



EdenAreaROP

GOVERNING BOARD MEETING AGENDA

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

Thursday, May 2, 2024
5:45 pm

GOVERNING BOARD MEMBERS

James Aguilar, President	San Leandro Unified School District
Penny Peck, Vice-President	San Lorenzo Unified School District
Gary Howard, Member	Castro Valley Unified School District
Peter Bufete, Member	Hayward 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, May 2, 2024
Time: 5:45 p.m.
In-Person (limited seating): Eden Area ROP Board Room (Building A), 26316 Hesperian Blvd., Hayward, CA 94545
Virtual via Zoom: <https://zoom.us/j/99397978944?pwd=anVST3pGRDF4MjRjOHJMOUJNR3NyUT09>

Attend Zoom Meeting Instructions:

- **To observe the meeting by video conference**, please click on [LINK](#) or go <https://zoom.us/j/99397978944?pwd=anVST3pGRDF4MjRjOHJMOUJNR3NyUT09> to at the noticed meeting time.

Meeting ID: **993 9797 8944**

Passcode: **EAROP23**

Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193> -Joining-a-Meeting.

- **To listen to the meeting by phone**, please call at the noticed meeting time **1-669-900-6833**, then enter ID **993 9797 8944**, then press "#". Passcode: **8908035**

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

Public Comment Instructions:

The Board respects and encourages the public to comment on matters on the Board agenda and within the Board's jurisdiction. The Board fully supports civil discourse and requests that everyone respect each other and their point of view. We strive to model respectful communication for our students in all of our interactions. According to the Brown Act, the Board may not comment or take action on items not on the agenda.

- **To comment by video conference**, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129> -Raise-Hand-In-Webinar.
- **To comment by phone**, you will be prompted to "Raise Your Hand" by pressing "*9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> -Joining-a-meeting-by-phone.
- **To comment in-person**, individuals who would like to address the Board in-person must complete a "Request to Address ROP Governing Board" card, available at the entrance to the meeting room, and submit it to the Governing Board's President prior to the start of the agenda item. Once called on speakers are requested to go to the podium and begin by stating their name, and whether the statement is being made as an individual or as a representative of an organization.

AGENDA

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

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

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

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

I. Call to Order

II. Roll Call

III. Pledge of Allegiance

IV. Mission Statement

V. Core Values

VI. Approval of Agenda

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

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

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

Public Comments:

When it is time for the speakers to address the Board, your name will be called and you will then be unmuted (if attending virtually) or asked to come to the podium (if attending in-person) and allowed to make public comments. With Board consensus, the President may increase or decrease the time allowed. This meeting is being recorded to prepare the official minutes.

Public Comment if attending meeting in person:

Individuals who would like to address the Board in-person must complete a "Request to Address Eden Area ROP Governing Board" card, available at the entrance to the meeting room, and submit it to the Governing Board's President prior to the start of the agenda item.

Once called on, speakers are requested to go to the podium and begin by stating their name.

Public Comment if attending meeting via Zoom:

Individuals who would like to address the Board via Zoom must use the "Raise Hand" feature under the "Participants." Speakers via Zoom 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.

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 April 11, 2024 (pages 5-10)
- B. Request the Governing Board to approve the Bill Warrants (pages 11-16)
- C. Request the Governing Board to approve the Personnel Action Items (pages 17-18)

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- D. Request the Governing Board to approve the Revised Salary Schedule (Chart 1) (pages 19-21)
- E. Request the Governing Board to approve the Agreement with Del Conte's Landscaping, Inc. for Landscape Maintenance Services for the 2024-2025 School Year (pages 22-32)
- F. Request the Governing Board to approve the Lease Agreement with Pitney Bowes for Postal Meter Rental and Postal Services for 2024-2025 through 2028-2029 School Years (pages 33-38)
- G. Request the Governing Board to approve the Agreement with Premier Commercial Cleaning Solutions (PCCS) for Janitorial Services for the 2024-2025 School Year (pages 39-46)

IX. Information Items

- A. SkillsUSA Update (page 47)
- B. First Reading of Governing Board Policies, Administrative Regulations, Board Bylaws & Exhibits (pages 48-228)

X. Action Items

- A. Request the Governing Board to approve the Adoption of Resolution 8-23/24: Day of the Teacher (pages 229-230)
- B. Request the Governing Board to approve the Adoption of Resolution 9-23/24: Classified Employees' Week (pages 231-232)
- C. Request the Governing Board to approve the Adoption of Resolution 10-23/24: Temporary Borrowing Between Funds (pages 233-234)
- D. Request the Governing Board to approve the Adoption of Resolution 11-23/24: Year End Budget Transfers of Funds (pages 235-236)
- E. Request the Governing Board to approve the Adoption of Resolution 12-23/24: Authority to Sign Contracts for the 2023-2024 Fiscal Year (pages 237-238)
- F. Request the Governing Board to approve the Adoption of Resolution 13-23/24: Delegation of Powers to Agents for the 2023-2024 Fiscal Year (pages 239-240)
- G. Request the Governing Board to approve the Adoption of Resolution 14-23/24: Retirement: Linda Granger (pages 241-242)
- H. Request the Governing Board to approve the Agreement with Cheryl Gixti for Workability Grant Support for the 2023-2024 School Year (pages 243-248)

XI. Communications

- A. Letter from the Alameda County Office of Education regarding the Second Interim (page 249)

XII. Superintendent's Report

XIII. Governing Board Reports

XIV. Future Meeting Dates

- A. Upcoming Eden Area ROP Governing Board Meeting Dates (page 250)

XV. Recess to Closed Session

- A. Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)
- B. Public Employee Performance Evaluation (Pursuant Government Code 54957)
Title: Superintendent

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

- A. Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)
- B. Public Employee Performance Evaluation (Pursuant Government Code 54957)
Title: Superintendent

XVII. Adjournment

CONSENT CALENDAR



**Minutes of the Regular Meeting of the ROP Governing Board
April 11, 2024**

I. Call to Order

Penny Peck, Board Vice President, called the meeting to order at 5:46 p.m. on Thursday, April 11, 2024 at the Eden Area Regional Occupational Program Board Room, 26316 Hesperian Blvd., Hayward, CA 94545.

II. Roll Call

Eden Area ROP Governing Board Members Present:

James Aguilar, President	San Leandro USD	arrived at 5:49 pm
Penny Peck, Vice President	San Lorenzo USD	
Gary Howard, Member	Castro Valley USD	

Eden Area ROP Governing Board Members Absent:

Peter Bufete, Member Hayward USD

Eden Area ROP Superintendent/Clerk of the Board Present:

Blaine Torpey

Eden Area ROP Administrators Present:

Craig Lang	Director of Adult Programs
Anthony Oum	Fiscal Services Administrator
Michelle Stephens	Pathway Coordinator

Eden Area ROP Staff Present:

Jessica Fagundes	Career Counselor
Gabriela Juarez	Executive Assistant
Byron Thompson	Entrepreneurship Instructor
Maria Luisa Fuller	Entrepreneurship Instructor
Christina Charlton	Marketing Instructor
Aaron Rosas	Entrepreneurship Instructor

Others Present:

Students of the Month and their guests

III. Pledge of Allegiance

Abraham Avalos led the Pledge of Allegiance.

IV. Mission Statement

Hazim M. Ali read the Eden Area ROP mission statement.

V. Core Values

Blaine Torpey read the Eden Area ROP core values.

VI. Approval of Agenda

Board President, James Aguilar, resumed leading the board meeting.

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

AYES: 3 (Aguilar, Howard, Peck)
NOES: 0
ABSTENTIONS: 0
ABSENT: 1 (Bufete)

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

None.

VIII. Student of the Month Awards

The following students were honored by their instructors, Eden Area ROP staff and the Governing Board as students of the month for April 2024:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Hazim M. Ali	Mt. Eden	Entrepreneurship	Rosas
Emely G. Aguilera Moncada	Tennyson	Entrepreneurship	Fuller
Diamond Smith	Hayward	Entrepreneurship	Charles
Kevin Parra	Castro Valley	Business Economics and Finance	Thompson
Abraham Avalos	Arroyo	Marketing Economics	Charlton
Naomi Chebani-Yagazie	San Leandro	Business Economics and Finance	Jagroop

Jessica Fagundes, Career Counselor, introduced the instructors, who presented their students to the Governing Board. A framed certificate of achievement was delivered to each student. Each student was given an opportunity to introduce their family and say a few words.

IX. Consent Calendar

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

- A. Minutes of the Regular Governing Board Meeting of March 7, 2024
- B. Bill Warrants
- C. Personnel Action Items
- D. Listed Donation-Nasario Martinez
- E. Listed Donation-Z Safdari
- F. Quarterly Report on Williams Act Complaints and Resolutions
- G. Receipt of the Career Technical Education Incentive Grant (CTEIG) Funds
- H. Receipt of the Workability I Program Funds
- I. Elimination of the Director of Educational Services Position
- J. Assistant Principal-Pathways Position
- K. Revised Contract with American Stage Tours for Sophomore Tour Transportation for the 2023-2024 School Year
- L. First Amendment to the Workforce Innovation and Opportunity Act (WIOA) Grant Agreement with Alameda County and the Alameda County Workforce Development Board

Trustee Penny Peck seconded the motion.

AYES: 3 (Aguilar, Howard, Peck)
NOES: 0
ABSTENTIONS: 0
ABSENT: 1 (Bufete)

X. Information Items

A. ROP Pathway Review-Entrepreneurship/Self Employment and Marketing

Blaine Torpey, Superintendent, introduced the Entrepreneurship/Self Employment and Marketing Pathways under the Marketing, Sales, and Service Sector. He highlighted that entrepreneurship empowers students to materialize ideas into businesses, with impressive examples showcased in student presentations. The curriculum emphasizes promotional, branding, and investment strategies in marketing and economics. Four of the six marketing and entrepreneurship instructors, Christina Charlton, Maria Luisa Fuller, Aaron Rosas, and Byron Thompson presented information about their programs.

Entrepreneurship and marketing programs are taught in all four school districts. The programs are articulated, allowing students to earn college credit while in high school. Project-based learning is a significant component, with a focus on entrepreneurship, including prototyping and minimal viable products. Students engage in professional portfolios, LinkedIn profiles, and role-playing activities related to marketing, sales, and entrepreneurship. The curriculum covers various topics such as marketing economics, business management, finance, personal finance, and career management. Students participate in operational research projects, like analyzing existing businesses such as Salt and Straw, and creating business plans.

The program emphasizes developing an entrepreneurial mindset, with a focus on opportunity recognition, risk-taking, innovation, and self-reliance. Work-based learning experiences include interactions with entrepreneurs, field trips to companies like Tesla and law firms, and participation in community service projects. The program also involves DECA, a career technical student organization, where students compete in conferences, take tests, and participate in role-play scenarios related to their chosen career paths, such as marketing, management, hospitality, and finance. Students have achieved success in DECA competitions, with some even running for officer positions within the organization.

B. Counselor Report

Superintendent, Blaine Torpey, introduced Jessica Fagundes to present to the Board about her role as the Career Counselor. Ms. Fagundes outlined her multifaceted role at the Eden Area ROP. She acts as a bridge between resident schools and the Eden Area ROP, facilitating effective communication and collaboration between counselors, administrators, and staff. One of her primary goals is to ensure smooth enrollment processes by maintaining partnerships with resident school counselors.

Ms. Fagundes provides comprehensive counseling services to students and parents, covering various aspects such as college preparation, financial aid, and career exploration. She also coordinates counseling events, workshops, and programs like the Student of the Year event, which celebrates student achievements. Additionally, Ms. Fagundes emphasizes outreach efforts, including sophomore tours and collaboration with student ambassadors to promote Eden Area ROP programs.

In terms of supporting students with individualized education plans (IEPs) and 504 plans, Ms. Fagundes serves as a central point of contact, ensuring that instructors are aware of and able to accommodate students' needs effectively. She actively engages with

Chabot College through participation in meetings, workshops, and special programs, providing students with information about Chabot programs and facilitating their transition to higher education.

Overall, Ms. Fagundes's role encompasses a wide range of responsibilities aimed at supporting students in their academic, career, and personal development journeys, while fostering strong partnerships between the Eden Area ROP and resident schools.

XI. Action Items

A. Request the Governing Board to approve the Revised Job Description for the Office Support Technician Position

Upon review of and a motion by Trustee Penny Peck and a second by Trustee Gary Howard the Governing Board approved the revised job description for the Office Support Technician Position.

AYES: 3 (Aguilar, Howard, Peck)
NOES: 0
ABSTENTIONS: 0
ABSENT: 1 (Bufete)

B. Request the Governing Board to approve the Administrative Assistant Position and Job Description

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Penny Peck the Governing Board approved the Administrative Assistant position and job description.

AYES: 3 (Aguilar, Howard, Peck)
NOES: 0
ABSTENTIONS: 0
ABSENT: 1 (Bufete)

C. Request the Governing Board to approve the Revised Salary Schedules (Charts 1 and 4)

Upon review of and a motion by Trustee Penny Peck and a second by Trustee Gary Howard the Governing Board approved the revised salary schedules (charts 1 and 4).

AYES: 3 (Aguilar, Howard, Peck)
NOES: 0
ABSTENTIONS: 0
ABSENT: 1 (Bufete)

D. Request the Governing Board to approve the Agreement with William Deslaurier for Facilities Transition Support for the 2023-2024 School Year

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Penny Peck the Governing Board approved the agreement with William Deslaurier for facilities transition support for the 2023-2024 school year.

AYES: 3 (Aguilar, Howard, Peck)
NOES: 0
ABSTENTIONS: 0
ABSENT: 1 (Bufete)

XII. Superintendent's Report

Blaine Torpey, Superintendent, shared that on Wednesday, March 20, the Eden Area ROP had its annual Showcase. The Showcase is the Eden Area ROP's version of a community open house. It was a great success. Each pathway at the Center welcomed students, families, alumni, and community members to experience the Eden Area ROP. Students and instructors had activities and demonstrations. Guests could get fingerprinted, handcuffed, try on a firefighter's uniform, or get their blood pressure checked. The Automotive Technology instructors recruited over 100 community members to display their cars along with alumni.

He reported that on Friday, March 22, he participated in ABCNorCal Apprenticeship graduation. The Eden Area ROP is the Local Education Agency (LEA) for this apprenticeship. As the LEA, the Eden Area ROP approves their curriculum and participates in their apprenticeship advisory meetings. The longstanding partnership is yet another example of the Eden Area ROP's reach in support of its community.

Superintendent Torpey shared March was the month of advocacy. On March 6, Chief Operating Officer, Linda Granger, testified in the CA State Assembly Budget Subcommittee Hearing on educational finance. She did an amazing job articulating the importance of CTE, ROPs and the challenges being faced. He wanted to recognize the support of Assemblymembers Alvarez, Muratsuchi, and Bonta who have demonstrated their support for Career Technical Education and clearly communicated their expectations that the state supports the Eden Area ROP's efforts.

Two weeks later, Ms. Granger and Superintendent Torpey were in Sacramento for legislative advocacy meetings with Assemblymember Muratsuchi, staff from Assemblymember Ortega's office and Senator Wahab's office. The most impactful meeting was with Michael Wiafe from the Governor's Office and Kathy Booth from WestEd. WestEd is coordinating the development of Governor's Master Plan for Career Education.

In March, the Eden Area ROP staff submitted three Golden State Pathways Program Grant applications and a Middle College Grant application.

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

Goal 1: Strengthen EAROP Culture, Climate and Communication

- Strategic Partnerships: Developing a strong relationship with Bay K16 Collaborative grant administrators.

Goal 2: Enhance High Quality CTE Programming and Systems to Support All Students

- Program Self-Assessment: Refining data collection procedures for the Eden Area ROP and industry certifications to develop reliable baseline data.

Goal 3: Guide and Support the Development of EAROP Staff

- Policy Fluency: Communicated update of BP/E 4040, Employee Use of Technology to staff.

Goal 4: Fiscal, Resource, and Operational Leadership

- Fiscal Stability: SACS Training, ZEV, STEP, Apprenticeship Grants awards, GSPG Grant applications, submitted Middle College Grant application

XIII. Governing Board Reports

Trustee Gary Howard, Castro Valley USD representative, shared that Castro Valley Rotary Club is hosting a car show on June 15th, expecting around 450 cars. Additionally, he reported that he won't be available to attend the May Board meeting and assured an alternate will be arranged to attend.

XIV. Future Meeting Dates

A. Upcoming Eden Area ROP Governing Board Meeting Dates

Blaine Torpey, Superintendent, shared the upcoming board meetings dates through June 2024.

XV. Recess to Closed Session

The meeting was called into closed session at 7:23 p.m.

**A. Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)**

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

The meeting resumed to open session at 7:33 p.m.

**A. Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)**

Board President, James Aguilar, announced that no action was taken.

XVII. Adjournment

The meeting was adjourned at 7:34 p.m. in memory of Clifton James (Uncle Mickey), the uncle of Eden Area ROP Careers in Education Instructor, Erika Emery.

Approved by the Eden Area ROP Governing Board _____.

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



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Sabrina Ubhoff, Accounting Technician
SUBJECT: Request the Governing Board to approve the Bill Warrants

CURRENT SITUATION

The bill warrants submitted for approval are for the period of April 3, 2024 through April 18, 2024 and include test warrant numbers and voided warrants.

CONSENT CALENDAR



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Mercedes Henderson, Human Resources Administrator
SUBJECT: Request the Governing Board to approve the Personnel Action Items

CURRENT SITUATION

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

CONSENT CALENDAR



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Mercedes Henderson, Human Resources Administrator
SUBJECT: Request the Governing Board to approve the Revised Salary Schedule (Chart 1)

BACKGROUND

To complete the Educational Services Department restructuring, salary schedules needed to be revised. During the April 11, 2024, Governing Board meeting, the Governing Board took action to revise the salary schedule chart 1 for classified employees.

CURRENT SITUATION

A correction has been made to the chart 1 salary schedule and is being amended for board approval. The following revised salary schedule is being presented for your approval to be effective July 1, 2024:

- Salary Scale Chart 1: Classified Employees

CONSENT CALENDAR

Salary Scale Chart 1

CLASSIFIED EMPLOYEES

2024-2025

Effective: July 1, 2024

Step	Work Year	Additional Responsibilities	Classified Position Titles
B1	10 months		Website & Marketing Specialist
B3	12 months	Confidential	Executive Assistant
B4	12 months		Administrative Assistant
B5	12 months		Registrar (Y-Rate)
C1	10 months		Student Support Services Technician
C3	12 months		Office Support Technician
C3	12 months	Confidential	Accounting Technician
C3	12 months		Registrar
D	12 months		Accounts Receivable/Purchasing Technician
E1	10 months		Office Assistant
E2	12 months		Security-Grounds Officer
F	10 months		Instructional Assistant
H	10 months		Staff Assistant
L	10 months		Student Assistant

10 months= 193 days

11 months= 223 days

12 months= 260 days

Column (C) and Step (S)

Hourly (H); Monthly (M); Annually (A)

S	C	1	2	3	4	5	6	7	8	9	10
B1	H	\$31.20	\$32.44	\$33.77	\$35.15	\$36.59	\$38.13	\$39.69	\$41.36	\$43.13	\$44.95
	M	\$4,516.20	\$4,695.69	\$4,888.21	\$5,087.96	\$5,296.40	\$5,519.32	\$5,745.13	\$5,986.86	\$6,243.07	\$6,506.51
	A	\$45,162.00	\$46,956.90	\$48,882.08	\$50,879.63	\$52,964.03	\$55,193.18	\$57,451.28	\$59,868.60	\$62,430.68	\$65,065.13
B3	H	\$31.20	\$32.44	\$33.77	\$35.15	\$36.59	\$38.13	\$39.69	\$41.36	\$43.13	\$44.95
	M	\$5,070.00	\$5,271.50	\$5,487.63	\$5,711.88	\$5,945.88	\$6,196.13	\$6,449.63	\$6,721.00	\$7,008.63	\$7,304.38
	A	\$60,840.00	\$63,258.00	\$65,851.50	\$68,542.50	\$71,350.50	\$74,353.50	\$77,395.50	\$80,652.00	\$84,103.50	\$87,652.50
B4	H	\$32.76	\$34.06	\$35.46	\$36.91	\$38.42	\$40.04	\$41.67	\$43.43	\$45.29	\$47.20
	M	\$5,323.50	\$5,534.75	\$5,762.25	\$5,997.88	\$6,243.25	\$6,506.50	\$6,771.38	\$7,057.38	\$7,359.63	\$7,670.00
	A	\$63,882.00	\$66,417.00	\$69,147.00	\$71,974.50	\$74,919.00	\$78,078.00	\$81,256.50	\$84,688.50	\$88,315.50	\$92,040.00

S	C	1	2	3	4	5	6	7	8	9	10
B5	H	\$32.76	\$34.06	\$35.46	\$36.91	\$38.42	\$40.04	\$41.67	\$43.43	\$45.29	\$47.20
	M	\$5,323.50	\$5,534.75	\$5,762.25	\$5,997.88	\$6,243.25	\$6,506.50	\$6,771.38	\$7,057.38	\$7,359.63	\$7,670.00
	A	\$63,882.00	\$66,417.00	\$69,147.00	\$71,974.50	\$74,919.00	\$78,078.00	\$81,256.50	\$84,688.50	\$88,315.50	\$92,040.00
C1	H	\$28.98	\$30.11	\$31.32	\$32.57	\$33.89	\$35.27	\$36.70	\$38.21	\$39.82	\$41.64
	M	\$3,813.50	\$3,962.20	\$4,121.43	\$4,285.92	\$4,459.62	\$4,641.21	\$4,829.39	\$5,028.09	\$5,239.95	\$5,479.45
	A	\$41,948.55	\$43,584.23	\$45,335.70	\$47,145.08	\$49,055.78	\$51,053.33	\$53,123.25	\$55,308.98	\$57,639.45	\$60,273.90
C3	H	\$28.98	\$30.11	\$31.32	\$32.57	\$33.89	\$35.27	\$36.70	\$38.21	\$39.82	\$41.64
	M	\$4,709.25	\$4,892.88	\$5,089.50	\$5,292.63	\$5,507.13	\$5,731.38	\$5,963.75	\$6,209.13	\$6,470.75	\$6,766.50
	A	\$56,511.00	\$58,714.50	\$61,074.00	\$63,511.50	\$66,085.50	\$68,776.50	\$71,565.00	\$74,509.50	\$77,649.00	\$81,198.00
D	H	\$27.98	\$29.04	\$30.19	\$31.39	\$32.66	\$33.99	\$35.37	\$36.82	\$38.36	\$40.18
	M	\$4,546.75	\$4,719.00	\$4,905.88	\$5,100.88	\$5,307.25	\$5,523.38	\$5,747.63	\$5,983.25	\$6,233.50	\$6,529.25
	A	\$54,561.00	\$56,628.00	\$58,870.50	\$61,210.50	\$63,687.00	\$66,280.50	\$68,971.50	\$71,799.00	\$74,802.00	\$78,351.00
E1	H	\$25.52	\$26.45	\$27.47	\$28.55	\$29.67	\$30.83	\$32.06	\$33.35	\$34.70	\$36.52
	M	\$3,358.20	\$3,480.58	\$3,614.80	\$3,756.92	\$3,904.30	\$4,056.95	\$4,218.80	\$4,388.56	\$4,566.20	\$4,805.70
	A	\$36,940.20	\$38,286.38	\$39,762.83	\$41,326.13	\$42,947.33	\$44,626.43	\$46,406.85	\$48,274.13	\$50,228.25	\$52,862.70
E2	H	\$25.52	\$26.45	\$27.47	\$28.55	\$29.67	\$30.83	\$32.06	\$33.35	\$34.70	\$36.52
	M	\$4,147.00	\$4,298.13	\$4,463.88	\$4,639.38	\$4,821.38	\$5,009.88	\$5,209.75	\$5,419.38	\$5,638.75	\$5,934.50
	A	\$49,764.00	\$51,577.50	\$53,566.50	\$55,672.50	\$57,856.50	\$60,118.50	\$62,517.00	\$65,032.50	\$67,665.00	\$71,214.00
F	H	\$24.55	\$25.51	\$26.44	\$27.45	\$28.52	\$29.64	\$30.79	\$32.04	\$33.32	\$35.14
	M	\$3,553.61	\$3,692.57	\$3,827.19	\$3,973.39	\$4,128.27	\$4,290.39	\$4,456.85	\$4,637.79	\$4,823.07	\$5,086.52
	A	\$35,536.13	\$36,925.73	\$38,271.90	\$39,733.88	\$41,282.70	\$42,903.90	\$44,568.53	\$46,377.90	\$48,230.70	\$50,865.15
H	H	\$23.78	\$24.64	\$25.58	\$26.54	\$27.53	\$28.61	\$29.71	\$30.88	\$32.12	\$33.94
L	H	\$17.42									

Associate's Degree	Bachelor's Degree	Master's Degree	Confidential Stipend
\$612 per year	\$867 per year	\$1,122 per year	5%

Employees receive an annual benefit package of \$11,621.16.

NOTES:

- Longevity Columns 6, 7, 8, 9, 10 reached at 10, 15, 20, 25, 30 years respectively.
- Numbers have been rounded.
- Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with Del Conte's Landscaping, Inc. for Landscape Maintenance Services for the 2024-2025 School Year

BACKGROUND

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

CURRENT SITUATION

The attached is the agreement renewal with Del Conte's Landscaping, Inc., effective July 1, 2024 through June 30, 2025.

CONSENT CALENDAR



LANDSCAPE MAINTENANCE SERVICES AGREEMENT FOR

Eden Area ROP

(“Client”)

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

A. SUBJECT PROPERTY

Eden Area ROP
26316 Hesperian Blvd.
Hayward, Ca 94545

(“JOB SITE”)

Eden Area ROP
C/O Anthony Oum
26316 Hesperian Blvd.
Hayward, Ca 94545

(“Main Office”)

B. SCOPE OF SERVICES

1. Lawn Care

i. Mowing Frequency: Lawns will be mowed at the following frequency:

1. April 1 – October 30: Lawns will be mowed weekly to ensure uniform height and a neat appearance.

DCL Initial

Client Initial

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

automatic irrigation system to assure watering the day of application. Contractor will fertilize to the limited extent of reasonable sustenance of plant health. Contractor shall not modify and/or change the pH level of the soil and/or modify in any way the nutrient levels of the soil. Any and all soil tests performed by Contractor shall be charged to Client.

3. Trees

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

4. General Care

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

client. All debris resulting from any/all landscape work by Contractor shall be removed before leaving the Job Site.

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

5. Irrigation

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

information is available for client viewing at our office in Fremont, but is subject to Contractor’s copyright and other intellectual property rights.

- v. **Maintenance Repairs:** Labor and materials required for repairs associated with the maintenance of the sprinkler system shall be billed as an extra. Typically, maintenance repairs are the result of malfunctions found during system checks (performed three (3) to four (4) times per year), or work order requests originating from client entities and Contractor site management staff.

IRRIGATION REPAIR PRE-AUTHORIZATION		
This Pre-Authorization will enable existing minor irrigation repairs to be completed during the Routine - Maintenance system inspection. This authorization will prevent damage to landscape and waste of water which could occur without immediate repair of your irrigation system.		
Please initial one of the following options to indicate a desired course of action during the performance of routine maintenance repairs to the irrigation system:		
<i>Initial here:</i>	To authorize Contractor to proceed with repairs with the Pre-Authorized Limit of:	\$500.00
<i>Initial here:</i> <i>to</i>	To authorize Contractor to proceed with repairs at an alternative amount from above, as follows:	(Please fill in below.) \$300.00*
<i>Initial here:</i>	If Contractor must submit a written proposal and wait for subsequent approval from Client prior to repairing broken irrigation parts.	

* to be billed separately from monthly invoice and not to exceed 5 times during contract period

- vi. **Non-Routine Maintenance Repairs:** Non-routine maintenance irrigation repairs and consulting shall be billed on a labor time plus materials (“T&M”) basis. When the cost of T&M repair exceeds clients-defined pre-authorized limits as set forth in Section v above, a proposal will be submitted for authorization prior to commencement of work. By default, mainline repair, valve replacement, timer replacement, wire tracking, and other items requiring significant use of billable labor will be submitted for approval by authorized agent prior to commencement. Upgrades, which by definition are optional enhancements to the systems, will always be

submitted for written approval prior to commencement. Non-emergency labor rate is currently **\$/65.00 hour.**

- vii. **Emergency Irrigation Repairs:** Irrigation is the life blood of landscapes in California during much of the year. In such event that non-routine irrigation repairs ordinarily submitted for written authorization are needed immediately in order to avoid damage to the landscape, Contractor will make every reasonable effort to contact authorized agent for approval, which shall be by telephone and e-mail, to proceed (i.e. rupture of mainline has rendered irrigation inoperative, the landscape is already dry, and plant material will be significantly damaged and/or lost if water is not restored immediately).

EXIGENT CIRCUMSTANCE CONSENT	
<p>In the event that an emergency irrigation repair is needed and after reasonable efforts, Contractor is unable to contact Client, this authorization will prevent damage to landscape and will authorize Contractor to take reasonable action in response to the emergency irrigation repair.</p>	
<p>Please initial one of the following options to indicate a desired course of action in such event that attempts to contact authorized agent proves unsuccessful:</p>	
<p><i>Initial here:</i> _____</p>	<p>To authorize Contractor to proceed with repairs and other billable action deemed necessary to avert damage to landscape that would otherwise occur without prompt restoration of irrigation system. Within constraints of situation, the most efficient technique available will be employed to minimize labor and material costs involved.</p>
<p><i>Initial here:</i> _____ <i>to</i></p>	<p>If you prefer that Contractor wait for availability and subsequent approval from an authorized agent of Client. Note that if this term is selected that Contractor shall be obligated to take no action despite the exigent circumstance, and Client understands that this could result in damage to the landscape.</p>

6. Miscellaneous

 DCL Initial

_____ *to*
 Client Initial

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

PAYMENT TERMS City

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

\$1,761.57

(“Base Monthly Maintenance Service Fee”)

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

Eden Area ROP
C/O Anthony Oum
26316 Hesperian Blvd.
Hayward, Ca 94545

B. TERM AND TERMINATION

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

07/01/24

(“Effective Date”)

2. **Term:** This Agreement shall endure for a term of one (1) year and shall be automatically renewed for the next year with a cost of living adjustment applied to the contract pricing at each contract anniversary. The pricing adjustment shall be equal to the Annual Adjustment of the CPI Index for the SF Bay Area, if not otherwise terminated.
3. **Termination:** To terminate this Agreement, either party can serve a 30-day written notice to the other.

C. DEFAULT & COLLECTIONS

1. In the event of default of payment by Client, after 60 days of non-payment past the date payment was due, a penalty fee of 15% shall incur on the balance owed. In the

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

D. GENERAL INDEMNIFICATION

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


E. CONTRACT TERMS

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

6. **Descriptive Headings.** The headings in this Agreement are for convenience of reference only and shall not limit or otherwise affect the meaning of terms contained herein. Unless the context of this Agreement otherwise requires, references to "hereof," "herein," "hereby," "hereunder" and similar terms shall refer to this entire Agreement.
7. **Authority and Authorization.** The undersigned parties hereby represent and warrant that he or she has been duly authorized by its corporate entity or principal to enter into this Agreement and to bind that corporate entity or principal to the terms hereof.

IN WITNESS WHEREOF, the undersigned parties cause this Agreement to be duly signed and executed this 2nd day of the month of May and year 2024 in the City of Hayward, State of California.

CONTRACTOR:
X

CLIENT:
X 

Company:	Del Conte's Landscaping, Inc.
Signor's Name:	Jason Smith
Position/Title:	VP of Maintenance & Irrigation Dept.
Date Signed:	
Location:	41900 Boscell Common Fremont, CA 94538

Company:	Eden Area ROP
Signor's Name:	Anthony Oum
Position/Title:	Fiscal Services Administrator
Date Signed:	05/02/2024
Location:	26316 Hesperian Boulevard Hayward, California



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Lease Agreement with Pitney Bowes for Postal Meter Rental and Postal Services for 2024-2025 through 2028-2029 School Years

BACKGROUND

The Eden Area ROP leases with Pitney Bowes to provide postal meter rental and postal services for the Eden Area ROP.

CURRENT SITUATION

The attached lease agreement reflects a 60 month renewal with Pitney Bowes for a new postal meter using a NASPO ValuePoint piggybackable contract (CTR058808).

CONSENT CALENDAR



Mailing

Postage Meters

SendPro® C Auto

Simplify your mailing process.

Handle batch mailing quickly and easily.

Processing a variety of mail, including letters, postcards and large envelopes, has never been easier with our auto-feed mailing solution.

- Process and seal mail batches up to 120 letters per minute, and up to 5/16" thick, with the automatic feeder.
- Smoothly feed your mail with our reverse separation technology.
- Apply postage to larger flats and letters easily with the included strip tape dispenser.
- Meet the latest USPS® IMI compliance rules.

Send large envelopes, Priority Mail® and packages with confidence.

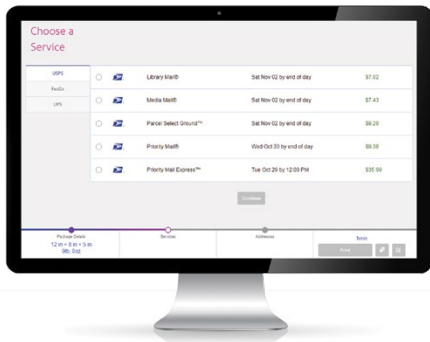
- View USPS shipping rates, save up to 88%* on Priority Mail and print labels with the optional printer.
- Accurately weigh packages up to 15 pounds with the integrated digital scale.
- Use the built-in address verification feature to reduce costly address correction fees and improve your delivery success rate.
- Easily compare rates across multiple carriers—USPS®, UPS® and FedEx® and get pre-negotiated discounted carrier rates with the optional multicarrier subscription.

*Based on packages weighing 10 lbs being shipped to Zone 4.



For more information, visit us online: pitneybowes.com

Streamline your mailing process with the highly efficient, easy-to-use SendPro® C Auto.



SendPro C Auto Specifications:

Power requirements	100-240 VAC, 50/60 Hz, 2.0A
Dimensions	Base: 32"L x 18"W x 13"H With side guide fully extended: 32" L x 24" W x 13"H With feeder cover in up position: 32"L x 18"W x 22"H With drop stacker fully extended: 48 ½" L x 18"W x 13"H
Weight	Without scale: 37 lbs ; with MP 81 scale: 39.91 lbs
Mail feed	Automatic
Speed (letters per minute)	Standard: 95 LPM; Optional: 120 LPM
Display	7" color touchscreen
Scale	Optional 5, 10 or 15 lb. integrated; Optional 30 or 70 lb. external
Strip tape dispenser	Included
Label printer	Optional
Shipping	Standard: USPS; Optional: Multicarrier
Accounts	Standard: 100; Optional: 500, 3000
USPS® IMI compliant	Included
Presort rate access	Included
SendPro Online subscription	Standard: USPS; Optional: Multicarrier
eRR	Optional
Barcode Scanner	Optional
AutoInk™	Included*

*Get automatic ink replenishments at savings of 20% off the retail price when you enroll in the AutoInk™ program. For more information on AutoInk, visit us online at pbi.bz/autoink.

Start saving today.
Visit us online at pitneybowes.com



United States
3001 Summer Street
Stamford, CT 06926-0700



NASPO ValuePoint FMV Lease Agreement (Option C)

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Agreement Number

Your Business Information

Full Legal Name of Lessee / DBA Name of Lessee

EDEN AREA REGIONAL OCCUPATIONAL PROGRAM

Tax ID # (FEIN/TIN)

943158083

Sold-To: Address

26316 HESPERIAN BLVD, HAYWARD, CA, 94545-2458, US

Sold-To: Contact Name

Anthony Oum

Sold-To: Contact Phone #

5102932906

Sold-To: Account #

0010439529

Bill-To: Address

26316 HESPERIAN BLVD, HAYWARD, CA, 94545-2458, US

Bill-To: Contact Name

Anthony Oum

Bill-To: Contact Phone #

5102932906

Bill-To: Account #

0010439529

Bill-To: Email

aoum@edenrop.org

Ship-To: Address

26316 HESPERIAN BLVD, HAYWARD, CA, 94545-2458, US

Ship-To: Contact Name

Anthony Oum

Ship-To: Contact Phone #

5102932906

Ship-To: Account #

0010439529

PO #

*

Your Business Needs

Qty	Item	Business Solution Description
1	SENDPROCAUTO	SendPro C Auto
1	1FXA	Interface to InView Dashboard
1	7H00	C Series IMI Meter
1	993-4B	DM400C Return Kit - Upgrade to 9H00
1	APAC	Connect+ Accounting Weight Break Reports
1	APAX	Cost Acctg Accounts Level (100)
1	APKN	Account List Import/Export
1	C5CC	Sendpro C Auto 95
1	CAAB	Basic Cost Accounting
1	COVER-SPCA	Protective Dust Cover - SendPro C Auto
1	F9PG2	PowerGuard LE Service Package
1	ME1A	Meter Equipment - C Series
1	MP81	C Series Integrated Scale
1	PAB1	C Series Premium App Bundle

1	PTJ1	SendPro Online-PitneyShip
1	PTJA	SPO-PitneyShip Basic 1 User
1	PTJN	Single User Access
1	PTK1	Web Browser Integration
1	PTK2	SendPro C Series Shipping Integration
1	SJS2	Softguard For SendPro C500
1	STDSLA	Standard SLA-Equipment Service Agreement (for SendPro C Auto)
1	ZH24	Manual Weight Entry
1	ZH29	HZ03 95 LPM Speed
1	ZHC5	SendPro C500 Base System Identifier
1	ZHD5	USPS Rates with Metered Letter
1	ZHD7	E Conf Services for Metered LTR. BDL
1	ZHD9	Retail Ground LOR
1	ZHWL	5lb/3kg Weighing Option for MP81

If any green products: The equipment covered by this Agreement includes remanufactured products that have gone through our factory certification testing process.

Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 143.34	\$ 430.02

*Does not include any applicable sales, use, or property taxes which will be billed separately.
If the equipment listed above is replacing your current meter, your current meter will be taken out of service once this lease commences.

- Tax Exempt Certificate Attached
- Tax Exempt Certificate Not Required
- Purchase Power® transaction fees included
- Purchase Power® transaction fees extra

Your Signature Below

By signing below, you agree to be bound by your State's/Entity's/Cooperative's contract, which is available at <http://www.pb.com/states> and is incorporated by reference. The terms and conditions of this contract will govern this transaction and be binding on us after we have completed our credit and documentation approval process and have signed below. If software is included in the Order, additional terms apply which are either (i) included in your State's contract which is available at <http://www.pb.com/states> or (ii) available by clicking on the hyperlink for that software located at https://www.naspovaluepoint.org/search/?term=pitney+bowes&page_ref=contractors. Those additional terms are incorporated by reference.

NASPO VALUEPOINT CTR058808; 7-22-70-50-03

State/Entity's Contract#


Lessee Signature

Anthony Oum
Print Name
Fiscal Services Administrator

Title

05/02/2024
Date

aoum@edenrop.org
Email Address

Pitney Bowes Signature

Print Name

Title

Date

Sales Information

Cynthia Volpe cynthia.volpe@pb.com

Account Rep Name	Email Address	PBGFS Acceptance
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DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with Premier Commercial Cleaning Solutions (PCCS) for Janitorial Services for the 2024-2025 School Year

BACKGROUND

For fiscal year 2023-2024, the Eden Area ROP contracted with Premier Commercial Cleaning Solutions (PCCS) to provide campuswide janitorial services.

CURRENT SITUATION

The attached is the agreement renewal with PCCS, effective July 1, 2024 through June 30, 2025.

CONSENT CALENDAR



PROPOSAL FOR JANITORIAL SERVICES

Prepared for:

Eden Area ROP
26316 Hesperian Blvd
Hayward, CA 94545
2024 - 2025

By:
Premier Commercial Cleaning Solutions, Inc.
32108 Alvarado Blvd #312
Union City, CA 94587
510-441-2427

04/09/2024

Dear Anthony,

Thank you for the opportunity to provide you with a proposal for janitorial services for your facility, based on top quality maintenance service at a competitive price. Your desire to find the best-qualified contractor to partner with was apparent in our meeting.

We are a family-owned and operated full-service company with over 30 years of experience in the janitorial business and provide services throughout the San Francisco Bay Area. Our customers range in size from medium to large companies. We are fully insured, licensed, and bonded.

We are proud to say that we do our job well and safely. We believe in achieving excellence in all that we do. We also believe in providing our customers with professional service to rest assured that their building is in good hands. At Premier Commercial Cleaning Solutions, Inc., we guarantee that we will be competitive in terms of cost and will most certainly be the best-qualified contractor for the task at hand through efficient administration.

Our team is accessible through our office, or you may call them via cell phone at any time. Every effort to maintain excellent communication to ensure your expectations are achieved.

If you have any questions about our proposed services or need clarification on any point, please do not hesitate to call us. We appreciate the opportunity to submit this proposal and look forward to hearing from you soon.

Sincerely,

Cristi Alonso

Cristi Alonso
Director of Business Development

Why Use Premier Cleaning Solutions?

At Premier Cleaning Solutions, we take pride in keeping your building clean!

Premier Cleaning Solutions will provide you with a clean, safe, and healthy environment for your customers and employees:

- Clean buildings project a first-class image.
- Clean buildings improve the longevity of the building.
- Healthy buildings ensure a working environment free from contaminants.
- Healthy buildings provide a safer workplace and decrease the number of workers' comp claims due to slip/fall accidents and the spread of viruses.
- Healthy buildings reduce the sick time taken by employees working in the building.

Premier Cleaning Solutions will keep your building in tip-top shape. A well-kept building reduces costs:

- Clean buildings are less expensive to maintain.
- Clean buildings ensure that property values will remain high because having a clean facility improves the longevity of the building.

Premier Cleaning Solutions offers a full-service partnership for all your building maintenance needs. As well as handling all your cleaning needs, we can manage your restroom and paper supplies – this saves you time that can be spent on your business!

We provide quick responses to your needs and offer specialized cleaning services such as carpet spotting, carpet cleaning, hard floor care, and window washing. Give us the opportunity to make **"Your Clean Business Our Business"**

" I have witnessed not only the excellence in service that I have come to know and expect, but I have also watched their company grow and service competitors in our business with equal professionalism. This is a model that I find harder to find as each year passes. A true small business that takes pride in doing the job well every time, while building personal relationships that drive the success of both their organization and those that they serve. I can state unquestionably: The value of service received was far greater than the remuneration remitted. Luis and Cristi are the "Real Deal." I could not recommend them to anyone in need of janitorial or maintenance services any more highly."

-R Wheaton, Facilities Manager

Our Company Profile

Business Details

Premier Cleaning Solutions, Inc. is a full-service janitorial company with over 30 years of professional cleaning experience. Our janitorial services make a dramatic difference in the appearance of commercial buildings from the onset. Our attention to detail, hands-on management approach, and the highest quality janitorial products enables us to serve commercial cleaning needs effectively. We cater each job specification to the client's service needs and have been serving the San Francisco Bay Area since 1993.

Business Capacity

We service sizes from medium offices to 100,000 square foot buildings, including high rises. Some of the industries we have serviced include Bio-Tech, Healthcare, Research & Development, Manufacturing, Churches, Educational Facilities, Multi-tenant, Transportation, and Aviation.

Our Vision

“Your Clean Business is Our Business” We pride ourselves on providing a level of personal care that reflects our philosophy to ensure quality service that exceeds the expectations of our clients.

Our Mission Statement

To build long-term relationships with clients and provide exceptional janitorial service. We pride ourselves on clear, open communication to fully understand our client's expectations.

Our Core Values

We integrate honesty, integrity, teamwork, and business ethics into all aspects of our business.

Our Value Proposition

- We work closely with our clients and staff to ensure we meet our client's needs.
- We communicate with our clients regularly to avoid misunderstanding and respond immediately to our clients' concerns or problems, with no go-between to hinder communication.
- We have a hands-on management approach that, when needed, will roll up our sleeves to get the job done in a timely, efficient manner.

Eden Area ROP Janitorial Cleaning Schedule

Service Areas

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

Scope Of Work

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

Cost Summary

Pricing includes all necessary equipment, labor, and supervision for all services listed from July 1, 2024 – June 30, 2025.

Total Service Fee: \$109,992.00

Additional Services – Prices Upon Request

- COVID prevention, disinfecting, and sanitizing using electrostatic fogging
- Interior window cleaning/glass partitions
- Steam clean & disinfect restrooms
- High dusting/vacuum air vent covers
- Steam clean carpets
- Strip, seal, and wax floors
- Additional service requests are billed at \$50.00 per hour

Supplies

Eden Area ROP provides all consumable paper products, liners, and any special cleaning products the client requires. PCCS will supply all cleaning supplies, equipment, and tools.

A Few of Our Current Clients

Avis Car Rental
513 Eccles Avenue
South San Francisco, CA
Since 1998

Air Liquide America
46409 Landing Parkway
Fremont, CA
Since 2006

Air Canada
San Francisco Int'l Airport
San Francisco, CA
Since 1994

NeoTech/Oncore
6600 Stevenson Blvd
Newark, CA
Since 2018

St Anne Church & Classrooms
32223 Cabello Street
Union City, CA
Since 2017

Virgin Atlantic
San Francisco International Airport
San Francisco, CA
Since 2000

Landsberg
3811 Central
Newark, CA
Since 2018

Murieta HOA
3961 Cedar Avenue
Newark, CA
Since 2009

References upon request.



SERVICE CONTRACT

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

1. PCCS will provide janitorial services from **July 1, 2024, to June 30, 2025**, with month-to-month terms. If the client is unsatisfied with services, the client must provide a 30-day written notice. Said notice must demonstrate clear proof of breach of janitorial service per this agreement. If the client has any grievances in connection with the service, the client will provide written notification of the grievance and permit PCCS to resolve it within ten days.

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

\$109,992.00

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

3. PCCS carries liability insurance and is bonded.

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

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

BY  Date 05/03/2024
Eden Area ROP

BY Cristi Alonso Date April 9, 2024
Cristi Alonso
Premier Commercial Cleaning Solutions, Inc

INFORMATION ITEMS



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: SkillsUSA Update

BACKGROUND

SkillsUSA was created to raise the quality of education for students in trade, industrial, and technical programs. As one of more than 245,000 members, students become part of a national organization that serves trade, industrial, and technical students in public schools, occupational centers, and community colleges.

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

CURRENT SITUATION

Sixty-two Eden Area ROP students competed in the State SkillsUSA competition, held in Ontario, CA, on April 4-7, 2024. Below are the nine students who won medals.

Student	Contest	Rank	Home School
Isaac Morales	Auto Painting and Refinishing	Gold	Mt. Eden High
Cassandra Hernandez	Auto Collision Repair	Gold	San Leandro High
Anthony Osegueda	Damage Appraisals	Gold	Arroyo High
Easton May-Fanine	Firefighting	Silver	Castro Valley High
Luis Ruiz-Baltazar	Auto Painting and Refinishing	Silver	San Lorenzo High
Amanda Ramos	Auto Collision Repair	Silver	Mt. Eden High
Fatima Lopez-Martinez	Medical Assisting	Bronze	San Leandro High
Guillermo Ferretiz-Lopez	Auto Painting and Refinishing	Bronze	Mt. Eden High
Richard Oyarzo	Auto Collision Repair	Bronze	Dice

RECOMMENDATION

Information only



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: First Reading of Governing Board Policies, Administrative Regulations, Board Bylaws and Exhibits

BACKGROUND

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

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

The Eden Area ROP's policy development process includes a first reading at a public Governing Board meeting and a subsequent second reading and adoption for Board approval at a public Governing Board meeting.

CURRENT SITUATION

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

NUMBER	TYPE	TITLE	STATUS
0450	BP	Comprehensive Safety Plan	Revise
0450	AR	Comprehensive Safety Plan	Revise
0470	BP	COVID-19 Mitigation Plan	Rescind
3516	BP	Emergencies and Disaster Preparedness Plan	Revise
3516	AR	Emergencies and Disaster Preparedness Plan	Revise
4111/4211/4311	BP	Recruitment and Selection	Revise
4112.5/4212.5/4312.5	AR	Criminal Record Check	Revise
4112.5/4212.5/4312.5	E1	Criminal Record Check	Revise
4118	BP	Dismissal/Suspension/Disciplinary Action	Revise

4118	AR	Dismissal/Suspension/Disciplinary Action	Revise
4218	BP	Dismissal/Suspension/Disciplinary Action	Revise
4218	AR	Dismissal/Suspension/Disciplinary Action	Revise
4157/4257/4357	BP	Employee Safety	Revise
4157/4257/4357	AR	Employee Safety	Revise
4157.1/4257.1/4357.1	AR	Work-Related Injuries	Revise
5126	BP	Awards for Achievement	Revise
5141.21	BP	Administering Medication and Monitoring Health Conditions	Revise
5141.21	AR	Administering Medication and Monitoring Health Conditions	Revise
5144	BP	Discipline	Revise
5144	AR	Discipline	Revise
6115	BP	Ceremonies and Observances	Revise
6115	AR	Ceremonies and Observances	Revise
6141.2	BP	Recognition of Religious Beliefs and Customs	Revise
6141.2	AR	Recognition of Religious Beliefs and Customs	Revise
9320	BB	Meetings and Notices	Revise
9323.2	BB	Actions by the Board	Revise
9323.2	E1	Actions by the Board	Revise

RECOMMENDATION

Information only

Policy 0450: Comprehensive Safety Plan

Status: DRAFT

Original Adopted Date: 03/05/2020 | **Last Revised Date:** 03/02/2023 | **Last Reviewed Date:** 03/02/2023

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

The Superintendent or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to the Eden Area ROP Center. (Education Code 32281)

The Eden Area ROP shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a comprehensive safety plan within one year of initiating operations. (Education Code 32281, 32286)

The comprehensive school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

The Board shall review and approve the comprehensive school safety plan in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Access to Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall need not be publicly disclosed.

The Superintendent or designee shall share the comprehensive safety plans and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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

State References

Description

5 CCR 11987-11987.7	School Community Violence Prevention Program requirements
5 CCR 11992-11993	Persistently dangerous schools; definition
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 32270	School safety cadre
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 35147	School site councils and advisory committees

Ed. Code 35183	School dress code; uniforms
Ed. Code 35266	Reporting of cyber attacks
Ed. Code 35291	Rules
Ed. Code 35291.5	School-adopted discipline rules
Ed. Code 41020	Requirement for annual audit
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Ed. Code 67381	Availability of information regarding crimes
Gov. Code 11549.3	Independent security assessment
Gov. Code 54957	Closed session meetings for threats to security
Gov. Code 8586.5	California Cybersecurity Integration Center
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 626.8	Disruptions

Federal References

20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 7111-7122	Student support and academic enrichment grants
20 USC 7912	Transfers from persistently dangerous schools
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
6 USC 665k	Federal Clearinghouse on School Safety Evidence-Based Practices

Description

Management Resources References

CSBA Publication	School Safety: Firearm Safety and Storage, May 2023
CSBA Publication	Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
Federal Bureau of Investigation Publication	Uniform Crime Reporting Handbook, 2004
U.S. Department of Education Publication	Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007
U.S. Secret Service & Department of Education Pub	Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004
Website	California Department of Education, Language Services Policy and Process
Website	Schoolsafety.gov

Website	California Department of Education, Safe Schools Planning
Website	California Military Department
Website	California Department of Technology, Independent Security Assessment
Website	U.S. Department of Homeland Security, Fusion Centers
Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

Cross References

Description

0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
0510	School Accountability Report Card
0510	School Accountability Report Card
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E PDF(1)	District And School Websites
1220	Citizen Advisory Committees
1220-E PDF(1)	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances

3514.2	Integrated Pest Management
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.4	Recovery For Property Loss Or Damage
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.1	Fire Drills And Fires
3516.3	Earthquake Emergency Procedure System
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.11-E PDF(1)	Sexual Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4131	Staff Development
4157	Employee Safety
4157	Employee Safety
4158	Employee Security
4158	Employee Security
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.11-E PDF(1)	Sexual Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4231	Staff Development
4257	Employee Safety
4257	Employee Safety
4258	Employee Security
4258	Employee Security
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.11-E PDF(1)	Sexual Harassment
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information

4331	Staff Development
4357	Employee Safety
4357	Employee Safety
4358	Employee Security
4358	Employee Security
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.61	Drug Testing
5131.62	Tobacco
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.4-E PDF(1)	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)

5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.4	Service Learning/Community Service Classes
6142.4	Service Learning/Community Service Classes
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6164.2	Guidance/Counseling Services
9010	Public Statements
9011	Disclosure Of Confidential/Privileged Information
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 0450: Comprehensive Safety Plan

Status: DRAFT

Original Adopted Date: 06/07/2012 | Last Revised Date: 03/02/2023 | Last Reviewed Date: 03/02/2023

Content of the Comprehensive Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions. (Education Code 32282)

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including the following that apply: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164
2. Routine and emergency disaster procedures including, but not limited to:
 - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973
 - b. An earthquake emergency procedure system in accordance with Education Code 32282
 - c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
7. A safe and orderly school environment conducive to learning
8. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
9. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions
10. Procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at an activity sponsored by the school, or on a school bus serving the school.
11. For schools that serve students in any of grades 7-12, a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose
1012. Hate crime reporting procedures

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution
2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent

bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education and literacy, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

4. Parent/guardian involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

7. Eden Area ROP policy related to prohibiting the possession of firearms and ammunition on school grounds

8. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

9. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

10. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

11. Strategies for suicide prevention and intervention

1112. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

1213. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate
- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media
- f. Communication with parents/guardians of reunification plans and the necessity of cooperating with first responders
- g. Development of a method for the reporting of violent incidents
- h. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

14. Training on assessment and reporting of potential threats, violence prevention, and intervention techniques. Such training shall include preparation to implement the elements of the comprehensive safety plan

1315. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating

exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

1416. Continuity of operations procedures to ensure that the district's Eden Area ROP's essential functions are not disrupted during an emergency, to the extent possible

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 11987-11987.7

Description

[School Community Violence Prevention Program requirements](#)

5 CCR 11992-11993

[Persistently dangerous schools; definition](#)

CA Constitution Article 1, Section 28

[Right to Safe Schools](#)

Ed. Code 200-262.4

[Prohibition of discrimination](#)

Ed. Code 32260-32262

[Interagency School Safety Demonstration Act of 1985](#)

Ed. Code 32270

[School safety cadre](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 32290

[Safety devices](#)

Ed. Code 35147

[School site councils and advisory committees](#)

Ed. Code 35183

[School dress code; uniforms](#)

Ed. Code 35266

[Reporting of cyber attacks](#)

Ed. Code 35291

[Rules](#)

Ed. Code 35291.5

[School-adopted discipline rules](#)

Ed. Code 41020

[Requirement for annual audit](#)

Ed. Code 48900-48927

[Suspension and expulsion](#)

Ed. Code 48950

[Speech and other communication](#)

Ed. Code 48980

[Parent/Guardian notifications](#)

Ed. Code 49079

[Notification to teacher; student act constituting grounds for suspension or expulsion](#)

Ed. Code 49390-49395

[Homicide threats](#)

Ed. Code 67381

[Availability of information regarding crimes](#)

Gov. Code 11549.3

[Independent security assessment](#)

Gov. Code 54957

[Closed session meetings for threats to security](#)

Gov. Code 8586.5

[California Cybersecurity Integration Center](#)

Pen. Code 11164-11174.3

[Child Abuse and Neglect Reporting Act](#)

Pen. Code 422.55

[Definition of hate crime](#)

Pen. Code 626.8

[Disruptions](#)

Federal References

20 USC 1400-1482

Description

[Individuals with Disabilities Education Act](#)

20 USC 7111-7122

[Student support and academic enrichment grants](#)

20 USC 7912

[Transfers from persistently dangerous schools](#)

29 USC 794

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Website	California State Threat Assessment System
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Secret Service, National Threat Assessment Center
Website	Centers for Disease Control and Prevention
Website	Federal Bureau of Investigation
Website	National Center for Crisis Management
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Governor's Office of Emergency Services
Website	California Healthy Kids Survey
Website	U.S. Department of Education
Website	CSBA

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4131	Staff Development
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4158	Employee Security
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Policy 0470: COVID-19 Mitigation Plan

Status: DRAFT

Original Adopted Date: 08/06/2020 | Last Revised Date: 12/09/2021

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

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

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

COVID-19 Safety Plan

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

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

Reporting to the Public Health Department

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

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

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

Stakeholder Engagement and Community Relations

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

The Superintendent or designee shall collaborate with local health authorities to ensure that parents/guardians are provided with the information needed to ensure that public health guidance is observed in the home as well as in school, such as information about isolation and quarantine requirements, face mask requirements, symptom checks

prior to school attendance, and who to contact when students have symptoms and/or were exposed.

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

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

Student Absence and Attendance

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

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

Nondiscrimination

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

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

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

Policy 3516: Emergencies And Disaster Preparedness Plan

Status: DRAFT

Original Adopted Date: 03/05/2020

The Governing Board recognizes that all Eden Area ROP staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The Eden Area ROP shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on Eden Area ROP students, staff, and schools.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act, the federal Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

{cf. 0400 – Comprehensive Plans}

{cf. 0450 – Comprehensive Safety Plan}

{cf. 3516.3 – Earthquake Emergency Procedure System}

In developing the disaster preparedness plan, the Superintendent or designee shall involve Eden Area ROP staff at all levels, including administrators, security officers, facilities managers, counselors, teachers, and classified employees. As appropriate, he/she the Superintendent shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

{cf. 0420 – School Plans/Site Councils}

{cf. 1220 – Citizen Advisory Committees}

{cf. 3513.3 – District Police/Security Department}

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

The Governing Board shall grant the use of school buildings, grounds, and equipment to public agencies for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Governing Board shall cooperate with such agencies in furnishing and maintaining whatever services the Eden Area ROP may deem necessary to meet the community's needs. (Education Code 32282)

{cf. 1330 – Use of School Facilities}

Eden Area ROP employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

{cf. 4112.3/4212.3/4312.3 – Oath or Affirmation}

{cf. 4119.3/4219.3/4319.3 – Duties of Personnel}

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

19 CCR 2400-2450	Standardized Emergency Management System
5 CCR 550	Fire drills
5 CCR 560	Civil defense and disaster preparedness plans
CA Constitution Article 20, Section 3	Oath or affirmation
Civ. Code 1714.5	Release from liability for disaster service workers and shelters
Ed. Code 32001	Fire alarms and drills
Ed. Code 32040	Duty to equip school with first aid kit
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32290	Safety devices
Ed. Code 39834	Operating overloaded bus
Ed. Code 46390-46392	Emergency average daily attendance in case of disaster
Ed. Code 49505	Natural disaster; meals for homeless students; reimbursement
Gov. Code 11549	Cybersecurity assessment
Gov. Code 11549.3	Office of information security
Gov. Code 3100-3109	Oath or affirmation of allegiance
Gov. Code 8586.5	California Cybersecurity Integration Center
Gov. Code 8607	Standardized Emergency Management System
Public Utilities Code 2872	Automatic dialing

Federal References

20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

	Description
Cal OES Publication	California Emergency Management for Schools: A Guide for Districts and Sites
Cal OES Publication	School Emergency Response: Using SEMS at Districts and Sites, June 1998
Cal OES Publication	State of California Emergency Plan, 2017
Cal OES Publication	Active Shooter Awareness Guidance, February 2018
California Department of Education Publication	Crisis Response Box, 2000
Federal Emergency Management Agency Publication	National Incident Management System, 3rd ed., October 2017
U.S. Department of Education Publication	Guide for Developing High-Quality School Emergency Operations Plans, 2013
Website	California Public Utilities Commission
Website	California Office of Emergency Services: School Emergency Planning & Safety
Website	California Department of Education, Comprehensive School Safety Plans
Website	California Cybersecurity Integration Center
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Crisis Preparedness
Website	Centers for Disease Control and Prevention
Website	U.S. Department of Education, Emergency Planning

Website	U.S. Department of Homeland Security
Website	Federal Emergency Management Agency
Website	California Governor's Office of Emergency Services
Website	California Seismic Safety Commission
Website	American Red Cross
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9321-E(2)	Closed Session

Regulation 3516: Emergencies And Disaster Preparedness Plan

Status: DRAFT

Original Adopted Date: 03/05/2020

The Superintendent or designee shall ensure that Eden Area ROP and/or school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff

{cf. 3516.1 – Fire Drills and Fires}

2. Earthquake, flood, or other natural disasters

{cf. 3516.3 – Earthquake Emergency Procedure System}

3. Environmental hazards, such as leakages or spills of hazardous materials

{cf. 3514 – Environmental Safety}

{cf. 3514.2 – Integrated Pest Management}

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

{cf. 3515.2 – Disruptions}

{cf. 3515.7 – Firearms on School Grounds}

{cf. 5131.4 – Student Disturbances}

5. Bomb threat or actual detonation

{cf. 3516.2 – Bomb Threats}

6. Biological, radiological, chemical, and other activities, or heightened warning of such activities

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

8. Attack or threat of attack to the district's digital network and technology infrastructure

{cf. 5141.22 – Infectious Diseases}

The Superintendent or designee shall ensure that the Eden Area ROP's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities

{cf. 3513.3 – District Police/Security Department}

{cf. 3515 – Campus Security}

{cf. 3517 – Facilities Inspection}

{cf. 3530 – Risk Management/Insurance}

2. Routine monitoring of the security of the district's digital network and technology infrastructure

23. Instruction for Eden Area ROP staff and students regarding emergency plans, including:

- a. Regular practice of emergency procedures by students and staff

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

34. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

- a. The appropriate chain of command at the Eden Area ROP
- b. Individuals responsible for specific duties
- c. Designation of the Director for the overall control and supervision of activities at each school during an emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
- d. Assignment of responsibility for identification of injured persons and administration of first aid

45. Personal safety and security, including:

- a. Identification of areas of responsibility for the supervision of students
- b. Procedures for the evacuation of students and staff, including posting of evacuation routes
- c. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible

{cf. 5141 – Health Care and Emergencies}

{cf. 5142 – Safety}

- d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

{cf. 3543 – Transportation Safety and Emergencies}

- e. Provision of a first aid kit to each classroom
- f. Arrangements for students and staff with special needs

{cf. 4032 – Reasonable Accommodation}

{cf. 6159 – Individualized Education Program}

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

- g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

{cf. 4161.1/4361.1 – Personal Illness/Injury Leave}

{cf. 4261.1 – Personal Illness/Injury Leave}

{cf. 5113 – Absences and Excuses}

{cf. 6183 – Home and Hospital Instruction}

56. Closure of schools, including an analysis of:

- a. The impact on student learning and methods to ensure continuity of instruction
- b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

{cf. 3516.5 – Emergency Schedules}

67. Communication among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency, including:

a. The Superintendent or Governing Board President

(cf. 1112 – Media Relations)

b. Development and testing of communication platforms, such as hotlines, telephone trees, websites, social media, and electronic notifications

(cf. 1113 – District and School Web Sites)

(cf. 1114 – District-Sponsored Social Media)

c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand

d. Distribution of information about Eden Area ROP emergency procedures to staff, students, and parents/guardians

78. Cooperation with other state and local agencies, including:

a. Development of guidelines for law enforcement involvement and intervention

b. Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)

89. Steps to be taken after the disaster or emergency, including:

a. Inspection of school facilities

b. Provision of mental health services for students and staff, as needed

(cf. 6164.2 – Guidance/Counseling Services)

The Superintendent or designee shall assemble key information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, and procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems.

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State References

19 CCR 2400-2450

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[Standardized Emergency Management System](#)

5 CCR 550

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[Civil defense and disaster preparedness plans](#)

CA Constitution Article 20, Section 3

[Oath or affirmation](#)

Civ. Code 1714.5

[Release from liability for disaster service workers and shelters](#)

Ed. Code 32001

[Fire alarms and drills](#)

Ed. Code 32040

[Duty to equip school with first aid kit](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 32290

[Safety devices](#)

Ed. Code 39834

[Operating overloaded bus](#)

Ed. Code 46390-46392	Emergency average daily attendance in case of disaster
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Gov. Code 11549.3	Office of information security
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5141.22	Infectious Diseases
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6153	School-Sponsored Trips
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6164.2	Guidance/Counseling Services
7111	Evaluating Existing Buildings
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4111: Recruitment And Selection

Status: DRAFT

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

The Governing Board expects to employ the most highly qualified and appropriate person available for each open position in order to improve student achievement and efficiency in Eden Area Regional Occupational Program (Eden Area ROP) operations. The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the Eden Area ROP's vision, mission, and goals, and believes that students benefit when Eden Area ROP staff reflects the racial, ethnic, linguistic, and cultural diversity of the Eden Area Regional Occupational Program (Eden Area ROP).

(cf. 4000 – Concepts and Roles)

(cf. 4100 – Certificated Personnel)

(cf. 4200 – Classified Personnel)

(cf. 4300 – Administrative and Supervisory Personnel)

The Superintendent or designee shall recruit candidates for open positions based on an assessment of the Eden Area ROP's needs for specific skills, knowledge and abilities. He/she shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position, and shall disseminate job announcements to ensure a wide range of candidates. The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment at the Eden Area ROP based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among Eden Area ROP employees.

Eden Area ROP teachers and administrators shall be recruited from university placement centers, organizational placement offices, local newspaper advertising or through personal correspondence with qualifying candidates. The objective in recruitment shall be to obtain the best possible certificated personnel within the limits of compensation provided by the Eden Area ROP. When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations and recommendations from previous employers. He/she may establish an interview committee, as appropriate, to rank candidates and recommend finalists. Whenever appropriate, staff members shall be involved in the selection of personnel. All discussions and recommendations shall be confidential in accordance with law. The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law. No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

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

(cf. 4030 – Nondiscrimination in Employment)

(cf. 4031 – Complaints Concerning Discrimination in Employment)

(cf. 4032 – Reasonable Accommodation)

(cf. 4111.2/4211.2/4311.2 – Legal Status Requirement)

Applicants who, for any reason, do not meet the standards or needs of the Eden Area ROP shall be eliminated from further consideration.

For each position, the Superintendent or designee shall present to the Governing Board one candidate who meets all qualifications established by law and the Governing Board for the position. No person shall be employed by the Governing Board without the recommendation or endorsement of the Superintendent or designee. The Governing Board shall approve the employment, fix the compensation, and establish the terms of employment for each person employed by the Eden Area ROP.

(cf. 4112 – Appointment and Conditions of Employment)

(cf. 4112.2 – Certification)

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

(cf. 4212 – Appointment and Conditions of Employment)

(cf. 4312.1 – Contracts)

Unless otherwise provided for in law, the Eden Area ROP may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the Eden Area ROP may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the Eden Area ROP retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

Incentives

With Board approval and in accordance with the Eden Area ROP needs, the Eden Area ROP may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

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[Powers and duties of the superintendent; transfer authority](#)

[Limitations on certification requirements](#)

[Teaching credential, exception; designated subjects; minimum requirements](#)

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Lab. Code 432.3	Salary information

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42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

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4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
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4111.2	Legal Status Requirement
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4112.2	Certification
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4112.8	Employment Of Relatives
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4113	Assignment
4200	Classified Personnel
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
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4212.61	Employment References
4212.8	Employment Of Relatives
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.61	Employment References
4312.8	Employment Of Relatives
4331	Staff Development
9000	Role Of The Board

Policy 4211: Recruitment And Selection

Status: DRAFT

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

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(cf. 4000 – Concepts and Roles)

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Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among Eden Area ROP employees.

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

(cf. 4030 – Nondiscrimination in Employment)

(cf. 4031 – Complaints Concerning Discrimination in Employment)

(cf. 4032 – Reasonable Accommodation)

(cf. 4111.2/4211.2/4311.2 – Legal Status Requirement)

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(cf. 4112 – Appointment and Conditions of Employment)

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4331	Staff Development
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Policy 4311: Recruitment And Selection

Status: DRAFT

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

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4312.8	Employment Of Relatives
4331	Staff Development
9000	Role Of The Board

Regulation 4112.5: Criminal Record Check

Status: DRAFT

Original Adopted Date: 05/07/2020

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment ~~if solely on the basis that the person has been:~~ (Education Code 44830.1, 44836, 45122.1, 45123)

- ~~The conviction for~~ Convicted of a violent or serious felony, controlled substance offense, or sex offense, ~~and the conviction~~ is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor;
- ~~A person convicted~~ Convicted of a violent or serious felony ~~and~~ has obtained a certificate of rehabilitation or a pardon;
- ~~A person who has been convicted~~ Convicted of a serious felony, that is not also a violent felony, ~~proves and has proven~~ to the sentencing court that ~~he/she has been rehabilitated~~ rehabilitation for purposes of school employment ~~has been attained~~ for at least one year;
- ~~A person who has been convicted~~ Convicted of a controlled substance offense ~~and~~ is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing;
- ~~A person who has been convicted~~ Convicted of a controlled substance offense ~~and~~ is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years;

~~(cf. 4112 – Appointment and Conditions of Employment)~~

~~(cf. 4112.2 – Certification)~~

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

~~(cf. 4127/4227/4327 – Temporary Athletic Team Coaches)~~

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

A certificated employee may be hired by the Eden Area Regional Occupational Program (Eden Area ROP) without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

The Superintendent or designee shall require each person to be employed by the Eden Area ROP to submit ~~his/her~~ fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

- The applicant has not resided in California for at least one year immediately preceding the application for employment.
- The applicant has resided in California for more than one year, but less than seven years, and the DOJ has

ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted his/her fingerprints to the DOJ is not subsequently employed by the Eden Area ROP. (Penal Code 11105.2)

Subsequent Arrest Notification

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee serving before March 15 of his/her the employee's second year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

~~(cf. 4116 – Probationary/Permanent Status)~~

~~(cf. 4121 – Temporary/Substitute Personnel)~~

When the Eden Area ROP receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee serving before March 15 of his/her the employee's second year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate that the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the Eden Area ROP. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

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

Maintenance of Records

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the Eden Area ROP and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging his/her an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

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

~~(cf. 9011 – Disclosure of Confidential/Privileged Information)~~

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

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

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Ed. Code 45125.01	Interagency agreements for criminal record information
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H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
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Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Management Resources References

	Description
Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145

Website	CSBA District and County Office of Education Legal Services
Website	Office of the Attorney General, Department of Justice, Background Checks
Website	CSBA

Cross References

Description

1240	Volunteer Assistance
1240	Volunteer Assistance
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
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4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
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4219.23	Unauthorized Release Of Confidential/Privileged Information
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4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.23	Unauthorized Release Of Confidential/Privileged Information
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Regulation 4212.5: Criminal Record Check

Status: DRAFT

Original Adopted Date: 05/07/2020

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment ~~if solely on the basis that the person has been:~~ (Education Code 44830.1, 44836, 45122.1, 45123)

- ~~The conviction for~~ Convicted of a violent or serious felony, controlled substance offense, or sex offense, ~~and the conviction~~ is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor;
- ~~A person convicted~~ Convicted of a violent or serious felony ~~and~~ has obtained a certificate of rehabilitation or a pardon;
- ~~A person who has been convicted~~ Convicted of a serious felony, that is not also a violent felony, ~~proves and has proven~~ to the sentencing court that ~~he/she has been rehabilitated~~ rehabilitation for purposes of school employment ~~has been attained~~ for at least one year;
- ~~A person who has been convicted~~ Convicted of a controlled substance offense ~~and~~ is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing;
- ~~A person who has been convicted~~ Convicted of a controlled substance offense ~~and~~ is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years;

~~(cf. 4112 – Appointment and Conditions of Employment)~~

~~(cf. 4112.2 – Certification)~~

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

~~(cf. 4127/4227/4327 – Temporary Athletic Team Coaches)~~

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

A certificated employee may be hired by the Eden Area Regional Occupational Program (Eden Area ROP) without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

The Superintendent or designee shall require each person to be employed by the Eden Area ROP to submit ~~his/her~~ fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

- The applicant has not resided in California for at least one year immediately preceding the application for employment.
- The applicant has resided in California for more than one year, but less than seven years, and the DOJ has

ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted his/her fingerprints to the DOJ is not subsequently employed by the Eden Area ROP. (Penal Code 11105.2)

Subsequent Arrest Notification

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee serving before March 15 of his/her the employee's second year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

~~(cf. 4116 – Probationary/Permanent Status)~~

~~(cf. 4121 – Temporary/Substitute Personnel)~~

When the Eden Area ROP receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee serving before March 15 of his/her the employee's second year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate that the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the Eden Area ROP. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

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

Maintenance of Records

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the Eden Area ROP and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging his/her an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

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

~~(cf. 9011 – Disclosure of Confidential/Privileged Information)~~

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

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Management Resources References

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6145	Extracurricular And Cocurricular Activities

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[Disclosure Of Confidential/Privileged Information](#)

Regulation 4312.5: Criminal Record Check

Status: DRAFT

Original Adopted Date: 05/07/2020

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment ~~if solely on the basis that the person has been:~~ (Education Code 44830.1, 44836, 45122.1, 45123)

1. ~~The conviction for~~ Convicted of a violent or serious felony, controlled substance offense, or sex offense, ~~and the conviction~~ is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor;
2. ~~A person convicted~~ Convicted of a violent or serious felony ~~and~~ has obtained a certificate of rehabilitation or a pardon;
3. ~~A person who has been convicted~~ Convicted of a serious felony, that is not also a violent felony, ~~proves and has proven~~ to the sentencing court that ~~he/she has been rehabilitated~~ rehabilitation for purposes of school employment ~~has been attained~~ for at least one year;
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5. ~~A person who has been convicted~~ Convicted of a controlled substance offense ~~and~~ is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years;

~~(cf. 4112 – Appointment and Conditions of Employment)~~

~~(cf. 4112.2 – Certification)~~

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

Maintenance of Records

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Pen. Code 1203.4	Dismissal of conviction
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Management Resources References

	Description
Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145

Website [CSBA District and County Office of Education Legal Services](#)
 Website [Office of the Attorney General, Department of Justice, Background Checks](#)
 Website [CSBA](#)

Cross References

Description

1240	Volunteer Assistance
1240	Volunteer Assistance
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1340	Access To District Records
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3515.3	District Police/Security Department
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4112.9-E PDF(1)	Employee Notifications
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
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4119.23	Unauthorized Release Of Confidential/Privileged Information
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6145	Extracurricular And Cocurricular Activities

6145
9011

[Extracurricular And Cocurricular Activities](#)
[Disclosure Of Confidential/Privileged Information](#)

Exhibit 4112.5-E(1): Criminal Record Check

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Reviewed Date: 05/07/2020

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of Eden Area Regional Occupational Program (Eden Area ROP), you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

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State References

11 CCR 701-708

11 CCR 720-724

Description

[Criminal offender record information](#)

[Incomplete criminal history information](#)

11 CCR 994-994.15	Certification of individuals who take fingerprint impressions
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.6	Temporary certificate of clearance
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony
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Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information
Ed. Code 44836	Employment of certificated persons convicted of sex offense or controlled substance offense
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45125.5	Automated records check
Ed. Code 45126	Duty of Department of Justice to furnish information
Ed. Code 49024	Activity Supervisor Clearance Certificate
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
Pen. Code 11075-11081	Criminal record dissemination
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records
Pen. Code 11105	Access to criminal history information
Pen. Code 11105.2	Subsequent arrest notification
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
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Management Resources References

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services
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Website	CSBA

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6145	Extracurricular And Cocurricular Activities
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Exhibit 4212.5-E(1): Criminal Record Check

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I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

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Pen. Code 11105	Access to criminal history information
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Policy 4118: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: 02/02/2023 | Last Reviewed Date: 02/02/2023

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

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

The Superintendent or designee shall ensure that disciplinary actions are appropriately documented and taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal warnings, and written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave without pay, or dismissal.

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

Suspension/Dismissal Procedures

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

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

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

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

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

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

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

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

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

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

Compulsory Leave of Absence

Upon being informed that a certificated employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5)

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State References

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

Gov. Code 11505-11506	Hearing
Gov. Code 12954	Employment discrimination; cannabis use
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution, First Amendment	Free exercise, free speech, and establishment clauses
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Management Resources References

	Description
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	Office of the Attorney General
Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	CSBA
Website	U.S. Department of Education

Cross References

	Description
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures

1312.3	Uniform Complaint Procedures
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Regulation 4118: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 02/02/2023 | Last Reviewed Date: 02/02/2023

Causes for Suspension or Dismissal

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

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with students

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

8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or Eden Area Regional Occupational Program (Eden Area ROP)
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 (prohibiting the advocacy or teaching of communism)
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with students

~~(cf. 4115 – Evaluation/Supervision)~~

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

Suspension/Dismissal of Employees

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

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

Compulsory Leave of Absence

Upon being informed by law enforcement that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

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

The Superintendent or designee may place on an immediate compulsory leave of absence a certificated employee

who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1, except as it relates to marijuana, mescaline, peyote, or ~~tetrahydrocannabinols~~ tetrahydrocannabinol. (Education Code 44940)

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

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

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

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

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

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary; certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 12954	Employment discrimination; cannabis use
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included

H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution, First Amendment

Description

[Free exercise, free speech, and establishment clauses](#)

Management Resources References

Commission on Teacher Credentialing Publication

Description

[California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007](#)

Court Decision

[Visalia Unified School District v. Public Employment Relations Board \(2024\) 98 Cal.App.5th 844](#)

Court Decision

[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)

Court Decision

[Crowl v. Commission on Professional Competence \(1990\) 225 Cal. App. 3d 334](#)

Court Decision

[Morrison v. State Board of Education \(1969\) 1 Cal.3d 214](#)

U.S. Department of Education Publication

[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)

Website

[Office of the Attorney General](#)

Website

[Office of Administrative Hearings](#)

Website

[Department of General Services, About Teacher Dismissal Case Type](#)

Website

[CSBA District and County Office of Education Legal Services](#)

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[U.S. Department of Education](#)

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Policy 4218: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 05/04/2023 | Last Reviewed Date: 05/04/2023

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

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension or leave without pay, reduction of pay step in class, compulsory leave, and wages, or dismissal.

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

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

Permanent classified employee shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Disciplinary Proceedings

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against a classified employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. (Education Code 45113, 45116)

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education Code 45113, and as specified in the accompanying administrative regulation.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained, and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the disciplinary action recommended by the Superintendent or designee. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When a matter is heard by a third-party hearing officer, the Board shall review the determination and adopt or reject the recommended decision. (Education Code 45113)

When any matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Compulsory Leave of Absence

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5, 45304)

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

State References

CA Constitution Article 1, Section 1

Ed. Code 35161

Ed. Code 44009

Ed. Code 44010

Ed. Code 44011

Ed. Code 44940

Ed. Code 44940.5

Ed. Code 45101

Ed. Code 45109

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Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charged with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Gov. Code 12954	Employment discrimination; cannabis use
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

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

Management Resources References

	Description
Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	Office of the Attorney General
Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education
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Regulation 4218: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 05/04/2023 | Last Reviewed Date: 05/04/2023

Causes for Disciplinary Action

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or Eden Area ROP procedure
5. Falsification of any information supplied to the Eden Area ROP, including, but not limited to, information supplied on application forms, employment records, or any other Eden Area ROP records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of Eden Area ROP property
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Violation of Education Code 45303 or Government Code 1028 (prohibiting the advocacy or teaching of communism)
17. Any other misconduct which is of such nature that it causes discredit or injury to the Eden Area ROP or the employee's position

No disciplinary action shall be taken for any cause ~~which~~ ~~that~~ arose before the employee became permanent, nor for any cause ~~which~~ ~~that~~ arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the Eden Area ROP. (Education Code 45113)

Initiation and Notification of Charges

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an

impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any recommendation for a disciplinary action in writing with the Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the Eden Area ROP rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

Request for Hearing

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the Eden Area ROP. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Disciplinary Hearing

A classified employee against whom a recommendation for disciplinary action has been issued may remain on active duty or may be placed on paid leave pending a hearing on the charges. The employee shall not be suspended without pay, suspended or demoted with a reduction in pay, or dismissed pending the outcome of a timely requested hearing, except as specified below. (Education Code 45113)

However, the disciplinary action may be imposed prior to the decision if the Board, or an impartial third-party hearing officer provided pursuant to a collective bargaining agreement, finds by a preponderance of the evidence that at the time discipline was imposed, the employee (1) engaged in criminal misconduct, (2) engaged in misconduct that presents a risk of harm to students, staff, or property, or (3) committed habitual violations of the Eden Area ROP's policies or regulations. Such finding(s) must be made at the conclusion of the Skelly review process. (Education Code 45113)

In such cases where the disciplinary action is imposed prior to the decision, the employee shall be given written notice of the disciplinary action and the findings made at the conclusion of the Skelly review process. Such written notice shall be served upon the employee personally.

In addition, the Eden Area ROP may cease paying the employee if a decision has not been rendered by an impartial third-party hearing officer, pursuant to a collective bargaining agreement, or the Board within 30 days of the date the hearing was requested. (Education Code 45113)

Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44940, 45304)

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

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols: tetrahydrocannabinol. (Education Code 44940, 44940.5, 45304)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal. (Education Code 44940, 44940.5)

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

State References

	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45116	Notice of disciplinary action
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charged with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Gov. Code 12954	Employment discrimination; cannabis use
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

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

Management Resources References

	Description
Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194

U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	Office of the Attorney General
Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education
Website	CSBA

Cross References

Description

1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
3230	Federal Grant Funds
3230	Federal Grant Funds
3512	Equipment
3512-E PDF(1)	Equipment
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515.2	Disruptions
3515.2	Disruptions
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.3	District Police/Security Department
4000	Concepts And Roles
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4040-E(2)	Employee Use Of Technology
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4119.1	Civil And Legal Rights
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures

4119.21	Professional Standards
4119.21-E PDF(1)	Professional Standards
4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.24	Maintaining Appropriate Adult-Student Interactions
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4136	Nonschool Employment
4136-E PDF(1)	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.11	Industrial Accident/Illness Leave
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4219.1	Civil And Legal Rights
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.24	Maintaining Appropriate Adult-Student Interactions
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4258	Employee Security
4258	Employee Security
4261	Leaves

4261	Leaves
4261.11	Industrial Accident/Illness Leave
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4319.1	Civil And Legal Rights
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4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
4319.22	Dress And Grooming
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.24	Maintaining Appropriate Adult-Student Interactions
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4336	Nonschool Employment
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4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4358	Employee Security
4358	Employee Security
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4157: Employee Safety

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board is committed to maximizing employee safety and believes that workplace safety is every employee's responsibility. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

{cf. 0450 – Comprehensive Safety Plan}

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Governing Board expects all All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions which that may occur. If an employee is unable to correct an unsafe condition, he/she the employee shall immediately report the issue problem to the Superintendent or designee.

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

{cf. 4118 – Dismissal/Suspension/Disciplinary Action}

{cf. 4218 – Dismissal/Suspension/Disciplinary Action}

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7)

{cf. 3514 – Environmental Safety}

{cf. 3514.1 – Hazardous Substances}

{cf. 3516 – Emergencies and Disaster Preparedness Plan}

{cf. 4119.41/4219.41/4319.41 – Employees with Infectious Disease}

{cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens}

{cf. 4119.43/4219.43/4319.43 – Universal Precautions}

{cf. 4157.2/4257.2/4357.2 – Ergonomics}

{cf. 4158/4258/4358 – Employee Security}

The Superintendent or designee shall ensure the ready availability of first aid materials at Eden Area Regional Occupational Program (Eden Area ROP) workplaces and shall make effective provisions, in advance, for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for making complaints, instituting proceedings, or testifying with regard to employee safety or health or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7. (Labor Code 6310)

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

State References

17 CCR 2508

8 CCR 14000-14316

8 CCR 3203

8 CCR 3204

Description

[Reporting of communicable diseases](#)

[Occupational injury or illness reports and records](#)

[Injury and illness prevention program](#)

[Access to employee exposure and medical records](#)

8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Description

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Description

Cross References

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety

Description

3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4219.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4231	Staff Development
4256.2	Awards And Recognition

4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.41	Employees With Infectious Disease
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases

Policy 4257: Employee Safety

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board is committed to maximizing employee safety and believes that workplace safety is every employee's responsibility. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

{cf. 0450 – Comprehensive Safety Plan}

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Governing Board expects all All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions which that may occur. If an employee is unable to correct an unsafe condition, he/she the employee shall immediately report the issue problem to the Superintendent or designee.

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

{cf. 4118 – Dismissal/Suspension/Disciplinary Action}

{cf. 4218 – Dismissal/Suspension/Disciplinary Action}

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7)

{cf. 3514 – Environmental Safety}

{cf. 3514.1 – Hazardous Substances}

{cf. 3516 – Emergencies and Disaster Preparedness Plan}

{cf. 4119.41/4219.41/4319.41 – Employees with Infectious Disease}

{cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens}

{cf. 4119.43/4219.43/4319.43 – Universal Precautions}

{cf. 4157.2/4257.2/4357.2 – Ergonomics}

{cf. 4158/4258/4358 – Employee Security}

The Superintendent or designee shall ensure the ready availability of first aid materials at Eden Area Regional Occupational Program (Eden Area ROP) workplaces and shall make effective provisions, in advance, for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for making complaints, instituting proceedings, or testifying with regard to employee safety or health or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7. (Labor Code 6310)

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

State References

17 CCR 2508

8 CCR 14000-14316

8 CCR 3203

8 CCR 3204

Description

[Reporting of communicable diseases](#)

[Occupational injury or illness reports and records](#)

[Injury and illness prevention program](#)

[Access to employee exposure and medical records](#)

8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
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Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Description

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Description

Cross References

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety

Description

3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
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4112.9-E PDF(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
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4119.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
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4119.43	Universal Precautions
4131	Staff Development
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4157.1	Work-Related Injuries
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4218	Dismissal/Suspension/Disciplinary Action
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4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4219.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4231	Staff Development
4256.2	Awards And Recognition

4257.1	Work-Related Injuries
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4261.11	Industrial Accident/Illness Leave
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4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.41	Employees With Infectious Disease
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4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases

Policy 4357: Employee Safety

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board is committed to maximizing employee safety and believes that workplace safety is every employee's responsibility. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

{cf. 0450 – Comprehensive Safety Plan}

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Governing Board expects all All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions which that may occur. If an employee is unable to correct an unsafe condition, he/she the employee shall immediately report the issue problem to the Superintendent or designee.

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

{cf. 4118 – Dismissal/Suspension/Disciplinary Action}

{cf. 4218 – Dismissal/Suspension/Disciplinary Action}

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7)

{cf. 3514 – Environmental Safety}

{cf. 3514.1 – Hazardous Substances}

{cf. 3516 – Emergencies and Disaster Preparedness Plan}

{cf. 4119.41/4219.41/4319.41 – Employees with Infectious Disease}

{cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens}

{cf. 4119.43/4219.43/4319.43 – Universal Precautions}

{cf. 4157.2/4257.2/4357.2 – Ergonomics}

{cf. 4158/4258/4358 – Employee Security}

The Superintendent or designee shall ensure the ready availability of first aid materials at Eden Area Regional Occupational Program (Eden Area ROP) workplaces and shall make effective provisions, in advance, for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for making complaints, instituting proceedings, or testifying with regard to employee safety or health or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7. (Labor Code 6310)

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

State References

Description

17 CCR 2508

[Reporting of communicable diseases](#)

8 CCR 14000-14316

[Occupational injury or illness reports and records](#)

8 CCR 3203

[Injury and illness prevention program](#)

8 CCR 3204

[Access to employee exposure and medical records](#)

8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Description

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Description

Cross References

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety

Description

3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
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4219.41	Employees With Infectious Disease
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4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4231	Staff Development
4256.2	Awards And Recognition

4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
4312.9	Employee Notifications
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4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases

Regulation 4157: Employee Safety

Status: DRAFT

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

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

{cf. 4157.1/4257.1/4357.1 - Work-Related Injuries}

{cf. 4157.2/4257.2/4357.2 - Ergonomics}

{cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave}

Injury and Illness Prevention Program

The Eden Area Regional Occupational Program's (Eden Area ROP) injury and illness prevention program shall cover all Eden Area ROP employees and all other workers whom the Eden Area ROP controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the Eden Area ROP's injury and illness prevention program. (Labor Code 6401.7)

The Eden Area ROP's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not be limited to:

- a. Recognition of employees who follow safe and healthful work practices

{cf. 4156.2/4256.2/4356.2 - Awards and Recognition}

- b. Training and retraining programs

- c. Disciplinary actions

{cf. 4118 - Dismissal/Suspension/Disciplinary Action}

{cf. 4218 - Dismissal/Suspension/Disciplinary Action}

3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:

- a. Meetings

- b. Training programs

- c. Posting

- d. Written communications

- e. A system of anonymous notification by employees about hazards

- f. A labor/management safety and health committee

4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:

- a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace

- b. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard

{cf. 3514 – Environmental Safety}

{cf. 3514.1 – Hazardous Substances}

5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

When an imminent hazard exists which that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:

- a. To all new employees
- b. To all employees given new job assignments for which training has not previously been received
- c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
- d. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard
- e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the Eden Area ROP's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee

When an employee or designated representative requests a copy of the Eden Area ROP's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the Eden Area ROP's injury and illness prevention program has not been updated with new information since the prior copy was provided, the Eden Area ROP may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the Eden Area ROP's injury and illness prevention program through the Eden Area ROP's server or ~~web site~~ website that, which allows an employee to review, print, and email the current version of the Eden Area ROP's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the Eden Area ROP's injury and illness prevention program to all employees. (8 CCR 3203)

Eye Safety Devices

Eye Employees shall wear eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury to the eyes. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever an Eden Area ROP facility or Eden Area ROP grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.

(cf. 5141.6 – School Health Services)

3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the Eden Area ROP's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The Eden Area ROP shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of Eden Area ROP facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

COVID-19 Exposure

If the Eden Area ROP receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the Eden Area ROP plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the Eden Area ROP is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any Eden Area ROP workplace or performance of an Eden Area ROP operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the Eden Area ROP shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

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

State References

	Description
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety

Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
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Lab. Code 1139	Worker's rights in emergencies
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Lab. Code 6310	Retaliation for filing complaint prohibited
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Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Description

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Description

Cross References

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan

Description

3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
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4119.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
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4119.43	Universal Precautions
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4231	Staff Development
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4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave

4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
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4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases

Regulation 4257: Employee Safety

Status: DRAFT

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

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

{cf. 4157.1/4257.1/4357.1 - Work-Related Injuries}

{cf. 4157.2/4257.2/4357.2 - Ergonomics}

{cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave}

Injury and Illness Prevention Program

The Eden Area Regional Occupational Program's (Eden Area ROP) injury and illness prevention program shall cover all Eden Area ROP employees and all other workers whom the Eden Area ROP controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the Eden Area ROP's injury and illness prevention program. (Labor Code 6401.7)

The Eden Area ROP's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not be limited to:

- a. Recognition of employees who follow safe and healthful work practices

{cf. 4156.2/4256.2/4356.2 - Awards and Recognition}

- b. Training and retraining programs

- c. Disciplinary actions

{cf. 4118 - Dismissal/Suspension/Disciplinary Action}

{cf. 4218 - Dismissal/Suspension/Disciplinary Action}

3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:

- a. Meetings

- b. Training programs

- c. Posting

- d. Written communications

- e. A system of anonymous notification by employees about hazards

- f. A labor/management safety and health committee

4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:

- a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace

- b. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard

{cf. 3514 – Environmental Safety}

{cf. 3514.1 – Hazardous Substances}

5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

When an imminent hazard exists which that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:

- a. To all new employees
- b. To all employees given new job assignments for which training has not previously been received
- c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
- d. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard
- e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the Eden Area ROP's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee

When an employee or designated representative requests a copy of the Eden Area ROP's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the Eden Area ROP's injury and illness prevention program has not been updated with new information since the prior copy was provided, the Eden Area ROP may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the Eden Area ROP's injury and illness prevention program through the Eden Area ROP's server or ~~web site~~ website that, which allows an employee to review, print, and email the current version of the Eden Area ROP's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the Eden Area ROP's injury and illness prevention program to all employees. (8 CCR 3203)

Eye Safety Devices

Eye Employees shall wear eye safety devices ~~shall be worn by employees~~ whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury ~~to the eyes~~. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever an Eden Area ROP facility or Eden Area ROP grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.

~~(cf. 5141.6 – School Health Services)~~

3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the Eden Area ROP's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The Eden Area ROP shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of Eden Area ROP facilities and equipment.

The Superintendent ~~of or~~ designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

COVID-19 Exposure

If the Eden Area ROP receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the Eden Area ROP plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the Eden Area ROP is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any Eden Area ROP workplace or performance of an Eden Area ROP operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the Eden Area ROP shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

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

State References

	Description
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety

Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Description

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Description

Cross References

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan

Description

3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4219.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave

4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.41	Employees With Infectious Disease
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases

Regulation 4357: Employee Safety

Status: DRAFT

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

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

~~{cf. 4157.1/4257.1/4357.1 - Work-Related Injuries}~~

~~{cf. 4157.2/4257.2/4357.2 - Ergonomics}~~

~~{cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave}~~

Injury and Illness Prevention Program

The Eden Area Regional Occupational Program's (Eden Area ROP) injury and illness prevention program shall cover all Eden Area ROP employees and all other workers whom the Eden Area ROP controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the Eden Area ROP's injury and illness prevention program. (Labor Code 6401.7)

The Eden Area ROP's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not be limited to:

- a. Recognition of employees who follow safe and healthful work practices

~~{cf. 4156.2/4256.2/4356.2 - Awards and Recognition}~~

- b. Training and retraining programs

- c. Disciplinary actions

~~{cf. 4118 - Dismissal/Suspension/Disciplinary Action}~~

~~{cf. 4218 - Dismissal/Suspension/Disciplinary Action}~~

3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:

- a. Meetings

- b. Training programs

- c. Posting

- d. Written communications

- e. A system of anonymous notification by employees about hazards

- f. A labor/management safety and health committee

4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:

- a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace

- b. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard

{cf. 3514 – Environmental Safety}

{cf. 3514.1 – Hazardous Substances}

5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

When an imminent hazard exists which that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.

7. Provision of training and instruction as follows:

- a. To all new employees
- b. To all employees given new job assignments for which training has not previously been received
- c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
- d. Whenever the Eden Area ROP is made aware of a new or previously unrecognized hazard
- e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and corrective measures for each work area and operation. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9. Training materials shall be appropriate in content and vocabulary to employees' educational level, literacy, and language. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the Eden Area ROP's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee

When an employee or designated representative requests a copy of the Eden Area ROP's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the Eden Area ROP's injury and illness prevention program has not been updated with new information since the prior copy was provided, the Eden Area ROP may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the Eden Area ROP's injury and illness prevention program through the Eden Area ROP's server or ~~web site~~ website that, which allows an employee to review, print, and email the current version of the Eden Area ROP's injury and illness prevention program.

The Superintendent or designee shall communicate the right and procedure to access the Eden Area ROP's injury and illness prevention program to all employees. (8 CCR 3203)

Eye Safety Devices

Eye Employees shall wear eye safety devices ~~shall be worn by employees~~ whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury ~~to the eyes~~. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever an Eden Area ROP facility or Eden Area ROP grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.

~~(cf. 5141.6 – School Health Services)~~

3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the Eden Area ROP's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The Eden Area ROP shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of Eden Area ROP facilities and equipment.

The Superintendent ~~of~~ or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

COVID-19 Exposure

If the Eden Area ROP receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the Eden Area ROP plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the Eden Area ROP is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any Eden Area ROP workplace or performance of an Eden Area ROP operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the Eden Area ROP shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

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

State References

	Description
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety

Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 32280-32289.5	School safety plans
Ed. Code 44984	Required rules for industrial accident and illness leave
Gov. Code 3543.2	Scope of representation
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	Workers' compensation; nondiscrimination
Lab. Code 3300	Definition of employer
Lab. Code 6305	Occupational safety and health standards; special order
Lab. Code 6310	Retaliation for filing complaint prohibited
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees
Lab. Code 6401.7	Injury and illness prevention program
Lab. Code 6401.9	Workplace violence prevention plans

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	CSBA District and County Office of Education Legal Services
Website	National Institute for Occupational Safety and Health
Website	U.S. Department of Labor, Occupational Safety and Health Administration
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	National Hearing Conservation Association
Website	CSBA
Website	Centers for Disease Control and Prevention

Cross References

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan

3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(1)	Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
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4219.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave

4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
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4319.42-E PDF(2)	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases

Regulation 4157.1: Work-Related Injuries

Status: DRAFT

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

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the Eden Area Regional Occupational Program (Eden Area ROP) shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

~~(cf. 3320 – Claims and Actions Against the District)~~

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

~~(cf. 4113.4/4213.4/4313.4 – Temporary Modified/Light-Duty Assignment)~~

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

~~(cf. 4157/4257/4357 – Employee Safety)~~

~~(cf. 4157.2/4257.2/4357.2 – Ergonomics)~~

~~(cf. 4161.11/4261.11/4361.11 – Industrial Accident/Illness Leave)~~

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

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

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the Eden Area ROP reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

~~The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.~~

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the Eden Area ROP's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online

mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Policy Reference Disclaimer: 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
8 CCR 15596	Notice of employee rights to workers' compensation benefits
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 45192	Industrial accident and illness leave for classified employees
Lab. Code 3200-4856	Workers' compensation
Lab. Code 3550-3553	Notifications regarding workers' compensation benefits
Lab. Code 3600-3605	Conditions of liability
Lab. Code 3760	Report of injury to insurer
Lab. Code 4600	Provision of medical and hospital treatment by employer
Lab. Code 4906	Disclosures and statements
Lab. Code 5400-5413	Notice of injury or death
Lab. Code 6302	Definition of serious injury or illness
Lab. Code 6409.1	Reports

Management Resources References

	Description
CA Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
CA Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
CA Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
CA Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Workers Compensation
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	CSBA
Website	California Department of Public Health

Cross References

	Description
1240	Volunteer Assistance
1240	Volunteer Assistance
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District

3530	Risk Management/Insurance
3530	Risk Management/Insurance
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4261.11	Industrial Accident/Illness Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Regulation 4257.1: Work-Related Injuries

Status: DRAFT

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

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the Eden Area Regional Occupational Program (Eden Area ROP) shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

~~(cf. 3320 – Claims and Actions Against the District)~~

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

~~(cf. 4113.4/4213.4/4313.4 – Temporary Modified/Light-Duty Assignment)~~

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

~~(cf. 4157/4257/4357 – Employee Safety)~~

~~(cf. 4157.2/4257.2/4357.2 – Ergonomics)~~

~~(cf. 4161.11/4261.11/4361.11 – Industrial Accident/Illness Leave)~~

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

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

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the Eden Area ROP reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

~~The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.~~

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the Eden Area ROP's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online

mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Policy Reference Disclaimer: 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
8 CCR 15596	Notice of employee rights to workers' compensation benefits
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 45192	Industrial accident and illness leave for classified employees
Lab. Code 3200-4856	Workers' compensation
Lab. Code 3550-3553	Notifications regarding workers' compensation benefits
Lab. Code 3600-3605	Conditions of liability
Lab. Code 3760	Report of injury to insurer
Lab. Code 4600	Provision of medical and hospital treatment by employer
Lab. Code 4906	Disclosures and statements
Lab. Code 5400-5413	Notice of injury or death
Lab. Code 6302	Definition of serious injury or illness
Lab. Code 6409.1	Reports

Management Resources References

	Description
CA Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
CA Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
CA Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
CA Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Workers Compensation
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	CSBA
Website	California Department of Public Health

Cross References

	Description
1240	Volunteer Assistance
1240	Volunteer Assistance
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District

3530	Risk Management/Insurance
3530	Risk Management/Insurance
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4261.11	Industrial Accident/Illness Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Regulation 4357.1: Work-Related Injuries

Status: DRAFT

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

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the Eden Area Regional Occupational Program (Eden Area ROP) shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

~~(cf. 3320 – Claims and Actions Against the District)~~

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

~~(cf. 4113.4/4213.4/4313.4 – Temporary Modified/Light-Duty Assignment)~~

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

~~(cf. 4157/4257/4357 – Employee Safety)~~

~~(cf. 4157.2/4257.2/4357.2 – Ergonomics)~~

~~(cf. 4161.11/4261.11/4361.11 – Industrial Accident/Illness Leave)~~

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

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

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the Eden Area ROP reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

~~The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.~~

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the Eden Area ROP's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online

mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

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State References

	Description
8 CCR 15596	Notice of employee rights to workers' compensation benefits
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Lab. Code 3200-4856	Workers' compensation
Lab. Code 3550-3553	Notifications regarding workers' compensation benefits
Lab. Code 3600-3605	Conditions of liability
Lab. Code 3760	Report of injury to insurer
Lab. Code 4600	Provision of medical and hospital treatment by employer
Lab. Code 4906	Disclosures and statements
Lab. Code 5400-5413	Notice of injury or death
Lab. Code 6302	Definition of serious injury or illness
Lab. Code 6409.1	Reports

Management Resources References

	Description
CA Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
CA Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
CA Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
CA Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations, Division of Workers Compensation
Website	California Department of Industrial Relations, Occupational Safety and Health
Website	CSBA
Website	California Department of Public Health

Cross References

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1240	Volunteer Assistance
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District

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3530	Risk Management/Insurance
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4261.11	Industrial Accident/Illness Leave
4261.9	Catastrophic Leave Program
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4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Policy 5126: Awards For Achievement

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, extracurricular, or community service activities.

No fee or other cost shall be charged to any student in relation to any requirements in qualifying for or receiving any district achievement awards.

{cf. 5121 – Grades/Evaluation of Student Achievement}

{cf. 5127 – Graduation Ceremonies and Activities}

{cf. 6142.4 – Service Learning/Community Service Classes}

Eden Area ROP/School Awards

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or cash monetary gift. The Board shall establish a budget for this purpose. (Education Code 44015)

The Superintendent or designee shall develop criteria for the selection of student award recipients.

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 11517.6-11519.5

Description

[English Language Proficiency Assessments for California](#)

5 CCR 1632

[Alternative credits toward graduation for foreign language instruction in private school](#)

5 CCR 876

[Golden State Seal Merit Diploma](#)

Ed. Code 220

[Prohibition of discrimination](#)

Ed. Code 35160

[Authority of governing boards](#)

Ed. Code 35310-35319

[Scholarship and loan funds](#)

Ed. Code 44015

[Awards to employees and students](#)

Ed. Code 51007

[Equitable access to programs designed to strengthen technological skills](#)

Ed. Code 51243-51245

[Credit for private school foreign language instruction](#)

Ed. Code 51450-51455

[Golden State Seal Merit Diploma](#)

Ed. Code 51460-51464

[State Seal of Biliteracy](#)

Ed. Code 51470-51475

[State Seal of Civic Engagement](#)

Ed. Code 52164.1

[Assessment of English language skills of English learners](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Management Resources References

Description

California Department of Education Publication

[State Seal of Biliteracy FAQs](#)

California Department of Education Publication

[SSCE Implementation Guidance](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Californians Together](#)

Website

[CSBA](#)

Website

[California Department of Education](#)

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
1150	Commendations And Awards
1220	Citizen Advisory Committees
1220-E PDF(1)	Citizen Advisory Committees
3290	Gifts, Grants And Bequests
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
4156.2	Awards And Recognition
4256.2	Awards And Recognition
4356.2	Awards And Recognition
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5137	Positive School Climate
6142.4	Service Learning/Community Service Classes
6142.4	Service Learning/Community Service Classes
6143	Courses Of Study

Policy 5141.21: Administering Medication And Monitoring Health Conditions

Status: DRAFT

Original Adopted Date: 02/05/2015 | Last Revised Date: 02/02/2023 | Last Reviewed Date: 02/02/2023

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the Eden Area Regional Occupational Program's (Eden Area ROP) permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

In accordance with law, the Superintendent or designee may make naloxone hydrochloride or another opioid antagonist available at each school for providing emergency medical aid to any person suffering or reasonably believed to be suffering from opioid overdose or respiratory distress. (Education Code 49414.3)

The Superintendent or designee shall make naloxone hydrochloride or another opioid antagonist viable for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose (Education Code 49414.3)

The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vapeable form, to the student at a school site. School personnel are not authorized to administer medicinal cannabis to a student. (Education Code 49414.1)

Before administering medicinal cannabis at a school site, the parent/guardian shall provide to the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school. The parent/guardian shall sign in at the school site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school site. (Education Code 49414.1)

Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to a school nurse, physician or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

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

State References

5 CCR 600-611
Bus. Code 2700-2837
Bus. Code 3500-3546
Bus. Code 4119.2
Bus. Code 4119.8
Ed. Code 48980
Ed. Code 49407
Ed. Code 49408
Ed. Code 49414
Ed. Code 49414.3
Ed. Code 49414.4
Ed. Code 49414.5
Ed. Code 49414.7
Ed. Code 49414.8
Ed. Code 49422-49427
Ed. Code 49423
Ed. Code 49423.1
Ed. Code 49426.5
Ed. Code 49468-49468.5
Ed. Code 49480
H&S 1799.113
H&S Code 11362.7-11362.85

Description

[Administering medication to students](#)
[Nursing](#)
[Physician assistants](#)
[Acquisition of epinephrine auto-injectors](#)
[Acquisition of naloxone hydrochloride or another opioid antagonist](#)
[Parent/Guardian notifications](#)
[Liability for treatment](#)
[Student emergency information](#)
[Emergency epinephrine auto-injectors](#)
[Emergency medical assistance; administration of medication for opioid overdose](#)
[Opioid Misuse](#)
[Providing school personnel with voluntary emergency training](#)
[Emergency albuterol inhalers](#)
[Funding for emergency opioid antagonists; requirements](#)
[Employment of medical personnel](#)
[Administration of prescribed medication for student](#)
[Inhaled asthma medication](#)
[Licensed vocational nurses](#)
[The Seizure Safe Schools Act](#)
[Continuing medication regimen; notice](#)
[Opioid overdose treatment](#)
[Medicinal cannabis](#)

Federal References

20 USC 1232g
20 USC 1400-1482
21 USC 812
21 USC 844
29 USC 794
34 CFR 99.30

Description

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)
[Individuals with Disabilities Education Act](#)
[Schedule of controlled substances](#)
[Penalties for possession of controlled substance](#)
[Rehabilitation Act of 1973; Section 504](#)
[Conditions under which prior written consent is required to disclose information](#)

Management Resources References

American Diabetes Association Publication
American Diabetes Association Publication

Description

[Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007](#)
[Program Advisory on Medication Administration, 2005](#)

American Diabetes Association Publication	Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006
Court Decision	American Nurses Association v. Torlakson (2013) 57 Cal.4th 570
National Diabetes Education Program Publication	Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003
Website	CSBA District and County Office of Education Legal Services
Website	National Diabetes Education Program
Website	U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute
Website	American Diabetes Association
Website	California Department of Education, Health Services and School Nursing
Website	CSBA
Website	California Department of Public Health

Cross References

Description

3513.4	Drug And Alcohol Free Schools
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4131	Staff Development
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4231	Staff Development
4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.43	Universal Precautions
4319.43	Universal Precautions
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5125	Student Records
5125	Student Records

5131.62	Tobacco
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
6163.2	Animals At School
6163.2	Animals At School

Regulation 5141.21: Administering Medication And Monitoring Health Conditions

Status: DRAFT

Original Adopted Date: 02/05/2015 | Last Revised Date: 02/02/2023 | Last Reviewed Date: 02/02/2023

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the Eden Area Regional Occupational Program (Eden Area ROP), including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480)

3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

When Eden Area ROP employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized Eden Area ROP representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how Eden Area ROP employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the Eden Area ROP in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in **Items** #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the Eden Area ROP and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in **Items** #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the Eden Area ROP to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

When any Eden Area ROP employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation

that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)

5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

7. Possible side effects of the medication

8. Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the Eden Area ROP shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish, and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

Eden Area ROP Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from school nurse or other qualified medical personnel.

The school nurse or other designated Eden Area ROP personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and **note maintain** on the list the type of medication and the times and dosage to be administered
4. Maintain for each student a medication log which may:
 - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
 - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication
9. Keep all medication to be administered by the Eden Area ROP in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated Eden Area ROP personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other **employees trained personnel** who have volunteered to administer them in an emergency and have received training. The school nurse, or a **volunteer employee** when a school nurse or physician is unavailable, a **trained volunteer** may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. **(Education Code 49414)**

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. A trained volunteer may include the holder of an Activity Supervisor Clearance Certificate who has received specified training. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all employees a notice requesting volunteers to be trained to administer epinephrine auto-injectors for emergency aid to individuals exhibiting signs of anaphylaxis reaction. Such notice shall also describe the training that the volunteers will receive. (Education Code 49414)

The Superintendent or designee may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

A school nurse or other qualified supervisor of health, or an Eden Area ROP administrator if the Eden Area ROP does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies **or manufactures. (Education Code 49414) or epinephrine auto-injector manufacturers.** Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

The Eden Area ROP shall store emergency epinephrine auto-injectors in an accessible location, and shall specify such location in annual notices to staff.

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector **medication** as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Any volunteer or trained personnel who administers an epinephrine auto-injector medication shall initiate emergency medical services or other appropriate medical follow up in accordance with the training materials retained by the school. (Education Code 49414)

Information regarding defense and indemnification provided by the Eden Area ROP for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors

from a manufacturer or wholesaler. (Education Code 49414)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

Emergency Medication for Opioid Overdose

The Eden Area ROP may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

Additionally, if the Eden Area ROP accepts emergency naloxone hydrochloride or another opioid antagonist from the county office of education (COE), the Superintendent or designee shall maintain at least two units at the Eden Area ROP Center. (Education Code 49414.8)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

The Superintendent or designee may shall designate one two or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3, 49414.8)

Each volunteer shall meet the minimum standards of training for the administration of an emergency opioid antagonist as specified in Education Code 49414.3 or shall have undergone opioid overdose prevention and treatment training and reviewed material available on the California Department of Public Health's website. (Education Code 49414.8)

A Any prescription for naloxone hydrochloride or another opioid antagonist shall be obtained by a school nurse, other qualified supervisor of health, or, if the Eden Area ROP does not have a qualified supervisor of health, an Eden Area ROP administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or Eden Area ROP administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3, 49414.8)

Employees and volunteers that render emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission, unless such act constitutes gross negligence or willful or wanton misconduct. (Health and Safety Code 1799.113)

Information regarding defense and indemnification provided by the Eden Area ROP for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer in writing and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the

requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a COE, manufacturer, or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

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

State References

5 CCR 600-611

Bus. Code 2700-2837

Bus. Code 3500-3546

Bus. Code 4119.2

Bus. Code 4119.8

Ed. Code 48980

Ed. Code 49407

Ed. Code 49408

Ed. Code 49414

Ed. Code 49414.3

Ed. Code 49414.4

Ed. Code 49414.5

Ed. Code 49414.7

Ed. Code 49414.8

Ed. Code 49422-49427

Ed. Code 49423

Ed. Code 49423.1

Ed. Code 49426.5

Ed. Code 49468-49468.5

Ed. Code 49480

H&S 1799.113

H&S Code 11362.7-11362.85

Description

[Administering medication to students](#)

[Nursing](#)

[Physician assistants](#)

[Acquisition of epinephrine auto-injectors](#)

[Acquisition of naloxone hydrochloride or another opioid antagonist](#)

[Parent/Guardian notifications](#)

[Liability for treatment](#)

[Student emergency information](#)

[Emergency epinephrine auto-injectors](#)

[Emergency medical assistance; administration of medication for opioid overdose](#)

[Opioid Misuse](#)

[Providing school personnel with voluntary emergency training](#)

[Emergency albuterol inhalers](#)

[Funding for emergency opioid antagonists; requirements](#)

[Employment of medical personnel](#)

[Administration of prescribed medication for student](#)

[Inhaled asthma medication](#)

[Licensed vocational nurses](#)

[The Seizure Safe Schools Act](#)

[Continuing medication regimen; notice](#)

[Opioid overdose treatment](#)

[Medicinal cannabis](#)

Federal References

20 USC 1232g

20 USC 1400-1482

21 USC 812

21 USC 844

29 USC 794

34 CFR 99.30

Description

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

[Individuals with Disabilities Education Act](#)

[Schedule of controlled substances](#)

[Penalties for possession of controlled substance](#)

[Rehabilitation Act of 1973; Section 504](#)

[Conditions under which prior written consent is required to disclose information](#)

Management Resources References

Description

American Diabetes Association Publication	Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
American Diabetes Association Publication	Program Advisory on Medication Administration, 2005
American Diabetes Association Publication	Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006
Court Decision	American Nurses Association v. Torlakson (2013) 57 Cal.4th 570
National Diabetes Education Program Publication	Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003
Website	CSBA District and County Office of Education Legal Services
Website	National Diabetes Education Program
Website	U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute
Website	American Diabetes Association
Website	California Department of Education, Health Services and School Nursing
Website	CSBA
Website	California Department of Public Health

Cross References

Description

3513.4	Drug And Alcohol Free Schools
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4131	Staff Development
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4231	Staff Development
4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.43	Universal Precautions
4319.43	Universal Precautions
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy

5113.1	Chronic Absence And Truancy
5125	Student Records
5125	Student Records
5131.62	Tobacco
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
6163.2	Animals At School
6163.2	Animals At School

Policy 5144: Discipline

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Governing Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

{cf. 5113.1 – Chronic Absence and Truancy}

{cf. 5131 – Conduct}

{cf. 5131.1 – Bus Conduct}

{cf. 5131.2 – Bullying}

{cf. 5137 – Positive School Climate}

{cf. 5145.9 – Hate-Motivated Behavior}

{cf. 6020 – Parent Involvement}

The Superintendent or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and correcting responding appropriately to student misbehavior at the Eden Area Regional Occupational Program (Eden Area ROP). The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of Eden Area ROP discipline policies and practices.

{cf. 5138 – Conflict Resolution/Peer Mediation}

{cf. 6164.2 – Guidance/Counseling Services}

In addition, the Superintendent or designee's strategies for correcting responding to student misconduct shall reflect the Governing Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

{cf. 5020 – Parent Rights and Responsibilities}

{cf. 5144.1 – Suspension and Expulsion/Due Process}

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

{cf. 6159.4 – Behavioral Interventions for Special Education Students}

{cf. 6164.5 – Student Success Teams}

{cf. 3553 – Free and Reduced Price Meals}

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with Eden Area ROP regulations. (Education Code 49005.2)

{cf. 5131.41 – Use of Seclusion and Restraint}

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

The administrative staff Superintendent or designee may develop disciplinary rules to meet the school's particular needs consistent with law, Governing Board policy, and Eden Area ROP regulations. The Governing Board, at an open meeting, shall may review the approved school discipline rules for consistency with Governing Board policy and state law. Site-level disciplinary rules shall be included in the Eden Area ROP's comprehensive safety plan. (Education Code 32282, 35291.5)

{cf. 0450 – Comprehensive Safety Plan}

{cf. 9320 – Meetings and Notices}

At all times, the safety of students and staff, providing interventions and supports to students, as well as the maintenance of an orderly school environment, shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate support and/or discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the Eden Area ROP's nondiscrimination policies.

{cf. 0410 – Nondiscrimination in District Programs and Activities}

{cf. 0415 – Equity}

{cf. 5145.3 – Nondiscrimination/Harassment}

{cf. 5145.7 – Sexual Harassment}

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for the Eden Area ROP, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

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

State References

5 CCR 307

Description

[Participation in school activities until departure of bus](#)

5 CCR 353

[Detention after school](#)

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 35146

[Closed sessions](#)

Ed. Code 35291-35291.5

[Rules](#)

Ed. Code 35291.5

[School-adopted discipline rules](#)

Ed. Code 37223

[Weekend classes](#)

Ed. Code 48900-48926

[Suspension and expulsion](#)

Ed. Code 48980-48985

[Parent/Guardian notifications](#)

Ed. Code 49005-49006.4

[Seclusion and restraint](#)

Ed. Code 49055

[Restorative justice practices](#)

Ed. Code 49056

[Recess restriction](#)

Ed. Code 49330-49335
Ed. Code 49414.4
Ed. Code 49550-49564.5
Ed. Code 52060-52077

[Injurious objects](#)
[Opioid misuse; alternative to referral to law enforcement](#)
[Meals for needy students](#)
[Local control and accountability plan](#)

Federal References

20 USC 1400-1482
29 USC 794
42 USC 1751-1769j
42 USC 1773

Description

[Individuals with Disabilities Education Act](#)
[Rehabilitation Act of 1973; Section 504](#)
[School Lunch Program](#)
[School Breakfast Program](#)

Management Resources References

California Dept of Education Program Advisories

CSBA Publication

CSBA Publication

CSBA Publication

CSBA Publication

CSBA Publication

Fix School Discipline Project

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

Website

Website

Website

Website

Website

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[Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000](#)
[The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014](#)
[Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015](#)
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)
[Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009](#)
[Sample alternative discipline policy](#)
[Resource on Confronting Racial Discrimination in Student Discipline](#)
[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)
[Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014](#)
[CSBA District and County Office of Education Legal Services](#)
[Public Counsel](#)
[U.S. Department of Education, Office for Civil Rights](#)
[California Department of Education](#)
[CSBA](#)

Cross References

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[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[District-Sponsored Social Media](#)
[District-Sponsored Social Media](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Civility](#)
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3512-E PDF(1)	Equipment
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.3	District Police/Security Department
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4131	Staff Development
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5000	Concepts And Roles
5020	Parent Rights And Responsibilities
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5112.5	Open/Closed Campus
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5113.1	Chronic Absence And Truancy
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5131	Conduct
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5131.7	Weapons And Dangerous Instruments
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate

5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
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5142	Safety
5142	Safety
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
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5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
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5145.9	Hate-Motivated Behavior
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Regulation 5144: Discipline

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 05/04/2023 | Last Reviewed Date: 05/04/2023

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep high school students in school and participating in the instructional program. Except when a student's presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension, supervised suspension, or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff, the student, and the student's parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and the student's parents/guardians
4. Participation in a restorative justice program
5. A positive behavior support approach with tiered interventions that occur during the school day on campus
6. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
7. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
9. Community service as provided in the section below entitled "Community Service"
10. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
11. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or Eden Area Regional Occupational Program (Eden Area ROP) policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the Eden Area ROP's nondiscrimination policies.

When disciplining a student who has been identified for special education and related services, the procedures specified in Administrative Regulation 5144.2 - Suspension And Expulsion/Due Process (Students With Disabilities) shall be applied. If a student has not been identified as a student with a disability and the Eden Area ROP suspects the behavior that resulted in discipline may be based in an unidentified disability, the Eden Area ROP shall notify the student's resident district/school of the concern. (U.S.C. 1412(a)(3))

Detention After School

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian.

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, or Superintendent's designee may require a student to perform community service during nonschool hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of Eden Area ROP rules related to discipline. (Education Code 35291, 48980)

The Superintendent or designee shall also provide written notice of disciplinary rules to **parents/guardians of** transfer students at the time of their enrollment at the Eden Area ROP.

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

State References

5 CCR 307

5 CCR 353

Civ. Code 1714.1

Ed. Code 32280-32289.5

Ed. Code 35146

Ed. Code 35291-35291.5

Ed. Code 35291.5

Ed. Code 37223

Ed. Code 48900-48926

Ed. Code 48980-48985

Ed. Code 49005-49006.4

Ed. Code 49055

Ed. Code 49056

Ed. Code 49330-49335

Ed. Code 49414.4

Ed. Code 49550-49564.5

Ed. Code 52060-52077

Description

[Participation in school activities until departure of bus](#)

[Detention after school](#)

[Liability of parent or guardian for act of willful misconduct by a minor](#)

[School safety plans](#)

[Closed sessions](#)

[Rules](#)

[School-adopted discipline rules](#)

[Weekend classes](#)

[Suspension and expulsion](#)

[Parent/Guardian notifications](#)

[Seclusion and restraint](#)

[Restorative justice practices](#)

[Recess restriction](#)

[Injurious objects](#)

[Opioid misuse; alternative to referral to law enforcement](#)

[Meals for needy students](#)

[Local control and accountability plan](#)

Federal References

20 USC 1400-1482
 29 USC 794
 42 USC 1751-1769j
 42 USC 1773

Description

[Individuals with Disabilities Education Act](#)
[Rehabilitation Act of 1973; Section 504](#)
[School Lunch Program](#)
[School Breakfast Program](#)

Management Resources References

California Dept of Education Program Advisories
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Fix School Discipline Project
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 Website
 Website
 Website
 Website
 Website

Description

[Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000](#)
[The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014](#)
[Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015](#)
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)
[Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009](#)
[Sample alternative discipline policy](#)
[Resource on Confronting Racial Discrimination in Student Discipline](#)
[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)
[Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014](#)
[CSBA District and County Office of Education Legal Services](#)
[Public Counsel](#)
[U.S. Department of Education, Office for Civil Rights](#)
[California Department of Education](#)
[CSBA](#)

Cross References

0450
 0450
 1114
 1114
 1312.3
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[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[District-Sponsored Social Media](#)
[District-Sponsored Social Media](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Civility](#)
[Equipment](#)
[Equipment](#)
[Tobacco-Free Schools](#)
[Tobacco-Free Schools](#)
[Drug And Alcohol Free Schools](#)

3515	Campus Security
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.4	Recovery For Property Loss Or Damage
4131	Staff Development
4131	Staff Development
4158	Employee Security
4158	Employee Security
4258	Employee Security
4258	Employee Security
4358	Employee Security
4358	Employee Security
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5125	Student Records
5125	Student Records
5131	Conduct
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.4-E PDF(1)	Child Abuse Prevention And Reporting
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5142	Safety
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
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5145.2	Freedom Of Speech/Expression
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5145.3	Nondiscrimination/Harassment
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5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6163.4	Student Use Of Technology
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6163.4-E PDF(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 6115: Ceremonies And Observances

Status: DRAFT

Original Adopted Date: 11/04/2021 | Last Reviewed Date: 11/04/2021

The Governing Board recognizes the importance of having students observe holidays, celebrate events of cultural, historical, or present day significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Board, and as required by law, staff shall provide students with appropriate commemorative exercises and educational experiences 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 37220-37222.21
- Ed. Code 44015.1
- Ed. Code 45203
- Ed. Code 45460
- Ed. Code 49110.5
- 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](#)
- [Workplace Readiness Week](#)
- [Patriotic exercises and instruction](#)
- [Public education employer-employee relations](#)
- [Display of flags](#)

Federal References

- 36 USC 106
- 4 USC 6
- 4 USC 7

Description

- [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
- Website

Description

- [Newdow v. Rio Linda Union School District \(9th Cir. 2010\) 597 F.3d 1007](#)
- [West Virginia State Board of Education et al. v. Barnette et al. \(1943\) 319 U.S. 624](#)
- [CSBA District and County Office of Education Legal Services](#)
- [California Department of Education, History/Social Science Instructional Materials](#)
- [CSBA](#)

Cross References

- 4156.2
- 4256.2
- 4356.2
- 6111

Description

- [Awards And Recognition](#)
- [Awards And Recognition](#)
- [Awards And Recognition](#)
- [School Calendar](#)

6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.4	Service Learning/Community Service Classes
6142.4	Service Learning/Community Service Classes
6143	Courses Of Study
6144	Controversial Issues
6145.8	Assemblies And Special Events
6178.1	Work-Based Learning
6178.1	Work-Based Learning

Regulation 6115: Ceremonies And Observances

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 05/04/2023 | Last Reviewed Date: 05/04/2023

Holidays

The Eden Area Regional Occupational Program (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

Cesar Chavez Day - March 31

Memorial Day - Last Monday in May

Juneteenth National Independence Day- June 19

Independence Day - July 4

Labor Day - First Monday in September

Native American Day - Fourth Friday in September

Veterans Day - November 11

Thanksgiving Day - The Thursday in November designated by the President

Christmas Day - December 25

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

In addition, the Eden Area ROP shall be closed on: (Education Code 37220)

1. Any day appointed by the Governor as a holiday or as a special or limited holiday on which the Governor provides that schools shall close, and any
2. Any day appointed by the President as a holiday, including by executive order or by signing into law legislation that creates a nationwide federal holiday
3. Any other day designated as a holiday by the Governing Board and/or negotiated with employee organizations. (Education Code 37220)

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occurs occur 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)

Commemorative Exercises

The Eden Area ROP shall hold exercises in accordance with law to commemorate the following special days: (Education Code 37220, 37221, 45460, 49110.5)

Dr. Martin Luther King, Jr. Day - The Friday before the day schools are closed for this holiday

Abraham Lincoln's Birthday - The school day before the day schools are closed for this holiday

Career Technical Education (CTE) Month - Month of February

Susan B. Anthony Day - February 15

George Washington's Birthday - The Friday preceding the third Monday in February

Black American Day - March 5

Conservation, Bird, and Arbor Day - March 7

Workplace Readiness Week - The week that includes April 28

Classified Employee Week - Third week in May

U.S. Constitution and Citizenship Day - On or near Se

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, or the death of a first responder working in the state who dies while serving in the line of duty
8. On other occasions by order of the President and in accordance with presidential instructions or orders

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

State References

Ed. Code 37220-37222.21

Ed. Code 44015.1

Description

[Holidays and commemorative events](#)

[Week of the School Administrator](#)

Ed. Code 45203
Ed. Code 45460
Ed. Code 49110.5
Ed. Code 52720-52730
Gov. Code 3540-3549.3
Gov. Code 430-439

[Paid holidays](#)
[Classified School Employee Week](#)
[Workplace Readiness Week](#)
[Patriotic exercises and instruction](#)
[Public education employer-employee relations](#)
[Display of flags](#)

Federal References

36 USC 106
4 USC 6
4 USC 7

Description

[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
Website

Description

[Newdow v. Rio Linda Union School District \(9th Cir. 2010\) 597 F.3d 1007](#)
[West Virginia State Board of Education et al. v. Barnette et al. \(1943\) 319 U.S. 624](#)
[CSBA District and County Office of Education Legal Services](#)
[California Department of Education, History/Social Science Instructional Materials](#)
[CSBA](#)

Cross References

4156.2
4256.2
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6178.1

Description

[Awards And Recognition](#)
[Awards And Recognition](#)
[Awards And Recognition](#)
[School Calendar](#)
[Recognition Of Religious Beliefs And Customs](#)
[Recognition Of Religious Beliefs And Customs](#)
[Service Learning/Community Service Classes](#)
[Service Learning/Community Service Classes](#)
[Courses Of Study](#)
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Policy 6141.2: Recognition Of Religious Beliefs And Customs

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature or the arts. The Governing Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world and be consistent with the adopted instructional materials and state standards, as applicable.

{cf. 6143 – Courses of Study}

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. InstructionThe Superintendent or designee shall ensure that instruction about religion shall does not promote or denigrate the beliefs or customs of any particular religion or sect, nor should that a preference be shown for one religious viewpoint over another. Staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces, and treat all religions and religious conviction, including nonbelief, with fairness and respect.

{cf. 0410 – Nondiscrimination in District Programs and Activities}

{cf. 1330 – Use of School Facilities}

{cf. 1325 – Advertising and Promotion}

{cf. 5113 – Absences and Excuses}

{cf. 6145.5 – Student Organizations and Equal Access}

Staff shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students during class time. As part of their official duties, staff Staff shall not leadcoerce students in prayer or other religious activities as part of their official duties. However, staff are not prohibited, when acting in their private capacity, from encouraging students' participation in personal prayer or other religious activity. Additionally, staff shall not prohibit or discourage any student from praying or otherwise expressing his/herthe student's religious belief as so long as this does not disrupt the classroom or other school sponsored activity.

{cf. 5127 – Graduation Ceremony and Activities}

Students may express their beliefs about religion in their homework, artwork, and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, relevance, and other legitimate pedagogical objectives.

{cf. 5121 – Grades/Evaluation of Student Achievement}

{cf. 5145.2 – Freedom of Speech/Expression}

{cf. 6144 – Controversial Issues}

{cf. 6154 – Homework/Make-up Work}

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in at the public schools Eden Area ROP. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and are temporary in nature.

Classroom methods in instruction about religion shall not include religious role-playing activities or simulated

religious devotional acts.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of cultural and religious heritage.

The Eden Area ROP shall not prohibit religious activities if the same or similar non-religious activities are permitted.

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 38130-38139

Ed. Code 46014

Ed. Code 51511

Ed. Code 51938

Description

[Civic Center Act](#)

[Absences for religious purposes](#)

[Religious matters properly included in courses of study](#)

[Right of parent/guardian to excuse from sexual health instruction](#)

Federal References

20 USC 4071-4074

20 USC 6061

20 USC 7904

Description

[Equal Access Act](#)

[School prayer](#)

[School prayer](#)

Management Resources References

California Department of Education Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. Department of Education Publication

Website

Website

Website

Website

Description

[Appendix F history social science framework for California public schools](#)

[Florey v. Sioux Falls \(1980\) 619 F.2d 1311](#)

[Fellowship of Christian Athletes v. San Jose Unified School District Board of Education \(2023\) 82 F.4th 664](#)

[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)

[Cole v. Oroville Union High School District \(2000, 9th Cir.\) 228 F.3d 1092](#)

[Lassonde v. Pleasanton Unified School District \(2003, 9th Cir.\) 320 F.3d 979](#)

[Lemon v. Kurtzman \(1971\) 403 U.S. 602](#)

[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)

[CSBA District and County Office of Education Legal Services](#)

[California Department of Education](#)

[CSBA](#)

[U.S. Department of Education](#)

Cross References

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[Nondiscrimination In District Programs And Activities](#)

[Comprehensive Safety Plan](#)

[Comprehensive Safety Plan](#)

[Advertising And Promotion](#)

[Absences And Excuses](#)

[Absences And Excuses](#)

[Grades/Evaluation Of Student Achievement](#)

5132	Dress And Grooming
5132	Dress And Grooming
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
6111	School Calendar
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6143	Courses Of Study
6144	Controversial Issues
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6154	Homework/Makeup Work
6161.11	Supplementary Instructional Materials

Regulation 6141.2: Recognition Of Religious Beliefs And Customs

Status: DRAFT

Original Adopted Date: 06/05/2020

Staff shall make every effort to schedule one-time events, such as examinations, school-sponsored trips, special laboratories, picture-taking days, and class parties, to minimize conflicts with major religious holidays of all faiths such that no one faith is disproportionately impacted.

(cf. 6111 – School Calendar)

Programs and Exhibits

When school programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The Superintendent or designee shall ensure that school-sponsored programs are presented in an objective manner, consistent with Governing Board policy.
2. The Superintendent or designee shall be kept informed of the program's development.
3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body and staff.

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 38130-38139	Civic Center Act
Ed. Code 46014	Absences for religious purposes
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51938	Right of parent/guardian to excuse from sexual health instruction

Description

Federal References

20 USC 4071-4074	Equal Access Act
20 USC 6061	School prayer
20 USC 7904	School prayer

Description

Management Resources References

California Department of Education Publication	Appendix F history social science framework for California public schools
Court Decision	Florey v. Sioux Falls (1980) 619 F.2d 1311
Court Decision	Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092
Court Decision	Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979
Court Decision	Lemon v. Kurtzman (1971) 403 U.S. 602
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education

Description

Website

[CSBA](#)

Website

[U.S. Department of Education](#)

Cross References

Description

0410

[Nondiscrimination In District Programs And Activities](#)

0450

[Comprehensive Safety Plan](#)

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[Advertising And Promotion](#)

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[Absences And Excuses](#)

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[Absences And Excuses](#)

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[Grades/Evaluation Of Student Achievement](#)

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[Dress And Grooming](#)

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[Dress And Grooming](#)

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[Freedom Of Speech/Expression](#)

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[Freedom Of Speech/Expression](#)

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[School Calendar](#)

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[Ceremonies And Observances](#)

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[Ceremonies And Observances](#)

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[Courses Of Study](#)

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[Controversial Issues](#)

6145.5

[Student Organizations And Equal Access](#)

6145.5

[Student Organizations And Equal Access](#)

6145.8

[Assemblies And Special Events](#)

6154

[Homework/Makeup Work](#)

6161.11

[Supplementary Instructional Materials](#)

Bylaw 9320: Meetings And Notices

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 05/04/2023 | Last Reviewed Date: 05/04/2023

Meetings of the Governing Board are conducted for the purpose of accomplishing Eden Area Regional Occupational Program (Eden Area ROP) business. In accordance with state applicable open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities the opportunity for questions and comments by members of the public to directly address the Board. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board. (Government Code 54952.2)

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, an employee the Superintendent or Eden Area ROP official designee may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or Eden Area ROP official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. (Government Code 54953, 54953.2, 54954.1, 54954.2) Notice of the procedure for receiving and resolving such requests for accommodation described above shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Regular Meetings

The Board shall hold 1 regular meeting(s) each month. Regular meetings shall be held at 5:45 p.m. on the first Thursday (day) at the Eden Area ROP Board Room.

Unless otherwise determined by the Board, the Board shall hold 1 regular meeting(s) each month starting at 5:45 p.m. on the first Thursday (day) of the month at Eden Area ROP in the Board Room located in Building A at 26316 Hesperian Blvd., Hayward, CA 94545).

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the Eden Area ROP's web site website. (Government Code 54954.2)

Whenever Consistent with Government Code 54957.5 and Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. or The records shall be posted on the Eden Area ROP web site, consistent with Government Code 54957.5, website at the time the materials are distributed to all or a majority of the Board. (Government Code 54957.5) if distributed outside of business hours.

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding on any topic within the salary, salary schedule, or other compensation subject matter jurisdiction of the Superintendent, assistant superintendent, or other management employee Board unless otherwise prohibited by law or as described specified in Government Code 3511.1.BB 9323.2-Actions by the Board. (Government Code 54956)

Written At least 24 hours before the time of the meeting, written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the Eden Area ROP's web site. The notice shall be received website, and, at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

~~An emergency situation means either of the following: (Government Code 54956.5)~~

- ~~1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board~~
- ~~2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board~~

The Board may meet in closed session during emergency meetings so long as three-fourths of the members present at the meeting agree or, if less than three-fourths of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification shall be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

An emergency means a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

A dire emergency means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/continue such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned/continued to a later time and place location and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place location where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

~~Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion. Any such meeting, All such meetings shall regardless of title or topic, shall be held as a regular or special meeting, as appropriate, and shall comply with the Brown Act and shall be held in open session and within Eden Area ROP boundaries. Action items shall not be included on the agenda all other requirements for these regular or special meetings. (Government Code 54956)~~

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific Eden Area ROP business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the Eden Area ROP to address a topic of local community concern
3. An open and noticed meeting of another body of the Eden Area ROP
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board established pursuant to Board Bylaw 9130 - Board Committees, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person that are not subject to part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

Location of Meetings

~~Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)~~

~~Meetings shall be held within Eden Area ROP boundaries, except to do any of the following: (Government Code 54954)~~

Unless the Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within Eden Area ROP boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the

Eden Area ROP is a party

2. Inspect real or personal property which cannot conveniently be brought into the Eden Area ROP, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the Eden Area ROP has no meeting facility within its boundaries or if its principal office is located outside the Eden Area ROP
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the Eden Area ROP over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the Eden Area ROP but located outside the Eden Area ROP, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the Eden Area ROP's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the Eden Area ROP
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in Items #1-10 above. All meetings, regardless of location, shall still be subject to comply with the applicable notice and open meeting requirements, for regular and special meetings when a quorum of Board attends the meeting. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Traditional Teleconferencing

A Board member may participate in any meeting by teleconference, is a meeting of the Board in which Board members are in different locations, connected by electronic means through which includes both audio and/or video/audio so long as the following conditions are met: (Government Code 54953)

All teleconferenced meetings shall be

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board. (Government Code 54953) legislative body of a local agency

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction.

All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

3. The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the Board member participating by teleconference, may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference

4. The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting

5. During the teleconference, at least a quorum of the members of the Board shall participate from locations within the Eden Area ROP boundaries. (Government Code 54953)

Unless a Board member participates by teleconference pursuant to the provisions described in the sections "Teleconferencing During a Personal Emergency," "Teleconferencing For 'Just Cause'" or 252 "Teleconferencing During a Proclaimed State of Emergency" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere.

All teleconference locations shall be accessible to the public and the public shall have the right to address the Board directly at each teleconference location. Additional teleconference locations may be provided to the public. (Government Code 54953)

Teleconferencing During a Personal Emergency

Teleconferencing by Individual Board Member Due to Just Cause

Until January 1, 2026, with approval from when there is "just cause" preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without: (Government Code 54953)

1. Including the majority location of the Board, a Board member may be permitted to participate in a meeting remotely when a physical or family medical emergency prevents the Board member from attending in person. The Board member requesting to appear remotely shall notify the Board member participating by teleconference in the agenda

2. Making the location of the emergency situation as soon as possible; Board member participating by teleconference open and provide a concise accessible to the public general description of the circumstances relating to the Board member's need to appear remotely. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

3. Posting the agenda at the location of the Board member participating by teleconference

A Board member may not appear remotely under emergency circumstances for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely under emergency circumstances for more than two meetings. (Government Code 54953)

A Board member needing to participate by teleconference for just cause shall notify the Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

When a Board member is approved to participate remotely due to emergency circumstances, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

For the Board member to participate by teleconference under this section, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall

2. At least a quorum of Board participates in person from a singular location clearly identified on the agenda.

3. If permitted to participate remotely, the Board member shall utilize participating by teleconference utilizes both audio and visual technology and publicly disclose, before any action is taken, whether to

participate in the meeting

4. The Board member participating by teleconference publicly discloses, before any other individuals action is taken, whether any individual 18 years of age or older are is present in the remote location with the Board member, member location and the general nature of the member's relationship with such individuals. (Government Code 54953) each such individual

5. The Eden Area ROP shall also provide public is able to access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the remote platform as well or service, as in person and the addition to public shall be able to offer comment being available in person

The platform or service may require members of the public to register in order to make public comments in real time so long as the platform or service is not controlled by the Eden Area ROP.

6. The agenda shall include for the meeting includes information describing how members of the public can access the platform or service. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

Teleconferencing for "Just Cause"

A Board member may be permitted to appear remotely, pursuant to the provisions below. A Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. A Board member appearing for just cause shall notify the Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting. (Government Code 54953)

Just Cause For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
2. A contagious illness prevents a Board member from attending in person
3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

When a Board member participates remotely for just cause, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If the Board member participates remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

The Eden Area ROP shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

Teleconferencing During a Proclaimed State of Emergency

Until January 1, 2024, the Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within Eden Area ROP boundaries, during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. State or local officials have imposed or recommended measures to promote social distancing
2. For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person would present imminent risks to the health or safety of attendees
3. When it has been determined, by majority vote as described in Item #2 above, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees

To conduct a teleconference meeting for these purposes the following requirements shall be satisfied: (Government Code 54953)

1. The notice and agenda shall be given and posted as otherwise required by the Brown Act
2. The notice and agenda of the meeting shall specify the means by which members of the public may access the meeting and offer public comments, including via a call-in or internet-based service option. Members of the public may be required to register to log in to a meeting when making public comments through an internet web site or other online platform that is operated by a third party and not under the control of the Board.
3. Members of the public shall be allowed to access the meeting, and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code 54954.3
4. Members of the public shall not be required to submit public comments in advance of a Board meeting and shall be provided an opportunity to address the Board and offer comments in real time
5. Public comment periods shall not be closed until the timed public comment period, if such is offered by the Board, has elapsed or, if not timed, until a reasonable amount of time per agenda item has been allowed
6. If during a Board meeting a disruption occurs which prevents the Eden Area ROP from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the district's control that prevents members of the public from offering public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet-based service option to the meeting is restored

The Eden Area ROP may, in its discretion, provide a physical location from which the public may attend or comment. (Government Code 54953)

The Board may continue to conduct meetings by teleconference, as specified above for teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days after teleconferencing for the first time, and every 30 days thereafter, that either: (Government Code 54953)

1. The state of emergency continues to directly impact the ability of the Board to meet safely in person
2. State or local officials continue to impose or recommend measures to promote social distancing

Teleconferencing by Individual Board Member Due to Emergency Circumstances

Until January 1, 2026, when a physical or family medical emergency would prevent a Board member from attending a Board meeting in person, that Board member may request to participate in such meeting by teleconference. The Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the Board. (Government Code 54953, 54954.2)

If the request is granted by the Board, the Board member may participate by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

For the Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting
4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the Eden Area ROP.

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

Teleconference Meetings During a Proclaimed State of Emergency

The Board may conduct a Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency

2. When the Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of the Board members in the agenda

2. Making the locations of Board members open and accessible to the public

3. Posting the agenda at the locations of Board members

For the Board to hold such meeting, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall

2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service

If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the Eden Area ROP.

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953)

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

State References

Ed. Code 35140

Description

[Time and place of meetings](#)

Ed. Code 35143

[Annual organizational meetings; date and notice](#)

Ed. Code 35144

[Special meeting](#)

Ed. Code 35145

[Public meetings](#)

Ed. Code 35145.5

[Agenda; public participation and regulations](#)

Ed. Code 35146

[Closed sessions; student matters](#)

Ed. Code 35147

[Open meeting laws exceptions](#)

Gov. Code 11135

[Prohibition of discrimination](#)

Gov. Code 3511.1

[Local agency executives](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54956	Special Meetings
Gov. Code 54956.5	Emergency meetings
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act

Federal References

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

Management Resources References

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

Cross References

0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1113	District And School Websites
1113	District And School Websites
1113-E PDF(1)	District And School Websites
1220	Citizen Advisory Committees
1220-E PDF(1)	Citizen Advisory Committees

1340	Access To District Records
1340	Access To District Records
1431	Waivers
2000	Concepts And Roles
2111	Superintendent Governance Standards
2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3311	Bids
3311	Bids
3312	Contracts
3314	Payment For Goods And Services
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
6112	School Day
7150	Site Selection And Development
7150	Site Selection And Development
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9100	Organization
9121	President
9230	Orientation
9270	Conflict Of Interest
9270-E PDF(1)	Conflict Of Interest
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E PDF(1)	Actions By The Board
9324	Minutes And Recordings

Bylaw 9323.2: Actions By The Board

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board shall act by a majority vote of all of the membership constituting the Governing Board, unless otherwise required by law. (Education Code 35164, 35165)

{cf. 9000 – Role of the Board}

{cf. 9005 – Governance Standards}

{cf. 9012 – Board Member Electronic Communications}

{cf. 9200 – Limits of Board Member Authority}

An "action" by the Governing Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Governing Board members
2. A collective commitment or promise by a majority of the Governing Board members to make a positive or negative decision
3. A vote by a majority of the Governing Board members when sitting as the Governing Board upon a motion, proposal, resolution, order, or ordinance

The Governing Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Governing Board in open session shall be recorded in the Governing Board minutes. (Education Code 35145)

{cf. 9324 – Minutes and Recordings}

Action on Non-Agenda Items

After publicly identifying the item, the Governing Board may take action on a subject not appearing on the posted meeting agenda under only after publicly identifying the item and if any one of the following conditions are met: (Government Code 54954.2)

1. When a majority of the Governing Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When three-fourths of the members present, or if less than three-fourths of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the Eden Area Regional Occupational Program's (Eden Area ROP) attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier
4. Until December 31, 2025, when a Board member requests to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda

{cf. 9320 – Meetings and Notices}

{cf. 9322 – Agenda/Meeting Materials}

Challenging Board Actions

The Before seeking to file a civil action to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board, the Eden Area ROP's attorney's office or interested person shall first present a demand to "cure and correct" the alleged violation to the Eden Area ROP. If the Eden Area ROP receives a proper demand from the Eden Area ROP attorney's office or any interested person may file to "cure and correct" an action in court for the purpose of: alleged violation of the Brown Act, the Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960, 54960.25)

1. Stopping or preventing the Governing Board's violation or threatened violation of the Brown Act
2. Determining the applicability of the Brown Act to ongoing or future threatened Governing Board actions
3. Determining the applicability of the Brown Act to a past action of the Governing Board that is not specified in Government Code 54960.1, provided that:
 - a. Within nine months of the alleged violation, a cease and desist letter is submitted to the Governing Board, clearly describing the past Governing Board action and the nature of the alleged violation.
 - b. The time for the Governing Board to respond has expired and the Governing Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.
 - c. The action is brought within the time required by Government Code 54960.2.
4. Determining the validity, under state or federal law, of any Governing Board rule or action which penalizes any of its members or otherwise discourages their expression
5. Compelling the Governing Board to audio record its closed sessions because of a court's finding of the Governing Board's violation of any applicable Government Code provision

The Eden Area ROP attorney or any interested person may file an action in court to nullify a Governing Board action which is alleged to be in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Prior to bringing any action to nullify a Governing Board action, the Eden Area ROP attorney or other interested person shall present a demand to "cure and correct" the alleged violation. The demand shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Governing Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Governing Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Governing Board takes no action within the 30-day period, its inaction shall be considered a decision not to cure or correct the challenged action.

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

State References

Code of Civil Procedure 1245.240
Code of Civil Procedure 1245.245

Description

[Eminent domain vote requirements](#)
[Eminent domain; resolution adopting different use](#)

Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue
Ed. Code 15266	School construction bonds
Ed. Code 17466	Declaration of intent to sell or lease real property
Ed. Code 17481	Lease of property with residence for nondistrict purposes
Ed. Code 17510-17512	Leasing for production of gas; resolution requiring unanimous vote
Ed. Code 17546	Private sale of personal property
Ed. Code 17556-17561	Dedication of real property
Ed. Code 35140-35149	Meetings
Ed. Code 35150	Prohibition to terminate superintendent or assistant superintendent at specified meetings or times
Ed. Code 35160-35178.4	Powers and duties
Ed. Code 48660-48661	Community day schools; establishment and restrictions
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 53724	Parcel tax resolution requirements
Gov. Code 53790-53792	Exceeding the budget
Gov. Code 53820-53833	Temporary borrowing
Gov. Code 53850-53858	Temporary borrowing
Gov. Code 54230.5	Disposal of surplus land and receipt of notice of violation
Gov. Code 54230.7	Disposal of surplus land and receipt of notice of violation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.6	Action taken; definition
Gov. Code 54953	Meetings to be open and public; attendance
Gov. Code 54960-54960.5	Actions to prevent violations
Gov. Code 65352.2	Communicating and coordinating of school sites
Pub. Cont. Code 20110-20118.44	School district contracts
Pub. Cont. Code 20113	Emergencies; award of contracts without bids
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account
Pub. Cont. Code 22034	Uniform Public Construction Cost Accounting Act informal bidding ordinance
Pub. Cont. Code 22035	Repair or replacement of facilities in case of emergency
Pub. Cont. Code 22050	Emergency contracting procedures
Pub. Cont. Code 3400	Bid specifications

Management Resources References

Description

Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Court Decision	Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision	Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision	McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010

Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	California Office of the Attorney General
Website	CSBA

Cross References

Description

3260	Fees And Charges
3260	Fees And Charges
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3311	Bids
3311	Bids
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.1	Uniform Public Construction Cost Accounting Procedures
7131	Relations With Local Agencies
7150	Site Selection And Development
7150	Site Selection And Development
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9324	Minutes And Recordings

Exhibit 9323.2-E(1): Actions By The Board

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Reviewed Date: 06/05/2020

RESTRICTIONS ON BOARD ACTIONS

Actions Requiring a Unanimous Vote of the Governing Board
Membership of the Board

1. Resolution authorizing and prescribing the terms of a lease of Eden Area ROP property for extraction and taking of gas not associated with oil (Education Code 17510, 17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Governing Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Actions Requiring a Unanimous Vote of the Governing Board Members Present at the Meeting

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property or donation to a charitable organization requires the unanimous vote of the Governing Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

(cf. 3270 – Sale and Disposal of Books, Equipment and Supplies)

Actions Required to Occur During a Regular Board Meeting

1. Termination of the Superintendent without cause (Education Code 35150)
2. Discussion or action regarding the contract, salary, salary schedule, or other compensation of the Superintendent or other management employee as described in Government Code 3511.1 (Government Code 54956)

Prohibitions on Certain Board Actions

1. Termination of the Superintendent without cause within 30 days after the first convening of the Board after an election at which one or more Board members are elected or recalled (Education Code 35150)

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

Code of Civil Procedure 1245.240	Eminent domain vote requirements
Code of Civil Procedure 1245.245	Eminent domain; resolution adopting different use
Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue
Ed. Code 15266	School construction bonds
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Ed. Code 17556-17561	Dedication of real property
Ed. Code 35140-35149	Meetings

Ed. Code 35150	Prohibition to terminate superintendent or assistant superintendent at specified meetings or times
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Ed. Code 48660-48661	Community day schools; establishment and restrictions
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
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Gov. Code 53790-53792	Exceeding the budget
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Gov. Code 53850-53858	Temporary borrowing
Gov. Code 54230.5	Disposal of surplus land and receipt of notice of violation
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Gov. Code 65352.2	Communicating and coordinating of school sites
Pub. Cont. Code 20110-20118.44	School district contracts
Pub. Cont. Code 20113	Emergencies; award of contracts without bids
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account
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Pub. Cont. Code 22050	Emergency contracting procedures
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Court Decision	Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision	Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision	McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
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3260	Fees And Charges
3260	Fees And Charges

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9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9324	Minutes And Recordings

ACTION ITEMS



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 8-23/24: Day of the Teacher

BACKGROUND:

The CDE encourages schools to recognize May 8, 2024, as California Day of the Teacher. California Day of the Teacher, celebrated on the second Wednesday of May, arose out of legislation co-sponsored by the California Teachers Association and the Association of Mexican American Educators. Senator Joseph Montoya wrote the bill, which was adopted in 1982. California has patterned its celebration after the traditional El Dia del Maestro festivities observed in Mexico and other Latin American countries.

CURRENT SITUATION:

Day of the Teacher is observed on May 8, 2024 by schools in the State of California. Attached Resolution 8-23/24 officially recognizes the contributions of the instructional staff of the Eden Area ROP to the students of our school and the community.

Quality education depends on a quality teaching staff. The Eden Area ROP is extremely fortunate in their teaching staff and their ability to educate, mentor and develop a relationship with their students.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 8-23/24: Day of the Teacher.

 **EdenAreaROP**
RESOLUTION NO. 8-23/24

Day of the Teacher: May 8, 2024

WHEREAS, providing quality education to our young people continues to be our greatest challenge in education, as well as our most vital responsibility; and

WHEREAS, we rely on our teachers to ensure proper instruction in a wide variety of subjects, and

WHEREAS, the Eden Area Regional Occupational Program (Eden Area ROP) Governing Board recognizes the unique and highly specialized skills that are required to meet the needs of the students served by Eden Area ROP instructional programs, and are proud of the success that these programs have experienced in the past and in the present; and

WHEREAS, the members of the Eden Area ROP Governing Board wish to express their appreciation and respect for the teachers who are part of the Eden Area ROP instructional programs for the outstanding and meaningful contributions they are making to our students; and

WHEREAS, May 8, 2024 has been established as the Day of the Teacher by the State of California;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Eden Area ROP Governing Board do hereby declare their support for the celebration of the Day of the Teacher, May 8, 2024

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 2nd day of May 2024, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

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



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 9-23/24: Classified Employees' Week

BACKGROUND

The CDE encourages schools to recognize May 19–25, 2024, as Classified School Employee Week. Classified School Employee Week is celebrated on the third full week in May each year, from Sunday to Saturday.

CURRENT SITUATION

Annually in the state of California, the third full week in May is designated as Classified Employees' Week. This year Classified Employees' Week will be May 19-25. School districts throughout California recognize the contributions made to the education of our students by these valuable employees.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 9-23/24: Classified Employees' Week.

 **EdenAreaROP**
RESOLUTION NO. 9-23/24

Classified Employees' Week: May 19-25, 2024

WHEREAS, classified school employees contribute to the establishment and promotion of a positive learning environment; and

WHEREAS, classified school employees provide valuable services to the schools and students of the Eden Area Regional Occupational Program (Eden Area ROP); and

WHEREAS, classified school employees play a vital role in providing for the welfare and safety of the students of the Eden Area ROP; and

WHEREAS, classified school employees employed by the Eden Area ROP strive for excellence in all areas relative to the educational community; and

WHEREAS, May 19-25, 2024 has been established as Classified School Employees' Week by the State of California;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Eden Area ROP Governing Board do hereby thank and commend the classified staff of the Eden Area ROP for the outstanding and meaningful contributions they make to all Eden Area ROP students and declare the week of May 19-25, 2024 as Classified Employees' Week at the Eden Area ROP.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 2nd day of May 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 10-23/24: Temporary Borrowing Between Funds

BACKGROUND

Per Education Code 42603, it states that “Amounts apportioned to school districts pursuant to this article shall supplement, and not supplant, apportionments received pursuant to any other provision of law.” It provides the Governing Board with the authority to borrow between funds temporarily to address cash flow shortages.

CURRENT SITUATION

Education Code 42603 permits the Governing Board authority to delegate duties to an officer of the District. This action item authorizes the Superintendent of Eden Area ROP to borrow between funds temporarily to address cash flow shortages and to permit the payment of obligations and expenditures that the District will incur for Fiscal Year 2024-2025.

The limitations associated with this type of borrowing allows that no more that 75% of money held in any fund during the current fiscal year may be transferred. Additionally, funds shall be repaid in the same fiscal year (i.e., by June 30) if the transfer is completed prior to the last 120 days of the fiscal year. If funds are transferred within the last 120 days of the fiscal year, repayment of the funds shall be made prior to June 30 in the subsequent year.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 10-23/24: Temporary Borrowing Between Funds.

 **Eden Area ROP**
RESOLUTION NO. 10-23/24

Temporary Borrowing Between Funds

WHEREAS, the Governing Board of the Eden Area Regional Occupational Program (Eden Area ROP) has determined that there may be insufficient cash to meet current obligations; and

WHEREAS, Education Code Section 42603 permits the Governing Board of any school district to direct that monies held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations. The transfer shall be accounted for as temporary borrowing between funds and shall not be available for appropriation or be considered income to the borrowing fund.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Education Code Section 42603, monies may be transferred between funds of the district and repaid in accordance with Education Code Section 42603.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 2nd day of May 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 11-23/24: Year End Budget Transfers of Funds

BACKGROUND

Per Education Code 42600, it states that "Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications at any time by written resolution of the board of education of any school district governed by a board of education... A resolution providing for the transfers specified in this section shall be approved by a majority vote of the members of the governing board." Education Code 42601 continues on by stating that "At the close of any school year a school district may, with the approval of the governing board, identify and request the county superintendent of schools to make the transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification or classifications, or balance any expenditure classifications of the budget of the district for that school year as necessary to permit the payment of obligations of the district incurred during that school year." Furthermore, Education Code 42602 states that "the governing board of any school district may, by a majority vote of its membership, and with the approval of the county superintendent of schools, budget and use any unbudgeted income provided during the fiscal year from any source." Education Code 42610 concludes by saying that "the governing board of the school district shall, by formal action of the board, pass a resolution setting forth the need according to major classification of school district expenditures to be met from any portion of the general reserve derived from assured income in excess of the total amount anticipated in the budget."

CURRENT SITUATION

Education Codes cited above permits the Governing Board authority to delegate duties to an officer of the District. Therefore, this action item authorizes the Superintendent of Eden Area ROP to make budget transfers as may be needed between classifications or between undistributed reserves and the various revenue/expenditure classifications in order to permit the payment of obligations of the District incurred in Fiscal Year 2024-2025.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 11-23/24: Year End Budget Transfers of Funds.

 **Eden Area ROP**
RESOLUTION NO. 11-23/24

Year End Budget Transfers of Funds

WHEREAS, the Governing Board on June 9, 2023, adopted its budget for Fiscal Year 2023-2024; and

WHEREAS, revenues will be received which were unanticipated at the time of budget adoption or will be received in amounts greater or less than the amount anticipated and budgeted; and

WHEREAS, expenditures in certain classifications will be required in excess of amounts budgeted; and

WHEREAS, amounts budgeted in certain other classifications will not be required for expenditure in those classifications; and

WHEREAS, Education Code Section 42602 provides the Governing Board with the authority to budget and use any unbudgeted income provided during the year from any source; and

WHEREAS, Education Code Sections 42600, 42601, 42602, and 42610 provide the Governing Board with the authority to transfer budgets between major expenditure classifications or from undistributed reserves; and

WHEREAS, Education Code Section 5161 permits the Governing Board authority to delegate duties to an officer of the District.

NOW, THEREFORE, BE IT RESOLVED that the Superintendent of Eden Area Regional Occupational Program (Eden Area ROP) is hereby authorized and directed to make such budget transfers as may be needed between classifications or between the undistributed reserves and the various revenue/expenditure classifications to permit the payment of obligations of the District incurred in Fiscal Year 2022-2023 under the provisions of Education Code Sections 35161, 42600, 42601, 42602, and 42610.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 2nd day of May 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 12-23/24: Authority to Sign Contracts for Fiscal Year 2024-2025

BACKGROUND

The Governing Board can delegate to the Superintendent and/or designee(s) the authority to sign contracts on behalf of Eden Area ROP.

CURRENT SITUATION

By adopting Resolution 12-23/24, the Governing Board authorizes the named positions to sign contracts on behalf of the Governing Board for Fiscal Year 2024-2025. Driven by Public Contract Code 20118, all contracts signed by the individuals listed in Resolution 12-23/24 are ultimately ratified by the Board either by way of personnel appointments, approval of warrants, or other methods, in relation to purchasing, by limiting the authority to sign to correspond with bidding limitation.

This resolution is for Fiscal Year 2024-2025 and will be brought back to the Board each fiscal year for review.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 12-23/24: Authority to Sign Contracts for Fiscal Year 2024-2025.

 **EdenAreaROP**
RESOLUTION NO. 12-23/24

Authority to Sign Contracts for Fiscal Year 2024-2025

WHEREAS, the Governing Board hereby delegates to the Administrators listed below the power to enter into contracts on behalf of the Eden Area Regional Occupational Program (Eden Area ROP) for current fiscal year, pursuant to Public Contract Code 20118.

WHEREAS, such power is limited to the subject matters and monetary limits set forth in Public Contract Code 20111 and 20112.

WHEREAS, such delegated power shall be exercised in accordance with the provisions of Public Contract Codes 20111, 20112, and 20118.

NOW, THEREFORE, BE IT RESOLVED, the officers to whom such power to enter into contracts is delegated are: Superintendent, Director of Adult Programs, Principal, Assistant Principal, Fiscal Services Administrator and Human Resources Administrator.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 2nd day of May 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 13-23/24: Delegation of Powers to Agents for Fiscal Year 2024-2025

BACKGROUND

Per Education Code 17604, it states that “Wherever in this code the power to contract is invested in the governing board of the school district ... may by a majority of the board be delegated to its superintendent, or to any persons that he or she may designate, or if there be no district superintendent then to any other officer or employee of the district that the board may designate. The delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct. However, no contract made pursuant to the delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board...” Education Code 17605 further states that the “governing board by majority vote may adopt a rule, delegating to any officer or employee of the district as the board may designate, the authority to purchase supplies, materials, apparatus, equipment, and services. No rule shall authorize any officer or employee to make any purchases involving an expenditure by the district in excess of the amount specified by Section 20111 of the Public Contract Code.”

CURRENT SITUATION

By adopting Resolution 13-23/24, per Education Codes 17604 and 17605, the Governing Board delegates authority to the Superintendent and/or designee(s) and to proceed with all the necessary steps as to calling for bids and awarding those bids prior to the Governing Board approval, with those actions being brought back to the Governing Board for ratification at the appropriate meeting. Such power to contract will conform in all instances with the legal requirement of Public Contract Code 20111, 20112, 20114 and 20118.4.

By proceeding in this fashion, we have found that we are able to cut between 3-8 weeks from the normal time period for making commitments for various items within budget.

This resolution is for Fiscal Year 2024-2025 and will be brought back to the Governing Board each fiscal year for review.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 13-23/24: Delegation of Powers to Agents for Fiscal Year 2024-2025.

Eden Area ROP **RESOLUTION NO. 13-23/24**

Delegation of Powers to Agents for Fiscal Year 2024-2025

WHEREAS, the Governing Board desires to streamline the procurement of goods, and services for the Eden Area Regional Occupational Program (Eden Area ROP); and

WHEREAS, delays in contracting and purchasing may cause increase cost and decreased services to the district, and

WHEREAS, Education Codes 17604 and 17605 allows the Governing Board of a school district may delegate the authority to enter into contracts, purchase of supplies, materials, apparatus, equipment and services with a blanket authorization.

NOW, THEREFORE, BE IT RESOLVED that the Eden Area ROP Governing Board hereby delegates the authority contained in Education Codes 17604 and 17605 to the Superintendent and/or designee(s); and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this delegation is for contracts, change orders, purchase of supplies, materials, apparatus, equipment and services for current fiscal year, if they are in the approved budget, and must be ratified by the Governing Board within sixty (60) days of incurring the expenses; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that all contracts and purchases will conform in all instances with the legal requirements of Public Code 20111, 20112, 20114 and 20118.4, equipment and services for Fiscal Year 2024-2025.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 2nd day of May 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 14-23/24: Retirement: Linda Granger

CURRENT SITUATION

The attached Resolution 14-23/24 recognizes Linda Granger on the occasion of her retirement for dedicated and compassionate service to the Eden Area ROP students and extends appreciation for her service.

RECOMMENDATION

It is recommended that the Governing Board approve the Adoption of Resolution 14-23/24: Retirement: Linda Granger.

 **Eden Area ROP**
RESOLUTION NO. 14-23/24

Retirement: Linda Granger

WHEREAS, Linda Granger has worked in public education for 33 years; and

WHEREAS, Linda Granger supported and implemented the Eden Area ROP's mission 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; and

WHEREAS, Linda Granger has been instrumental in providing career technical education and academic support to the students of the four participating school districts of the Joint Powers Agreement (JPA): Castro Valley, Hayward, San Leandro and San Lorenzo School Districts; and

WHEREAS, Linda Granger has served with great distinction; and

WHEREAS, Linda Granger has been a warm, thoughtful, honorable and dedicated employee and friend with a compassionate heart for the students and staff of the Eden Area ROP; and

WHEREAS, Linda Granger has decided to retire from Public Education on June 30, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Eden Area ROP Governing Board do hereby commend Linda Granger and express their sincere appreciation for her significant service to the Eden Area ROP; and

BE IT FURTHER RESOLVED, that the Eden Area ROP Governing Board extends the very best wishes and congratulations to Linda Granger and that a copy of this resolution be presented to her as an expression of great esteem and gratitude.

PASSED AND ADOPTED this 2nd day of May 2024.

AYES:
NOES:
ABSTENTIONS:
ABSENT:

James Aguilar, Board President
Eden Area ROP Governing Board



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
PREPARED BY: Manuschka Michaud, Principal
SUBJECT: Request the Governing Board to approve the Agreement with Cheryl Gixti for Workability Grant Support for the 2023-2024 School Year

BACKGROUND

The California Department of Education has approved the Eden Area ROP's reapplication to the Workability I Program for the 2023-2024 school year. The money from this grant directly pays the salary, benefits and operating costs associated with the Community Access Training for Transition (CATT) Program and the Merchandising Occupations Program. These programs find employment and provide training for special education students to enter the workforce.

To ensure a smooth and accurate Workability report to be submitted to the California Department of Education, Mrs. Gixti will provide the Eden Area ROP with Workability compliance services. The support will consist of presentations, database entry, communication with stakeholders, emails, and training to comply with state Workability requirements.

CURRENT SITUATION

As the Eden Area ROP's Merchandising Occupations program has a new instructor, Mrs. Gixti, retired Merchandising Occupations Instructor, will train and support the new instructor with the process and budget aspects of the Workability Grant (GAN)

Mrs. Gixti has a background in the Workability grant, and she is willing to provide services to the Eden Area ROP based on this background. Mrs. Gixti will organize, oversee, and execute the Workability compliance report that will be submitted to California's Department of Education before the fiscal year end.

The attached is a copy of the agreement between Cheryl Gixti and the Eden Area ROP to provide Workability Grant support for the 2023-2024 school year.

RECOMMENDATION

It is recommended that the Governing Board approve the agreement with Cheryl Gixti for Workability Grant support for the 2023-2024 school year.

AGREEMENT FOR SERVICE 2023-2024

26316 Hesperian Blvd., Hayward, CA 94545 | P: (510) 293-2905 | F: P: (510) 293-2927 | www.edenrop.org

This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Cheryl Gixti (the "Service Provider") between April 16, 2024 - May 16, 2024.

Background:

- A. The Customer is of the opinion that the Service Provider has the necessary qualifications, experience, and abilities to provide services to the Customer.
- B. The Service Provider is agreeable to providing such services to the Customer on the terms and conditions set out in this Agreement.
- C. Cheryl Gixti has a background in the Workability Grant and is willing to provide services to Eden Area ROP based on this background.

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

Services Provided

1. The Customer hereby agrees to engage the Service Provider to provide the Customer with services (the "Services") consisting of but not limited to the following:
 - Workability Support Emails
 - Workability Support Presentations
 - Data Entry in the Workability Database

Term of Agreement

2. The term of this Agreement will be from April 16, 2024, and will remain in full force and effect until May 16, 2024, and not to exceed sixty (60) total hours, subject to earlier termination as provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.

Performance

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

Compensation

4. Eden Area ROP will pay a fee to Cheryl Gixti for the Services based on \$90.00 per hour. This fee shall be payable monthly, at Net 30, upon invoicing of services.
5. Service Provider must submit an itemized invoice to Business Services which includes dates, time, and type of worked accomplished.

Confidentiality

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

Non-Competition

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

Ownership of Materials

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

Return of Property

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

Assignment

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

Capacity/Independent Contractor

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

Modification of Agreement

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

Notice

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

Costs and Legal Expenses

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

Time of the Essence

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

Entire Agreement

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

Limitation of Liability

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

Indemnification

19. The Service Provider agrees to hold harmless and indemnify Eden Area ROP and its Governing Board, officers, agents, and employees from any and all claims and losses accruing or resulting against the Customer by any other party, arising directly or indirectly out of the provision of the Services by the Service Provider.

Inurement

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

Currency

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

Titles/Headings

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

Gender

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

Governing Law

24. It is the intention of the parties to this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and governed, to the exclusion of the

law of any other forum, by the laws of the State of California, without regard to the jurisdiction in which any action or special proceeding may be instituted.

Severability

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

Waiver

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

Additional Provisions

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

Cheryl Gixti, Service Provider

Date

Blaine Torpey, Superintendent
Eden Area ROP

Date

COMMUNICATIONS



Alameda County Office of Education

Alysse Castro, Superintendent

April 19, 2024

Blaine Torpey, Superintendent
Members of the Board of Education
Eden Area ROP (EAROP)
26316 Hesperian Blvd, Hayward, CA 94545

RE: 2023-24 Second Interim Budget Report

Dear Superintendent and Members of the Board,

EAROP filed a POSITIVE certification of the ROP's 2023-2024 Second Interim Budget Report covering the period ending January 31, which EAROP's Board of Education approved on March 7, 2024. A Positive Certification is assigned when a local educational agency will meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent two fiscal years. ACOE has reviewed EAROP's Second Interim Budget Report and concurs with the ROP's POSITIVE certification.

If you have any questions or concerns regarding our review process, please don't hesitate to reach out to me or the District Business & Advisory Services Team.

With appreciation to the ROP staff, Board, and community for their continued efforts,

Alysse Castro
Alameda County Superintendent of Schools

cc: Anthony Oum, Fiscal Services Administrator, EAROP
Allan Garde, Associate Superintendent of Business Services, ACOE
Shirene Moreira, Chief of District Business & Advisory Services, ACOE
Joan Laursen, Director III, District Business & Advisory Services, ACOE
Nathan Lau, Director I, District Advisory Services, ACOE

FUTURE MEETING DATES



DATE: May 2, 2024
TO: ROP Governing Board
FROM: Blaine Torpey, Superintendent
SUBJECT: Upcoming Eden Area ROP Governing Board Meeting Dates

BACKGROUND

The Eden Area ROP Governing Board meets the first Thursday of every month (with the exception of January and July) and meetings begin promptly at 5:45 p.m. in the Eden Area ROP Boardroom in Building A, unless posted otherwise.

CURRENT INFORMATION

Governing Board meetings begin promptly at 5:45 p.m. on the dates listed below:

Friday, June 7, 2024 (1 st Friday at 5:45 pm)	Regular Board Meeting
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RECOMMENDATION

Information only