fpzbsslsh3zpdJ1slsh30QA==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/hSplusyCylc0r9txuFKeq3o9g==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
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5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/SffkNlqyympupAcOpDJJng==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/79u1tydNCwmO3xeFTlplus2vQ==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/yjvTRTB97vsShVzyJn2TSw==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/x47TVXZk7IOVhrxhgWdXRQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDIhUw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgyMpslshoiHQ==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==

6111	School Calendar - https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==
6112	School Day - https://simbli.eboardsolutions.com/SU/Gou79shW0GuzHyVSYvk8Xg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/dCM9LYvUlplusqAHSqmQO2etA==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/DDayplus9xNmUk4jGqAwplus95FA==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==
9010	Public Statements - https://simbli.eboardsolutions.com/SU/l6HZf3cDYov5XKqeoScPoA==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDFLA==

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 ~~are to 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 ~~need for~~ value of stability in Eden Area ROP administration ~~and shall ensure~~ 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 ~~shall, at a minimum,~~ may include the following:

1. The general duties and responsibilities of the position

~~21. The duration~~ 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. ~~The s~~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. The criteria, process, and procedure for evaluation and the conditions for reemployment

5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

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 the closed session of at a regular meeting. ~~about the terms of the contract. (Government Code 54956, 54957)~~ 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 ~~ratify the~~ take final action Superintendent's contract ~~in an open meeting~~ during an open session of a regularly scheduled Board meeting, and ~~which~~ 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)

During an existing contract, the Governing Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Governing Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.

Decision not to Reemploy

If the Governing Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Governing Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

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)

If the unexpired term of the contract is more than 18 months, In such an event, the maximum cash settlement shall be no greater than that the Superintendent may receive upon termination of the contract shall not exceed the Superintendent's monthly salary multiplied by 18; the number of months left on the contract or the Superintendent's monthly salary multiplied by 12, whichever is less. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

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, the maximum settlement shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. 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 his/her office or position, he/she the Superintendent shall reimburse the Eden Area ROP for payments he/she receives received as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the Eden Area ROP in his/her defense defending the Superintendent against a crime involving his/her the Superintendent's office or position. (Government Code 53243-53243.4, 53260)

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
Ed. Code 35031	Term of employment
Ed. Code 41325-41328	Conditions of emergency apportionment - https://simbli.eboardsolutions.com/SU/aWpaslshSYYC7SzGEA4swqslshTQ==
Gov. Code 3511.1-3511.2	Local agency executives
Gov. Code 53243-53243.4	Abuse of office
Gov. Code 53260-53264	Employment contracts
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54956	Special Meetings
Gov. Code 54957	Closed session personnel matters
Gov. Code 54957.1	Closed session, public report of action taken
Gov. Code 54957.6	Closed sessions regarding employee matters
Gov. Code 6250-6270	California Public Records Act

Federal References

Federal References	Description
26 CFR 1.105-11	Self-insured medical reimbursement plan
26 USC 105	Self-insured medical reimbursement plan; definition of highly compensated individual
42 USC 300gg-16	Group health plan; nondiscrimination in favor of highly compensated individuals

Management Resources References

Management Resources References	Description
Attorney General Opinion	57 Ops. Cal. Atty. Gen. 209 (1974)
Attorney General Publication	The Brown Act: Open Meetings for Local Legislative Bodies, 2003

Court Decision	San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
CSBA Publication	Superintendent Contract Template
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXEA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

2110	Superintendent Responsibilities And Duties - https://simbli.eboardsolutions.com/SU/RH7Zlkplusa5pqEtgtMdZfJrg==
2120	Superintendent Recruitment And Selection - https://simbli.eboardsolutions.com/SU/ZNplusoo29YICvXNtal8ypcYg==
2140	Evaluation Of The Superintendent - https://simbli.eboardsolutions.com/SU/Rve2e5slsh5l3yrplustXaCaHlqg==
3312	Contracts - https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==
3350	Travel Expenses - https://simbli.eboardsolutions.com/SU/a1BZLoXsem6RSwpNmK9lqw==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/gDTVswWdASQ0j3VBn2zalg==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/NQSV4ZCezKjaSAplus9H4iFEg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxlRJQ==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/eewP9MaTI3ITpPD5D3GF4A==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/SMpjDLrL3Chb2FLGkluoJA==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLIbrhNraqTMIUivWKcAA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==
4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==

4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/0s7diJes2rBoJrW1OslshKplusoQ==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/jjOvCL3R0BslshFhOudlvslshXEA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvvfw==
4361	Leaves - https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wul5V6hXWcizpM6hydtxDg==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/YhWbYjbVoBESO0bZnA96cg==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/KsmK287z0DJJz6T0dpnv9w==
9011	Disclosure Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==
9124	Attorney - https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/H3PddFvuHbNmjDhjLWbPOA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplUSDNMSVOXcjS490DMe4c0w==

Policy 3110: Transfer Of Funds

Status: DRAFT

Original Adopted Date: 03/05/2020

The Governing Board recognizes its responsibility to monitor the ~~district's~~ 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 ~~district~~ 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 ~~district~~ 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 ~~district~~ 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)

~~For the 2020-21 and 2021-22 fiscal years only, if the state defers any payments owed to districts, the Board may direct the temporary transfer of up to 85 percent of the maximum amount held in any fund or account during the current fiscal year 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. Prior to exercising this authority, the Board shall hold a public hearing and adopt a resolution authorizing such transfer. (Education Code 42603.1)~~

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 ~~district~~ 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 ~~district~~ 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 ~~district's~~ 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

Ed. Code 16095

Ed. Code 41301

Ed. Code 42125

Ed. Code 42238-42251

Description

Transfer of district funds to district state school building fund - <https://simbli.eboardsolutions.com/SU/DckNjgplus9tDnTaOuS0C6Kdw==>

Section A state school fund allocation schedule

Designated and unappropriated fund balances

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

Website

Description

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

Website

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

Website

Fiscal Crisis and Management Assistance Team -
<https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==>

Cross References

Description

3000

Concepts And Roles -
<https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==>

3100

Budget -
<https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==>

3100

Budget -
<https://simbli.eboardsolutions.com/SU/XLktfuwIU9hrvqU1VXOLAA==>

3300

Expenditures And Purchases -
<https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==>

3350

Travel Expenses -
<https://simbli.eboardsolutions.com/SU/a1BZLoXsem6RSwpNmK9lqw==>

3460

Financial Reports And Accountability -
<https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==>

3460

Financial Reports And Accountability -
<https://simbli.eboardsolutions.com/SU/XHCr7YiYWOiw9RhiRrIDQ==>

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 **90 120** calendar days after the ending date of the grant. (2 CFR 200.301, 200.328, 200.329)

policy.

State References

Ed. Code 42122-42129

Ed. Code 64001

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

Budget requirements

School plan for student achievement, consolidated application programs

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

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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

Website

Website

Website

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/HvuRwrdop7OnnXIYFVN3Mw==>

Office of Management and Budget, Uniform Guidance -
<https://simbli.eboardsolutions.com/SU/YplusplumPflcVzuBkWxQHXMfkg==>

State Controller's Office -
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System for Award Management (SAM) -
<https://simbli.eboardsolutions.com/SU/ozEzhm45zQ6VZAsl5BBOHQ==>

Education Audit Appeals Panel -
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Cross References

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3100

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Budget -
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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/ITSnzs2NarKOslshSNwHA8fCg==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/hslshXTLHRpzC50KUswFICz2A==
3311	Bids - https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==
3311	Bids - https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==
3312	Contracts - https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==
3314	Payment For Goods And Services - https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==
3350	Travel Expenses - https://simbli.eboardsolutions.com/SU/a1BZLoXsem6RSwpNmK9lqw==
3440	Inventories - https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/XHCr7YiYWOiw9RhiRrIIDQ==
3512	Equipment - https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAAtHzMbORG1k62wZkQ2Aw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/XESlshllMm5WBsL3j9ebjkWiQ==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==
9270-E(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==

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 ~~90~~ 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

Description

Budget requirements

Ed. Code 64001

School plan for student achievement, consolidated application programs

Federal References

2 CFR 180.220

Description

Amount of contract subject to suspension and debarment rules

2 CFR 200.0-200.521

Federal uniform grant guidance

2 CFR 200.1-200.99

Definitions

2 CFR 200.100-200.113

General provisions

2 CFR 200.317-200.326

Procurement standards

2 CFR 200.327-200.329

Monitoring and reporting

2 CFR 200.333-200.337

Record retention

2 CFR 200.400-200.475

Cost principles

2 CFR 200.500-200.521

Audit requirements

34 CFR 76.730-76.731

Records related to federal grant programs

48 CFR 2.101

Federal acquisition regulation; definitions

Management Resources References

Description

California Department of Education Publication

California Department of Education Audit Guide

California Department of Education Publication

California School Accounting Manual

Education Audit Appeals Panel Publication

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. Department of Education Publication

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

Website

U.S. Government Accountability Office -
<https://simbli.eboardsolutions.com/SU/HvuRwrdop7OnnXIYFVN3Mw==>

Website

Office of Management and Budget, Uniform Guidance -
<https://simbli.eboardsolutions.com/SU/YplusplumPflcVzuBkWxQHXMfcg==>

Website

State Controller's Office -
<https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==>

Website

System for Award Management (SAM) -
<https://simbli.eboardsolutions.com/SU/ozEzhm45zQ6VZAsl5BBOHQ==>

Website

Education Audit Appeals Panel -
<https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNslshtMg==>

Website

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<https://simbli.eboardsolutions.com/SU/XcSsJimoslsH3XhJKy4tplus7wplusA==>

Website

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

Cross References

Description

0500	Accountability - https://simbli.eboardsolutions.com/SU/pUslshJLoR2Vu1eqoHS41AdTg==
3100	Budget - https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/XLktfuwIU9hrvqU1VXOLAA==
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/ITSnzs2NarKOslshSNwHA8fCg==
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3312	Contracts - https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==
3314	Payment For Goods And Services - https://simbli.eboardsolutions.com/SU/3abwPOhZtDjqvYhnJslshPPFg==
3350	Travel Expenses - https://simbli.eboardsolutions.com/SU/a1BZLoXsem6RSwpNmK9lqw==
3440	Inventories - https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==
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3512	Equipment - https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGCd7JOQ==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAtHzMbORG1k62wZkQ2Aw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiacyw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/XEslshlIMm5WBsL3j9ebjkWiQ==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==
9270-E(1)	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 district 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 district's 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 district 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 district Eden Area ROP to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district Eden Area ROP to inform interested parties of the contracting opportunity
- b. Significant factors that the district 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 district 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 district 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 district 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 district 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 district Eden Area ROP uses a best value selection method for a project, the district Eden Area ROP may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district 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 district 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 district 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 district Eden Area ROP to have offered the best value to the public.
 - d. The district 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 district 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 district's Eden Area ROP's project labor agreement, or through an agreement with the district 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 district 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 district Eden Area ROP shall withhold further payments until the contractor provides a sufficient plan to achieve substantial compliance with respect to the relevant apprenticeship occupation, prior to completion of the contract or project. In addition, the district Eden Area ROP shall forward to the Labor Commissioner a copy of the monthly report, any plan to achieve compliance, and the district's 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/ATZTQPd7NwSB3FBncFeslshYA==>

Website

CSBA -

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

Cross References**Description**

3311

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/SKjilEEpIVYQ3p0sw8F38w==>

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 ~~district~~ 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 ~~district~~ 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 ~~district~~ 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 ~~district~~ 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 ~~district~~ 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 ~~district~~ Eden Area ROP office with postage paid, or when otherwise actually received in the ~~district~~ 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 ~~district~~ Eden Area ROP pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the ~~district's~~ 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 ~~district~~ 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

districtEden 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 districtEden 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 districtEden Area ROP, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the districtEden 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 districtEden 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 districtEden 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)

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. 340.1	Damages suffered as result of childhood sexual abuse - https://simbli.eboardsolutions.com/SU/BGhSMfNslshCvTtUEVoUtzrslshA==
Ed. Code 35200	Liability for debts and contracts
Ed. Code 35202	Claims against districts; applicability of Government Code
Gov. Code 53051	Information filed with secretary of state and county clerk
Gov. Code 6500-6536	Joint powers agreements
Gov. Code 800	Cost in civil actions
Gov. Code 810-996.6	Government Claims Act
Pen. Code 72	Fraudulent claims

Management Resources References

Court Decision	City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730
Court Decision	Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29
Court Decision	CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580
Court Decision	CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574
Website	California Secretary of State's Office - https://simbli.eboardsolutions.com/SU/boqYBvXk4Ayr0Vpwsish5Z9FA==

Cross References

3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMSD28thd0bsVO5A==
4144	Complaints - https://simbli.eboardsolutions.com/SU/jMJUWhbRaLqEmvhJ3ML13A==
4144	Complaints - https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==
4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/eapplus8slsha90VEMYhONwpP4W6Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
4257.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/tAof7vbCgzvdDutAAPbRCg==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/81slshPFcSeJaoFtslshzpmvsRg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==
4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/xELGWyNkwXwK9IGpbRRLJw==

4358	Employee Security - https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpggkJjg==
6163.2	Animals At School - https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==
6163.2	Animals At School - https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/Ghjg3tjvplusmGe9joApcsNig==

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 ~~district~~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 ~~district~~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 ~~district's~~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)

~~When student body funds are expended for equipment, supplies, or activities that support the district's athletic program, the Superintendent or designee shall ensure that the expenditures are aligned with the district's commitment to provide equitable opportunities for males and females.~~

Because of the ~~district's~~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 district's 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 district 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

	Description
5 CCR 15500	Food sales in elementary schools
5 CCR 15501	Food sales in high schools and junior high schools
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35564	Funds, obligation of the student body
Ed. Code 41020	Requirement for annual audit
Ed. Code 48930-48938	Student organizations
Ed. Code 49431	Sale of food and beverages, elementary school
Ed. Code 49431.5	Sale of food and beverages, middle and high schools
Ed. Code 51520	Prohibited solicitations on school premises
Ed. Code 51521	Fund-raising project

Management Resources References

	Description
Court Decision	Prince v. Jacoby, (2002) 303 F.3d 1074
Fiscal Crisis & Management Assistance Team Pub.	Associated Student Body Accounting Manual & Desk Reference, 2005
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==

Cross References

	Description
1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/yFjUTdDPvXE0Ual3usa2IA==
1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/gfpun2pSpVJqkmr3B7v0slshg==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/GBmLyqzfsCkFJHelqrNEQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/zPs9HLtshppqbH6809dB9Ew==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/XHCr7YiYWOiw9RhiRrIDQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/EU9fUMPBXgrRXampcVEaUg==

3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/duyObVX5nuDIhwCf3uj8pA==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==
5142	Safety - https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==
5142	Safety - https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/ctP1slshYqZslzkoTeBGzoqMw==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/C2TLQSOO7B6S2fKo6bDzDg==

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 district's 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 district's 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 district 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 district's 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 district's Eden Area ROP's integrated waste management program.

The Superintendent or designee shall make every effort to identify funding opportunities for the district's 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 district's 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

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/zWOFjoqdzYSwxOexycSq8Q==>

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

Management Resources References

Website

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/PDGuslshocmW9Y3LpMNmxnDplusg==>

Website

California Energy Commission -
<https://simbli.eboardsolutions.com/SU/PIQLnQcFqu8ca1LIqJdQ4A==>

Website

U.S. Environmental Protection Agency -
<https://simbli.eboardsolutions.com/SU/xtGqEFQECIplus0Wk8xfkTVsw==>

Website

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

Cross References

0100

Philosophy -
<https://simbli.eboardsolutions.com/SU/emLAXslshVXgslshhZ9nt8SVEfow==>

3000

Concepts And Roles -
<https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==>

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/ITSnzs2NarKOSlshSNwHA8fCg==>

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/cslsh3Ss3AHHGKKC8eqAV4yg==>

4131

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

4331

Staff Development -
<https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==>

7131

Relations With Local Agencies -
<https://simbli.eboardsolutions.com/SU/fplushFB7oyUV0nUTI3PqM27Q==>

Regulation 3511.1: Integrated Waste Management

Status: DRAFT

Original Adopted Date: Pending

For all applicable areas of ~~district~~ 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 ~~district~~ Eden Area ROP schools and buildings or contracting for the construction or modernization of any ~~district~~ Eden Area ROP building
4. Work with city, county, or other government agencies to locate markets for the ~~district's~~ 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 ~~district~~ 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 ~~district~~ 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 ~~district~~ 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

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/vsczR2pwGdptWPStIWcBplusA==>

New construction grants; use for designs and materials for high performance schools -

<https://simbli.eboardsolutions.com/SU/zWOFjoqdzYSwxOexycSq8Q==>

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/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/PIQLnQcFqu8ca1LIqJdQ4A==>

Website

U.S. Environmental Protection Agency -

<https://simbli.eboardsolutions.com/SU/xtGqEFQECIplus0Wk8xfkTVsw==>

Website

CSBA -

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

Cross References

0100

Description

Philosophy -

<https://simbli.eboardsolutions.com/SU/emLAXslshVXgslshhZ9nt8SVEfow==>

3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==
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/ITSnzs2NarKOslshSNwHA8fCg==
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/8CAcELrJtCybNFPvCiecyw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
7131	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, employees 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 are consistent with the goals and objectives of may be included in the Eden Area ROP's comprehensive safety plan, and site-level safety plans. 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

The Governing Board believes that reasonable use of surveillance cameras will help the Eden Area ROP achieve its goals for campus security. In consultation with the Eden Area ROP's safety planning committee and relevant staff, 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 at affected around school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the Eden Area ROP's system is actively monitored by school personnel 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, including the locations where surveillance may occur, explaining and that the recordings may be used in disciplinary proceedings, and/or that matters captured by the camera may be 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

32280-32288 32289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security ~~patrols~~ 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~~626.10~~ 626.11 Disruption of schools

CALIFORNIA CODE OF REGULATIONS, TITLE 24

1010.1.9 Door operations

1010.1.11~~1~~ 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 ~~1999~~ 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>

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

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

Ed. Code 35160.1	Broad authority of school districts
Ed. Code 38000-38005	Security departments
Ed. Code 49050-49051	Searches by school employees
Ed. Code 49060-49079	Student records
Pen. Code 469	Unauthorized making, duplicating or possession of key to public building
Pen. Code 626-626.11	School crimes

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

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/GNvR5HOI1z1slshpN79CN8BQ==>
National Institute of Justice - <https://simbli.eboardsolutions.com/SU/OJiCldjfhnpHtlp5dK0Kwg==>
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==>

Cross References

0450
0450
1250
1250
3000
3440
3515.2
3515.2

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/r97Rsu8M6iVBGEQk72Bvplusg==>
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==>

3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/VYQ2JezJOk6IzOvah9mvSQ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/iASRxmZrxL2dfrTiUTKtSw==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/plusptekQmV2plusLgyplussJoqkhvA==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/cslsh3Ss3AHHGGKKC8eqAV4yg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/AfuKAeTga4iIOnYXFTDwDg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCppgkJjg==
5112.5	Open/Closed Campus - https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQWr67K9A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrInlg==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/nBIMDQvbeRKnOHPijelPHA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/7RrvG7ihe3wXkO8fqafa6A==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/6vn62xUIYHpsvplusaxLZxWJA==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/kMssBiriYh6Hlfgm9JCtAg==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==

5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/nfYUWU7UDKvZMgyMpslshoiHQ==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/hRrp3plusxOplusEG9ADHIXyagig==
5142	Safety - https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==
5142	Safety - https://simbli.eboardsolutions.com/SU/gBptJJIRDmIpgi15Ja3ktA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzvK1B2oqZCSfZin1Rgdw==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Otg4qPYrALLqMhWv2adtzg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==
7111	Evaluating Existing Buildings - https://simbli.eboardsolutions.com/SU/wzeEJOULpF9TQBWZwXTQQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==

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 district Eden Area ROP students and staff and the security of district Eden Area ROP property, the Governing Board shall maintain a district 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 district the Eden Area ROP police or security officers and the appropriate circumstances for contacting such officers.

Duties of district 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.

OPTION 1: (Security Department)

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

When district 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)

OPTION 2: (Police Department)

~~Persons employed as members of the district police department, when appointed and duly sworn, are peace officers for the purposes of carrying out their duties pursuant to Penal Code 830.32. (Education Code 38001)~~

~~The district's police department may be supplemented by a school police reserve officer corps, which may include unpaid volunteer reserve police officers. For the duration of their specific assignment, school police reserve officers shall have the same powers and duties as other school police officers. (Education Code 35021.5; Penal Code 830.6)~~

Conduct of Officers

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

District Eden Area ROP police or security officers shall conduct themselves in ways that promote goodwill and cooperation on the part of students, district Eden Area ROP staff, and the general public. District 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.

District 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 district schools Eden Area ROP, except as may be required by state and/or federal law. (Education Code 234.7)

Whenever possible, district Eden Area ROP police or security officers shall use tactics such as de-escalation techniques to mitigate the use of force. The district 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 district Eden Area ROP policy and administrative regulation. Officers shall periodically receive training regarding applicable district Eden Area ROP policies and the guidelines from the Commission on Peace Officer Standards and Training.

~~Equipment~~OPTION 1: The Board authorizes district police or security officers to carry firearms in accordance with law, Board policy, and administrative regulations.OPTION 2: District police or security officers shall not carry firearms.

~~The district police department shall be eligible to receive surplus military equipment pursuant to 10 USC 2576a only if, at a regularly scheduled public Board meeting, the Board approves the acquisition of such equipment after providing parents/guardians and members of the public an opportunity to comment on the proposed acquisition. The Board shall provide a detailed description of the function and purpose of the surplus military equipment, identify safe and secure storage for the equipment, and ensure that district police officers have adequate training in the safe use and handling of the equipment to be received. (Education Code 38004.5)~~

Records

District 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 district 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

Description

Bus. Code 7583-7583.4	Private patrol operators - https://simbli.eboardsolutions.com/SU/kBDCgRBUWNgP7GLr6TxJHw==
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 39672	School peace officers, fingerprinting
Ed. Code 45122.1	Classified employees, conviction of a violent or serious felony
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Fam. Code 6240-6274	Emergency protective orders
Gov. Code 3300-3312	Public safety officers, rights and protections
Gov. Code 8597-8598	Peace officers
Pen. Code 12028.5	Taking custody of weapons
Pen. Code 13510-13519.9	Standards for recruitment and training
Pen. Code 13700-13702	Response to domestic violence

Pen. Code 290.45	Sex offenders, authority of peace officers
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.9	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers, powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.2	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	Safe Schools: A Planning Guide for Action, 2002
Court Case	San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al., 104 Cal.App.4th 275 (2002)
Website	Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/Vt9GngNyfZb0gB4c21Z9mg==
Website	Attorney General's Office, Crime and Violence Prevention Center - https://simbli.eboardsolutions.com/SU/39pJjvdP0qJQ2kAkdd3h8A==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==

Cross References

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/l8RKMawepXwJIKODuncGAw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/6NORWZVUbKQw0W2HTslshcINA==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/VYQ2JezJOK6IzOvah9mvSQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==

4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/9190lmGyhOxru3lNkmtmOg==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/VCQ6GPJq0bw3mpPvkXF2slshg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDoIplusQdeSd0HGnnMg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8lZ0yz1FP4esRjBg==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4znoK8Wbg6NPQqqsWiVK5w==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18lFjwhNBmtLe5GvL59A==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/Q0plusAPQXtrFrE5dqwAsBp9g==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEg0nHw==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/VUIIGSwOeV4CxaaW4YKtTw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpbgkLjig==

5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/SffkNIqyypmupAcOpDJJng==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==

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

Chief of Police/Chief of Security

~~The district police or security department shall be supervised by a chief of police or chief of security designated by the Superintendent and working under the Superintendent's direction. (Education Code 38000)~~

~~Qualifications for the position of police or security chief include, but are not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training (POST). The police or security chief shall comply with this requirement within one year of initial employment in this position by the district. (Education Code 38000)~~

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 ~~district~~ 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 ~~district~~ Eden Area ROP pursuant to Education Code 44237 or 45122.1
3. ~~Be determined by the Department of Justice to be a person who is not prohibited from possessing a firearm~~

The ~~district~~ 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)

~~School security officers who carry a firearm while performing their duties shall additionally satisfy the training requirements of Penal Code 832. (Education Code 38001.5)~~

Qualifications of Police Officers

~~Before exercising the powers of a peace officer, district police officers shall satisfactorily complete an introductory course of training prescribed by POST and shall pass the POST examination. (Penal Code 832, 832.3)~~

~~A person who has passed this examination more than three years before being employed as a peace officer, or has a break in service of three or more years, shall be required to pass the examination before beginning duties as a district police officer, unless exempted pursuant to Penal Code 832. (Penal Code 832)~~

~~Within a reasonable time but not to exceed two years of the date of first employment, police officers shall complete supplementary specialized training approved by POST on the unique safety needs of a school environment. (Penal Code 832.3)~~

~~The Superintendent or designee may provide district police officers with additional training in other public safety skills, including but not limited to first aid, rescue, cardiopulmonary resuscitation, emergency medical technician~~

training, juvenile procedures and specialized safety equipment. (Education Code 38002)

School police reserve officers shall complete a course of training directly related to the role of school police reserve officers as prescribed in Penal Code 832.2. (Education Code 35021.5)

Equipment

Each district police or security officer shall wear a badge bearing the name of the district, carry an identification card bearing a photograph and signature and the signature of the Superintendent, and carry any other identification data required by local law enforcement agencies. (Education Code 38003)

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

The district may provide and maintain motor vehicles for use by police or security department staff. When operated by a district officer in the performance of the officer's duties, any vehicle is an authorized emergency vehicle and may be equipped and operated as such, as provided by the Vehicle Code. (Education Code 38004)

Use of Force

~~District~~ Eden Area ROP ~~police or~~ 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)

The district police department shall maintain a policy, consistent with guidelines provided by POST, that provides a minimum standard on the use of force and includes all of the following: (Government Code 7286; Penal Code 13519.10)

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. A requirement that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer
4. Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person
5. A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm
6. Procedures for disclosing public records in accordance with Penal Code 832.7
7. Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents
8. 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
9. Comprehensive and specific guidelines regarding approved methods and devices available for the application of force
10. An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased

11. Comprehensive and specific guidelines for the application of deadly force
12. Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Government Code 12525.2
13. The role of supervisors in the review of use of force applications
14. A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so
15. Training standards and requirements relating to demonstrated knowledge and understanding of the district's use of force policy by officers, investigators, and supervisors
16. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities
17. Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted
18. Factors for evaluating and reviewing all use of force incidents
19. Minimum training and course titles required to meet the objectives in the use of force policy
20. A requirement for the regular review and updating of the policy to reflect developing practices and procedures

The district prohibits retaliation against an officer or other district employee who reports a suspected violation of this policy by another officer.

Personnel Files

Before any record containing an adverse comment is placed in a district police officer's personnel file, the employee shall read and sign the record indicating awareness of the comment. The officer shall have 30 days to file a written response, which shall be attached to the adverse comment. (Government Code 3305-3306)

A police officer may inspect the personnel file during usual business hours with no loss of compensation. If the officer believes that any portion of the material is mistakenly or unlawfully placed in the file, the officer may request, in writing, that the mistaken or unlawful portion be corrected or deleted and shall describe the reasons supporting those corrections or deletions. Within 30 days of the request, the Superintendent or designee shall either grant the officer's request or notify the officer of the decision to refuse to grant the request. The Superintendent or designee shall state in writing the reasons for refusing any request. (Government Code 3306.5)

Disciplinary Action

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

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

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

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

policy.

State References

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

Pen. Code 830.6

Pen. Code 832

Pen. Code 832.2

Pen. Code 832.7

Pen. Code 836

W&I Code 707

W&I Code 828-828.1

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

Reserve police officers, powers and duties

Course of training prescribed by Commission on Peace Officer Standards and Training

School peace officers; training

Disclosure of personnel files in criminal or civil proceedings

Peace officers; warrants

List of crimes

Disclosure of information re minors by law enforcement agency

Management Resources References

California Department of Education Publication

Court Case

Website

Website

Website

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/39pJjvdP0qJQ2kAkdd3h8A==>

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

Cross References

0450

0450

Description

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

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

1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/6Sslsh5ZFKx6XBP3MPR9uT9cw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/l8RKMawepXwJIKODuncGAw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKRLQQ==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/6NORWZVUbKQw0W2HTslshcINA==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/VYQ2JezJOk6IzOvah9mvSQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/dPpXdorwqecSSz0slshTByH7g==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/3P09wyFbxplus4VEYWbAjDQrw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DjhBwstLrZNy2NYTCBC13w==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/SZ6doNEsYhtPxaDaYA17cQ==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/cyw9b7er4SvKV0UrvyeZslshQ==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/9190lmGyhOxru3lNkmtmOg==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/VcQ6GPJq0bw3mpPvkXF2slshg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDolplusQdeSd0HGnnMg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/oh3rdA8lZ0yz1FP4esRjBg==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4znoK8Wbg6NPQqqsWiVK5w==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18lFjwhNBmtLe5GvL59A==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/Q0plusAPQXtrFrE5dqwAsBp9g==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpEGJCrA==

4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/DESTswj8mreMzNYQZ9dysQ==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/JWCOox6Vk3eGZrOvnZHWuA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/AfuKAeTga4ilOnYXFTDwDg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/trv9WTdCmaRPQnhQEg0nHw==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/Xa5baH8bGWMn3gxDkslsh00vw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/Z4V0KA7McvfAPEVx1RL1nA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/VUllGSwOeV4CxaaW4YKtTw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/ywPZ7adnHJf1uCpPgkJjig==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/cloDY1FarL8O01PyPYplusZ3g==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/hFj9y0kjVlslshQKYzslshVslshyLkw==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/H9deq8f6pambbClc9haEog==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/DJSYq8YuslshAlGy3dG37VZgw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/SffkNlqyympmupAcOpDJJng==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/gKon9P2FslshQGFgRPfVaNeaQ==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/ETcu8PWimZexDFQKa2zCpQ==

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 district 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 district 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 district Eden Area ROP consistent with required services, the Superintendent or designee shall annually review the district's 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 district 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 district's 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 district's Eden Area ROP's risk management activities, including, but not limited to, the district's Eden Area ROP's property and liability risks and exposures and the effectiveness of the district's 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 - https://simbli.eboardsolutions.com/SU/98slsh1GqFP4cptRWWFMJy1IQ==
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 - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/YCbehdu5XHv0vJxUuUnGiw==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==
3314.2	Revolving Funds - https://simbli.eboardsolutions.com/SU/xDGvZXyTHIRO2OFs7h64plusg==
3430	Investing - https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==
3440	Inventories - https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==
3452	Student Activity Funds - https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==
3512	Equipment - https://simbli.eboardsolutions.com/SU/GyHoe5DL7at1UQWGcd7JOQ==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==
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3515	Campus Security - https://simbli.eboardsolutions.com/SU/NokaiadrWslshhp84WRuypiEw==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/ANrXGssR7dNBi7TSWb6tVQ==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==
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4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8Nrxn4fwhdPnt5IFP14w==
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4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbthHVJ9QTsk1w==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslsghppplusNU8Ha2g==
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4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/xELGWyNkwxwK9IGpbRRLJw==
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5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/NYiYU921plus82AxQexMSiKMA==
5131.61	Drug Testing - https://simbli.eboardsolutions.com/SU/swBwBpVadoX6Bu12Xgt6yQ==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/L40hHKxYmvK4Snzt1XY6Wg==
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5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==

5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==
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5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4hsSCpmzggbRzyCdRgcBmA==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfv3nDWwouGg==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/dcm9LYvUlplusqAHSqmQO2etA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/KGOZjglkMPmOrvAslshEI88rQ==
6163.2	Animals At School - https://simbli.eboardsolutions.com/SU/Gs7aBIXdM0IT52lryWHmVg==
6163.2	Animals At School - https://simbli.eboardsolutions.com/SU/KbynoNLdFIQh2xztqBqXrA==
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9260	Legal Protection - https://simbli.eboardsolutions.com/SU/slsh3oGM4uPRVMq7XB4uslshslshGg==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplUSDNMSVOXcjS490DMe4c0w==

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 district 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 district 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 district 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 17029.2

Description

Contract funding; board liability -
<https://simbli.eboardsolutions.com/SU/98slsh1GqFP4cptRWWFMJy1IQ==>

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 - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvypaA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/YCbehdu5XHV0vJxUuUnGiw==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/krPDlxQ7Fs3H4o24plusjFgGA==
3314.2	Revolving Funds - https://simbli.eboardsolutions.com/SU/xDGvZXytHIRO2OFs7h64plusg==
3430	Investing - https://simbli.eboardsolutions.com/SU/3a0SaqBbtDDBloxcMNI7Dw==
3440	Inventories - https://simbli.eboardsolutions.com/SU/biv65ztrPhlQCslshZkNNQYXA==
3452	Student Activity Funds - https://simbli.eboardsolutions.com/SU/eYiZplus6zMckL469vmQEkmVw==
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3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/QBAthzMbORG1k62wZkQ2Aw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/tcWbUXtOaMBNvEzoaOUQrg==

3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/2hidvIno9FVkAxFS3VyoOg==
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3541.1	Transportation For School-Related Trips - https://simbli.eboardsolutions.com/SU/07B0hURbp4ICUdX52eipMQ==
3541.1-E(1)	Transportation For School-Related Trips - https://simbli.eboardsolutions.com/SU/ARSeO4qugrdLx3pyTg4T8A==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==
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4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbthHVJ9QTsk1w==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==
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4156.3	Employee Property Reimbursement - https://simbli.eboardsolutions.com/SU/jsKplusBlouvUYlvzXfyfN3tA==
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4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/eaplus8slsha90VEMYhONwpP4W6Q==
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5142	Safety - https://simbli.eboardsolutions.com/SU/RemgBxUxr51HPywwlCkaVA==
5142	Safety - https://simbli.eboardsolutions.com/SU/gBptJJRDmIpqi15Ja3ktA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/E7k8DjMmLpwfV3nDWwouGg==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/dcM9LYvUlplusqAHSqmQO2etA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/KGOZjglkMPmOrvAslshEI88rQ==
6163.2	Animals At School - https://simbli.eboardsolutions.com/SU/Gs7aBlXdM0IT52lryWHmVg==
6163.2	Animals At School - https://simbli.eboardsolutions.com/SU/KbymoNLdFIQh2xztqBqXrA==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQToow==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==
9260	Legal Protection - https://simbli.eboardsolutions.com/SU/slsh3oGM4uPRVMq7XB4uslshlshGg==

9321

Closed Session -

<https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==>

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 district 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 district 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 district 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 district 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 district Eden Area ROP who is subject to the filing requirements in the district's 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 district 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 district Eden Area ROP.

The Board prohibits the harassment of an independent contractor by any district Eden Area ROP employee or by any other person with whom the independent contractor comes in contact during the course of employment with the district Eden Area ROP. Additionally, the Board prohibits the harassment of a district Eden Area ROP employee by an independent contractor. Any complaint of harassment shall be investigated and resolved in accordance with applicable district Eden Area ROP complaint procedures. (Government Code 12940)

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

State References

2 CCR 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

Description

Conflicts of Interest -

<https://simbli.eboardsolutions.com/SU/h6CnVsMHk2STR4xUUuMLXdQ==>

Cooperative improvement programs -

<https://simbli.eboardsolutions.com/SU/7fVnOnUuu7rwqQI0ax6FRA==>

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==>

Management Resources References

Court Decision

Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal. 5th 903

Court Decision

S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal. 3d 341

Cross References

0415

Equity -

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

3312

Contracts -

<https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==>

3515.6

Criminal Background Checks For Contractors -

<https://simbli.eboardsolutions.com/SU/6NORWZVUbKQw0W2HTslshcINA==>

4030

Nondiscrimination In Employment -

<https://simbli.eboardsolutions.com/SU/tA8Nrx4fwhdPnt5IFP14w==>

4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/xm9M6Z8rEbtnHVJ9QTsk1w==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/IRPC1EaIM3FZbpiYMgcFdg==
4219.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/HKsd8plusLyzREFYlbsZJjslshHMw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/AXmklslshE6ESRtrrr2slIpOw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==
4319.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/63bMplusgqDtJ4qX5xg6F8Xwg==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==
9270-E(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==

ACTION ITEMS



DATE: November 4, 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, Administrative Regulations and Exhibit

BACKGROUND

By law, districts are mandated to adopt policies and administrative regulations to help ensure that districts are legally compliant. New laws are passed by the legislature and congress every year and our policies can quickly become out-of-date. The last thorough review of all of the Eden Area ROP Governing Board policies and administrative regulations occurred in the 2019-2020 school year.

CURRENT SITUATION

The board policies, administrative regulations and exhibit listed below have been updated based on the feedback and discussion at the October 7, 2021 Governing Board meeting.

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

NUMBER	TYPE	TITLE	STATUS
1113	Exhibit	District and School Web sites	New
1312.3	Policy	Uniform Complaint Procedures	Replaced
1312.3	Regulation	Uniform Complaint Procedures	Replaced
1312.4	Regulation	Williams Uniform Complaint Procedures	Replaced
1313	Policy	Civility	New
6115	Policy	Ceremonies and Observances	New
6115	Regulation	Ceremonies and Observances	Replaced
6161.1	Policy	Selection and Evaluation of Instructional Materials	Replaced

RECOMMENDATION

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

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE

Materials to Prominently Display

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

The following must be posted in a prominent location on the Eden Area Regional Occupational Program's (Eden Area ROP's) web site, such as on the home page when required by law:

1. A direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the Eden Area ROP's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). Post at least 72 hours before a regular board meeting or 24 hours before a special meeting. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.
2. The Eden Area ROP's policy on student suicide prevention (Education Code 234.6). See BP 5141.52 - Suicide Prevention.
3. The Eden Area ROP's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.
4. The Eden Area ROP's policy on preventing and responding to hate violence, if the Eden Area ROP has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.
5. The definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
6. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of students and the public as specified in Education Code 221.8, the responsibilities of the Eden Area ROP under Title IX, web links to information about those rights and responsibilities on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California

Department of Education's (CDE) web site (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.

7. 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 (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.

Other Postings

The following materials are also required to be posted on the Eden Area ROP web site. However, there are no specific requirements related to where they are posted on the web site.

1. The Eden Area ROP's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.
2. Training materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitate an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
3. The section(s) of the Eden Area ROP's employee code of conduct addressing interactions with students (Education Code 44050). Post these section(s) or a link to them on Eden Area ROP's web site in a manner that is accessible to the public without a password. See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
4. The Eden Area ROP's integrated pest management plan, whenever the Center chooses to use a pesticide not exempted pursuant to Education Code 17610.5 (Education Code 17611.5). Post on the Eden Area ROP's web site. See AR 3514.2 Integrated Pest Management.
5. Results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results. (This notification could be made in writing to parents/guardians instead of or in addition to posting the results on the Eden Area ROP's web site.) In addition, if a school loses its WASC or other agency's accreditation, the Eden Area ROP shall post on their web sites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.

Policy 1312.3: Uniform Complaint Procedures**Status:** DRAFT**Original Adopted Date:** 03/05/2020

The Governing Board recognizes that the Eden Area Regional Occupational Program (Eden Area ROP) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The Eden Area ROP's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Discrimination, harassment, intimidation, or bullying in Eden Area ROP programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, 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, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
9. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
10. Migrant education (Education Code 54440-54445)
11. Student fees (Education Code 49010-49013)
12. Reasonable accommodations to a lactating student (Education Code 222)
13. Regional occupational centers and programs (Education Code 52300-52334.7)
14. School safety plans (Education Code 32280-32289)
15. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
16. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The Eden Area ROP shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the Eden Area ROP shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the Eden Area ROP's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the Eden Area ROP in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
5. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

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

State References

2 CCR 11023

5 CCR 15580-15584

Description

Harassment and discrimination prevention and correction - <https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

Child nutrition programs complaint procedures

5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 18100-18203	School libraries
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices in language other than English
Ed. Code 49010-49014	Student fees
Ed. code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52616.24	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Nondiscrimination in programs or activities funded by state

Gov. Code 11135
 Gov. Code 12900-12996
 H&S Code 1596.792
 H&S Code 1596.7925
 Pen. Code 422.55
 Pen. Code 422.6

Federal References

20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
 20 USC 6301-6576
 20 USC 6801-7014
 28 CFR 35.107
 29 USC 794
 34 CFR 100.3
 34 CFR 104.7
 34 CFR 106.1-106.82
 34 CFR 106.8
 34 CFR 106.9
 34 CFR 110.25
 34 CFR 99.1-99.67
 42 USC 11431-11435
 42 USC 12101-12213
 42 USC 2000d-2000e-17
 42 USC 2000h-2-2000h-6
 42 USC 6101-6107

Management Resources References

California Department of Education Publication
 California Department of Education 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
 U.S. DOJ Publication
 Website

Discrimination -
<https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtQ==>
 Fair Employment and Housing Act
 California Child Day Care Act; general provisions and definitions
 California Child Day Care Act; health and safety regulations
 Definition of hate crime
 Civil rights; crimes

Description

Application of laws
 Family Educational Rights and Privacy Act (FERPA) of 1974
 Title IX of the Education Amendments of 1972
 Title I Improving the Academic Achievement of the Disadvantaged
 Title III language instruction for limited English proficient and immigrant students
 Nondiscrimination on basis of disability; complaints
 Rehabilitation Act of 1973, Section 504
 Prohibition of discrimination on basis of race, color or national origin
 Designation of responsible employee for Section 504
 Nondiscrimination on the basis of sex in education programs
 Designation of responsible employee for Title IX
 Notification of nondiscrimination on basis of sex
 Notification of nondiscrimination on the basis of age
 Family Educational Rights and Privacy Act
 McKinney-Vento Homeless Assistance Act
 Title II equal opportunity for individuals with disabilities
 Title VI and Title VII Civil Rights Act of 1964, as amended
 Title IX of the Civil Rights Act of 1964
 Age Discrimination Act of 1975

Description

Uniform Complaint Procedure 2020-21 Program Instrument
 Sample UCP Board Policies and Procedures
 Dear Colleague Letter, September 22, 2017
 Dear Colleague Letter: Title IX Coordinators, April 2015
 Dear Colleague Letter: Harassment and Bullying, October 2010
 Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
 Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
 Guidance to Federal Financial Assistance Recipients Regarding Title VI, 2002
 U.S. Department of Justice -
<https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==>

Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==

Cross References

Description

0430	Comprehensive Local Plan For Special Education - https://simbli.eboardsolutions.com/SU/e71MVNX06aDGjvR9BJrH0Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveUJLDCQ==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vAN6YBtFhu4n57iYVTCEPA==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/GBmLyqzfcSckfJHelqrNEQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/zPs9HLtshlppqbH6809dB9Ew==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8Nrmx4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMSD28thd0bsVO5A==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==

4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QJZchBHjlo4MPVRpFGJCrA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/IRPC1EalM3FZbpiYMgcFdg==
4219.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==
4244	Complaints - https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxwG6RsewdNg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/jjOvCL3R0BsishFhOudlvslshXEA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/AXmklsishE6ESRtrrr2slIpOw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==
4319.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348osishRcw==
4344	Complaints - https://simbli.eboardsolutions.com/SU/81isishPFcSeJaoFtslshzpmvsRg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZZZTw==

5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/kCgXddEBjkjf9hFwJDlhUw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/k7xftZvOPpi977gdgTbxvA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/FbLCvCot44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQToow==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==
9011	Disclosure Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==
9124	Attorney - https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBiMA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/Ghjg3tjvplumGe9joApcsNig==

Regulation 1312.3: Uniform Complaint Procedures

Status: DRAFT

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

Except as the Governing Board may otherwise specifically provide in other Eden Area Regional Occupational Program (Eden Area ROP) policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

Compliance Officers

The Eden Area ROP designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the Eden Area ROP's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure Eden Area ROP compliance with law.

Director of Educational Services
(title or position)

Educational Services Department
(unit or office)

26316 Hesperian Blvd. Hayward, CA 94545
(address)

(510) 293-2903
(telephone number)

ealvite@edenrop.org
(email)

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned.

Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent or designee to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the Eden Area ROP issues its final written decision, whichever occurs first.

Notifications

The Eden Area ROP's UCP policy and administrative regulation shall be posted at the Center, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the Eden Area ROP's UCP to students, employees, parents/guardians of students, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the Eden Area ROP is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the Eden Area ROP's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that complaints will be investigated in accordance with the Eden Area ROP's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
8. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the Eden Area ROP's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the Eden Area ROP's decision, within 30 calendar days of receiving the Eden Area ROP's decision
9. A statement advising the complainant 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 laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
10. A statement that copies of the Eden Area ROP's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the Eden Area ROP web site.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the Eden Area ROP's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled speak a single primary language other than English, the Eden Area ROP's

UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the Eden Area ROP shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, Eden Area ROP staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging Eden Area ROP violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the Eden Area ROP's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the Eden Area ROP shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant

confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the Eden Area ROP's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the Eden Area ROP shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the Eden Area ROP shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the Eden Area ROP's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

Refusal by the Eden Area ROP to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the Eden Area ROP's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the Eden Area ROP's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the Eden Area ROP's investigation report, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Investigation Report

For all complaints, the Eden Area ROP's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the Eden Area ROP is in compliance with the relevant law
3. Corrective action(s) whenever the Eden Area ROP finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the Eden Area ROP's investigation report to CDE, except when the Eden Area ROP has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with Eden Area ROP legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian, then the Eden Area ROP's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the Eden Area ROP's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the Eden Area ROP environment may include, but are not limited to, actions to reinforce Eden Area ROP policies; training for faculty, staff, and students; updates to

school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the Eden Area ROP shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law.

The Eden Area ROP may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the Eden Area ROP does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, or courses without educational content is found to have merit, the Eden Area ROP shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the Eden Area ROP, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and

parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the Eden Area ROP's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the Eden Area ROP's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the Eden Area ROP's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The Eden Area ROP failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the Eden Area ROP's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the Eden Area ROP's investigation report are not supported by substantial evidence.
4. The legal conclusion in the Eden Area ROP's investigation report is inconsistent with the law.
5. In a case in which the Eden Area ROP found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the Eden Area ROP's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the Eden Area ROP's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the Eden Area ROP's UCP
6. Other relevant information requested by CDE

If notified by CDE that the Eden Area ROP's investigation report failed to address allegation(s) raised by the complaint, the Eden Area ROP shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

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

State References

2 CCR 11023

5 CCR 15580-15584

5 CCR 3200-3205

Description

Harassment and discrimination prevention and correction -
<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

Child nutrition programs complaint procedures

Special education compliance complaints

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 18100-18203	School libraries
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices in language other than English
Ed. Code 49010-49014	Student fees
Ed. code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52616.24	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Nondiscrimination in programs or activities funded by state
Gov. Code 11135	Discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtFQ==

Gov. Code 12900-12996
H&S Code 1596.792
H&S Code 1596.7925
Pen. Code 422.55
Pen. Code 422.6

Fair Employment and Housing Act
California Child Day Care Act; general provisions and definitions
California Child Day Care Act; health and safety regulations
Definition of hate crime
Civil rights; crimes

Federal References

20 USC 1221
20 USC 1232g
20 USC 1681-1688
20 USC 6301-6576
20 USC 6801-7014
28 CFR 35.107
29 USC 794
34 CFR 100.3
34 CFR 104.7
34 CFR 106.1-106.82
34 CFR 106.8
34 CFR 106.9
34 CFR 110.25
34 CFR 99.1-99.67
42 USC 11431-11435
42 USC 12101-12213
42 USC 2000d-2000e-17
42 USC 2000h-2-2000h-6
42 USC 6101-6107

Description

Application of laws
Family Educational Rights and Privacy Act (FERPA) of 1974
Title IX of the Education Amendments of 1972
Title I Improving the Academic Achievement of the Disadvantaged
Title III language instruction for limited English proficient and immigrant students
Nondiscrimination on basis of disability; complaints
Rehabilitation Act of 1973, Section 504
Prohibition of discrimination on basis of race, color or national origin
Designation of responsible employee for Section 504
Nondiscrimination on the basis of sex in education programs
Designation of responsible employee for Title IX
Notification of nondiscrimination on basis of sex
Notification of nondiscrimination on the basis of age
Family Educational Rights and Privacy Act
McKinney-Vento Homeless Assistance Act
Title II equal opportunity for individuals with disabilities
Title VI and Title VII Civil Rights Act of 1964, as amended
Title IX of the Civil Rights Act of 1964
Age Discrimination Act of 1975

Management Resources References

California Department of Education Publication
California Department of Education 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
U.S. DOJ Publication
Website
Website

Description

Uniform Complaint Procedure 2020-21 Program Instrument
Sample UCP Board Policies and Procedures
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
Guidance to Federal Financial Assistance Recipients Regarding Title VI, 2002
U.S. Department of Justice -
<https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==

Cross References

Description

0430	Comprehensive Local Plan For Special Education - https://simbli.eboardsolutions.com/SU/e71MVNX06aDGjvR9BJrH0Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveULDQC==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vAN6YBtFhu4n57iYVTCEPA==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/GBmLyqzfzSCkfJHelqrNEQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/zPs9HLtshlshppqbH6809dB9Ew==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIz40DSa1c7mTns8w==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMsD28thd0bsVO5A==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtslshRzbmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tshXyXIJvP6Bft5plusnng==

4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/IRPC1EalM3FZbpiYMgcFdg==
4219.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==
4244	Complaints - https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/jjOvCL3R0BslshFhOudlvslshXEA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/AXmklsishE6ESRtrrr2slpOw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==
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4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslsHRCw==
4344	Complaints - https://simbli.eboardsolutions.com/SU/81islsHPFcSeJaoFtslshzpmvsRg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QlsQey8plusw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/kCgXddEBjkjf9hFwJDIhUw==

5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzv1B2oqZCSfZin1Rgdw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/k7xfTZvOPpi977gdgTbxvA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/VRKrlMnKplusJ7zJ6slshslshg7zylQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==
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6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQTtoow==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/GVslshTRdlRBkNoSFjBOVDBXg==
9011	Disclosure Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==
9124	Attorney - https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBiMA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/Gh3tjyplumGe9joApcsNig==

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: DRAFT

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

Types of Complaints

The Eden Area Regional Occupational Program (Eden Area ROP) shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or Eden Area ROP-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)
 - a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)
 - b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code

35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at the Center. However, complainants need not use the Eden Area ROP's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the Eden Area ROP's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall post in each classroom a notice containing the components specified in Education Code 35186. (Education Code 35186)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code 35186; 5 CCR 4685)

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the Eden Area ROP response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

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	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
Ed. Code 1240	County superintendent of schools, duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 17592.72	Urgent or emergency repairs, School Facility Emergency Repair Account
Ed. Code 234.1	Prohibition of discrimination, harassment, intimidation, and bullying
Ed. Code 33126	School accountability report card
Ed. Code 35186	Williams uniform complaint procedure
Ed. Code 35292.5-35292.6	Restrooms, maintenance and cleanliness
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials

Federal References

20 USC 6314	Title I schoolwide program
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Management Resources References

Website	State Allocation Board, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	California Department of Education, Williams Case - https://simbli.eboardsolutions.com/SU/IgEokvl5m4hnKA9yXFZS8A==
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/mtFPT6splusatps9s1X9nZbVg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/47Gs6oi9dRXOVAAl8xui5A==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==
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/ITSnzs2NarKOslshSNwHA8fCg==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/zY8DG5z4nD9CDQrTO6xVUA==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/zLBELNz0oqwFZ1DBltoVdQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/00ko2OZRvFNf81Y4pxWAQQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/N3Bs1UMslshANAV8zGjSOSvsA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/2NyBDtlcuASmbA3yRmjyQA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/jMJUWhbRaLqEmvhJ3ML13A==
4144	Complaints - https://simbli.eboardsolutions.com/SU/fMozsLcU1XQD2tEvplusln9w==
4244	Complaints - https://simbli.eboardsolutions.com/SU/aQNldGubKpluslpfZH0rpluskBQQ==
4244	Complaints - https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykW5uttqlw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/EW5evOz1h3VphPMF2ME5EA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/SkkFBGCN5V16LJELR6X0xw==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/j3FIKhXlnfxslshlpyJ8myMcw==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/FEannZ2vISznoFWOG1sbNw==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBiMA==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/Ghjg3tjvplusmGe9joApcsNig==

Policy 1313: Civility

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the impact that civility has on the effective operation of the Eden Area Regional Occupational Program (Eden Area ROP), including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The Board believes that each person should be treated with dignity and respect in their interactions within the school community.

The Board understands that the First Amendment provides strong protection for speech. However, the Board expects that all speech and expression will comport with norms of civil behavior on Eden Area ROP grounds, in Eden Area ROP facilities, during Eden Area ROP activities or events, and in the use of Eden Area ROP electronic/digital systems and platforms.

Civil behavior is polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.

The Board and Eden Area ROP staff shall model civil behavior as an example of behavior that is expected throughout the Eden Area ROP. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints. Such practices may be incorporated into governance standards adopted by the Board or Superintendent and/or professional standards or codes of conduct for employees as specified in Eden Area ROP policies and regulations.

Students, staff, parents/guardians, and community members should be educated in the recognition, development, and demonstration of civil behavior. The Superintendent or designee may incorporate related concepts in the curriculum, provide staff development activities, and/or communicate this policy to the school community.

Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption; hinders the orderly conduct of Eden Area ROP operations, the educational program, or any other Eden Area ROP program or activity; or creates an unsafe learning or working environment. The Superintendent or designee may respond to disruptive, violent, or threatening behavior in accordance with law and as specified in BP/AR 3515.2 - Disruptions.

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence, or behavior that is in any other way unlawful, is prohibited and is subject to discipline in accordance with law and as specified in Eden Area ROP policy and regulations.

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

State References

Description

CA Constitution Article 1, Section 2

Freedom of speech and expression -
<https://simbli.eboardsolutions.com/SU/vSxJBja0lq0CDQS0OaxOsQ==>

CA Constitution Article 1, Section 28(c)

Right to Safe Schools -
<https://simbli.eboardsolutions.com/SU/4uKslshNFWJwiWPc9Z3j2hmaA==>

Civ. Code 51.7

Freedom from violence or intimidation -
<https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==>

Ed. Code 200-264

Educational equity

Ed. Code 32210

Willful disturbance of public school or meeting

Ed. Code 32211

Threatened disruption or interference with classes

Ed. Code 32212

Classroom interruptions

Ed. Code 32280-32289.5

Comprehensive safety plan

Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 44810	Willful interference with classroom conduct
Ed. Code 44811	Disruption of classwork or extracurricular activities
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 48907	Exercise of free expression; rules and regulations
Ed. Code 49330-49335	Injurious objects
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54957.9	Disorderly conduct of general public during meeting; clearing of room
Pen. Code 243.5	Assault or battery on school property
Pen. Code 415.5	Disturbance of peace of school
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Civil rights; crimes
Pen. Code 626-626.11	School crimes
Pen. Code 627-627.10	Access to school premises
Pen. Code 653.2	Electronic communication devices, threats to safety
Pen. Code 653b	Loitering about schools or public places

Federal References

U.S. Constitution

Description

Amendment 1, Freedom of speech and expression

Management Resources References

California Department of Education Publication
California Department of Education Publication
Commission on Teacher Credentialing Publication
Court Decision
Court Decision
Court Decision
Court Decision
CSBA Publication
CSBA Publication
Nat'l Policy Board For Educational Administration
Website
Website
Website
Website

Description

California's Social and Emotional Learning: Guiding Principles, 2018
Social and Emotional Learning in California: A Guide to Resources, 2018
California Professional Standards for Educational Leaders, February 2014
Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719
Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562
City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966
Professional Governance Standards for School Boards
Superintendent Governance Standards
Professional Standards for Educational Leaders, October 2015
National Policy Board for Educational Administration - <https://simbli.eboardsolutions.com/SU/GPslshkam3pWnYNsfBf6iWslshmq==>
National School Safety Center - <https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXplMccKw==>
Center for Safe and Responsible Internet Use - <https://simbli.eboardsolutions.com/SU/SYNvZCFDU9rOyHBP2bWINA==>
California Office of the Attorney General - <https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Website	National Council for the Social Studies - https://simbli.eboardsolutions.com/SU/3cNbElvx93Aslshf4rspplusG6gA==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUuIsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Policy 6115: Ceremonies And Observances

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of having students observe holidays, celebrate events of cultural or historical significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Board, staff shall provide students with appropriate commemorative exercises so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

The Eden Area Regional Occupational Program (Eden Area ROP) shall be closed on the holidays specified in Education Code 37220 and on any other day designated as a holiday by the Board. The Board may, by adoption of a resolution, revise the date upon which schools close in observance of any holiday except Veterans Day, which shall be celebrated on its actual date. (Education Code 37220)

In addition, the Board may, through the adoption of a resolution, authorize the display of symbolic flags or banners in support of specific awareness months.

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

State References

Ed. Code 37220-37222.20

Ed. Code 44015.1

Ed. Code 45203

Ed. Code 45460

Ed. Code 52720-52730

Gov. Code 3540-3549.3

Gov. Code 430-439

Description

Holidays and commemorative events

Week of the School Administrator

Paid holidays

Classified School Employee Week

Patriotic exercises and instruction

Public education employer-employee relations

Display of flags

Federal References

36 USC 106

36 USC 106

4 USC 6

4 USC 7

Description

Note Educational program on the U.S. Constitution

Constitution Day and Citizenship Day

Time and occasion for display of flag

Position and manner of display of flag

Management Resources References

Court Decision

Court Decision

Website

Website

Description

Newdow v. Rio Linda Union School District, 597 F.3d 1007, 1012 (9th Cir. 2010)

West Virginia State Board of Education et al v. Barnette et al, (1943) 319 U.S. 624

California Department of Education, History/Social Science Instructional Materials - <https://simbli.eboardsolutions.com/SU/mmKB0bZ6paV8oCNRgx6UVw==>

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

Cross References

4156.2

4256.2

Description

Awards And Recognition - <https://simbli.eboardsolutions.com/SU/Naa9IvQvslsh1HplusXbrTvTplusplusA==>

Awards And Recognition - <https://simbli.eboardsolutions.com/SU/OhrmE2ad3eNroZOYUjplusplus3hg==>

4356.2	Awards And Recognition - https://simbli.eboardsolutions.com/SU/9WIDT0TTQSiKIkKkulljXA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==
6145.8	Assemblies And Special Events - https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==

Regulation 6115: Ceremonies And Observances

Status: DRAFT

Original Adopted Date: 06/05/2020

Holidays

The Eden Area Regional Occupational (Eden Area ROP) shall be closed on the following holidays: (Education Code 37220)

New Year's Day - January 1

Dr. Martin Luther King Jr. Day - Third Monday in January or the Monday or Friday of the week in which January 15 occurs

Lincoln Day - The Monday or Friday of the week in which February 12 occurs

Washington Day - Third Monday in February

Memorial Day - Last Monday in May

Juneteenth-Third Friday in June

Independence Day - July 4

Labor Day - First Monday in September

Veterans Day - November 11

Thanksgiving Day - The Thursday in November designated by the President

Christmas Day - December 25

In addition, the Eden Area ROP will be closed on the day after Thanksgiving and December 24th.

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occurs under federal law on a date different from that indicated above, the Governing Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

Display of Flag

The flag of the United States and the flag of California shall be displayed during business hours at the entrance or on the grounds of the Eden Area ROP. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

When displayed on a building or on a flagstaff in the open, the national flag shall be displayed only from sunrise to sunset unless properly illuminated during the hours of darkness. The flag should not be displayed during inclement weather unless an all-weather flag is used. (4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, former Vice President, or the Governor of a state
4. On the day of death and the following day for a Member of Congress

5. On Memorial Day, until noon only
6. On Peace Officers Memorial Day (May 15), unless it falls on Armed Forces Day
7. Upon a proclamation from the Governor in the event of the death of a present or former official of the state government or a member of the Armed Forces from the state who has died while serving on active duty
8. On other occasions by order of the President and in accordance with presidential instructions or orders

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

State References

Ed. Code 37220-37222.20	Holidays and commemorative events
Ed. Code 44015.1	Week of the School Administrator
Ed. Code 45203	Paid holidays
Ed. Code 45460	Classified School Employee Week
Ed. Code 52720-52730	Patriotic exercises and instruction
Gov. Code 3540-3549.3	Public education employer-employee relations
Gov. Code 430-439	Display of flags

Description

Federal References

36 USC 106	Note Educational program on the U.S. Constitution
36 USC 106	Constitution Day and Citizenship Day
4 USC 6	Time and occasion for display of flag
4 USC 7	Position and manner of display of flag

Description

Management Resources References

Court Decision	Newdow v. Rio Linda Union School District, 597 F.3d 1007, 1012 (9th Cir. 2010)
Court Decision	West Virginia State Board of Education et al v. Barnette et al, (1943) 319 U.S. 624
Website	California Department of Education, History/Social Science Instructional Materials - https://simbli.eboardsolutions.com/SU/mmKB0bZ6paV8oCNRgx6UVw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Description

Cross References

4156.2	Awards And Recognition - https://simbli.eboardsolutions.com/SU/Naa9lvQvslsh1HplusXbrTvTpluscyA==
4256.2	Awards And Recognition - https://simbli.eboardsolutions.com/SU/OhrmE2ad3eNroZOYUjplus3hg==
4356.2	Awards And Recognition - https://simbli.eboardsolutions.com/SU/9WIDT0TTQSiKIkKkulLjXA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaGQTT4H6Q==

Description

- 6141.2 Recognition Of Religious Beliefs And Customs -
<https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==>
- 6141.2 Recognition Of Religious Beliefs And Customs -
<https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==>
- 6145.8 Assemblies And Special Events -
<https://simbli.eboardsolutions.com/SU/wuljQpluspRD4e389113cmWOw==>

Policy 6161.1: Selection And Evaluation Of Instructional Materials

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board desires that Eden Area Regional Occupational Program (Eden Area ROP) instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect and value society's diversity, and enhance instructors' ability to educate all students through the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the Eden Area ROP's curriculum to ensure that they effectively support the Eden Area ROP's adopted courses of study.

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and the accompanying administrative regulation. (Education Code 60400)

In selecting or adopting instructional materials, the Board shall consider the recommendation of the Superintendent or designee and/or an advisory committee established to review the materials.

Complaints

Complaints concerning instructional materials shall be handled in accordance with BP/AR 1312.2 - Complaints Concerning Instructional Materials or AR 1312.4 - Williams Uniform Complaint Procedures, as applicable

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 9505-9530	Instructional materials
Ed. Code 1240	County superintendent of schools, duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 220	Prohibition of discrimination
Ed. Code 33050-33053	General waiver authority
Ed. Code 33126	School accountability report card
Ed. Code 35272	Education and athletic materials
Ed. Code 44805	Enforcement of course of studies; use of textbooks, rules and regulations
Ed. Code 49415	Maximum textbook weight
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60000-60005	Instructional materials, legislative intent
Ed. Code 60010	Instructional materials, definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers
Ed. Code 60070-60076	Prohibited acts (re instructional materials)
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60200-60210	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60350-60352	Core reading program instructional materials

Ed. Code 60400-60411	Instructional materials, high schools
Ed. Code 60510-60511	Donation for sale of obsolete instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
Ed. Code 60605.86-60605.88	Supplemental instructional materials aligned with Common Core State Standards

Management Resources References

	Description
California Department of Education Publication	Instructional Materials FAQ
California Department of Education Publication	01-05 Guidelines for Piloting Textbooks and Instructional Materials, rev. January 2015
California Department of Education Publication	Standards for Evaluating Instructional Materials for Social Content, 2013
Website	Association of American Publishers - https://simbli.eboardsolutions.com/SU/OLNs7BgkkFnc0fTaR9NYzA==
Website	California Academic Content Standards Commission, Common Core State Standards - https://simbli.eboardsolutions.com/SU/kUpiEw45kJuY7UklWSDzSA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0400	Comprehensive Plans - https://simbli.eboardsolutions.com/SU/ugBqpXslshQ6mvnMCly7aYRhQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vAN6YBtFhu4n57iYVTCEPA==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/m4FVJGQMLuD3b1XlptEqg==
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/ITSnzs2NarKOsIshSNwHA8fCg==
3290	Gifts, Grants And Bequests - https://simbli.eboardsolutions.com/SU/NkGQICc4slshQsdCmiNwFpF7A==
3311	Bids - https://simbli.eboardsolutions.com/SU/TWF1r95m6dNmbNGDd2DuLw==
3311	Bids - https://simbli.eboardsolutions.com/SU/kSolhGYAYslshKnCwjX0Jkbzw==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/I17IzduMHKo8put7kPOplusplusQ==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/YylaMaEJnPdpqS7Ci4F0w==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348osIshRcw==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/J4cartGrEslshslsh5HVFg1LREA==

5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/ZHUsIshmk3JPNnIMABElc3h6Q==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194ImkZnJXQ==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/fkPYjKSeWgdHBezNZ2ZcSw==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/hPSNzLmNwRGOGLo0TLZ3Ww==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/gvILvxQygezatRplusXrmdxA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/PNE3zaoxi3vI9FPnZKmb6Q==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/GplusnHrHzslshRh47slshK4RUllkMQ==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/j3FIKhXInfxslshlpyJ8myMcw==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/KGOZjgIkMPmOrvAslshEI88rQ==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/XESlshllMm5WBsL3j9ebjkWiQ==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/1LgN9SnEesJg90dZuXVKpw==
9270-E(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/9GT6YEIRywwZpzeplus2smk5w==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/GhJg3tjvplumGe9joApcsNig==

DATE: November 4, 2021
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: 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

BACKGROUND

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

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

CURRENT SITUATION

Public Schools in California are currently operating under mandates to maximize distancing as well as implement other safety measures to minimize the spread of COVID-19. Hosting an in-person meeting at this time would present imminent risks to the health and safety of attendees. Approving Resolution 5 21/22 would enable the Eden Area ROP to hold virtual Governing Board meetings.

RECOMMENDATION

It is recommended that the Governing Board approve the Adoption of Resolution 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

EdenAreaROP

RESOLUTION NO. 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

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 November 9, 2021, and shall be effective until the earlier of (i) December 9, 2021, 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 4th day of November 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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