



# EdenAreaROP

## GOVERNING BOARD MEETING AGENDA

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

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**Thursday, September 5, 2024**  
**5:45 pm**

### GOVERNING BOARD MEMBERS

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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
Dr. April Oquenda, Member	Hayward Unified School District

### MISSION STATEMENT

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



## Regular Meeting of the ROP Governing Board

Date: Thursday, September 5, 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/96157644480?pwd=XfHTjHcFvwObgrh5rv5jEOxdbMecYw.1>

### **Attend Zoom Meeting Instructions:**

- **To observe the meeting by video conference**, please click on [LINK](#) or go <https://zoom.us/j/96157644480?pwd=XfHTjHcFvwObgrh5rv5jEOxdbMecYw.1> to at the noticed meeting time.

Meeting ID: **961 5764 4480**

Passcode: **EAROP2425**

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 **1-669-900-9128**, then enter ID **961 5764 4480**, then press “#”. Passcode: **458056340**

Find your local number: <https://zoom.us/u/aeDS9Yfjh1>

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. Individual speakers are asked to limit their comments to no more than three (3) minutes, unless the Board decides otherwise. 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. Individual speakers are asked to limit their comments to no more than three (3) minutes, unless the Board decides otherwise.

**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. Individual speakers are asked to limit their comments to no more than three (3) minutes, unless the Board decides otherwise.

**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 August 8, 2024 (pages 5-11)

**Page 3 – Agenda for the September 5, 2024 Regular Meeting of the ROP Governing Board**

- B. Request the Governing Board to approve the Bill Warrants (pages 12-21)
- C. Request the Governing Board to approve the Personnel Action Items (pages 22-23)
- D. Request the Governing Board to approve the Listed Donations-Car Show Sponsors (page 24)
- E. Request the Governing Board to approve the Receipt of the Middle College and Early College Grant Program Funds (pages 25-27)
- F. Request the Governing Board to approve the DECA Overnight Field Trips for the 2024-2025 School Year (page 29)
- G. Request the Governing Board to approve the SkillsUSA Overnight Field Trips for the 2024-2025 School Year (page 30)
- H. Request the Governing Board to approve the Agreement with Deborah Maynard for Curriculum Development for the 2024-2025 School Year (pages 31-35)
- I. Request the Governing Board to approve the Agreement with Lozano Smith, LLP for Legal Services for the 2024-2025 School Year (pages 36-42)
- J. Request the Governing Board to approve the MOU with the Associated Builders and Contractors of Northern California (ABC NorCal) for the 2024-2025 School Year (pages 43-45)
- K. Request the Governing Board to approve the MOU with the California American Fire Sprinkler Association (CAFSA) for the 2024- 2025 School Year (pages 46-48)
- L. Request the Governing Board to approve the MOU with the Hayward Unified School District for Student Transportation for 2024-2025 School Year (pages 49-51)
- M. Request the Governing Board to approve the MOU with the San Lorenzo Unified School District for Student Transportation for 2024-2025 School Year (pages 52-56)
- N. Request the Governing Board to approve the Contract with San Jose Charter for Student Transportation for 2024-2025 School Year (pages 57-59)

**IX. Information Items**

- A. Opening of School for the 2024-2025 School Year (page 60)
- B. Eden Area ROP Service Awards (page 61)
- C. Dates for the Sophomore Tours and the Student Awards Ceremony (page 62)
- D. The Superintendent's Evaluation Timeline Revised (pages 63-65)
- E. First Reading of Governing Board Policies, Administrative Regulations, and Exhibits (pages 66-216)

**X. Action Items**

- A. Request the Governing Board to approve Fiscal Year 2023-2024 Unaudited Actuals Income and Expenditure Report (page 217)
- B. Request the Governing Board to approve the Adoption of Resolution 4-24/25: Support of Prop 2 Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (pages 218-221)
- C. Request the Governing Board to approve the Pathway Coordinator (Classified Exempt) Position and Job Description (pages 222-225)

- D. Request the Governing Board to approve the Revised Salary Schedule (Chart 3) (pages 226-227)
- E. Request the Governing Board to approve the Agreement with the Hatch for Zero Emission Vehicle Training Program Development Consultancy Services for the 2024-2025 School Year (pages 228-243)

**XI. Superintendent’s Report**

**XII. Governing Board Reports**

**XIII. 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. Conference with Labor Negotiators, (Pursuant to Government Code Section 54957.6)  
Agency Representative: James Aguilar, Board President  
Unrepresented Employee: Blaine Torpey, Superintendent

**XIV. 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. Conference with Labor Negotiators, (Pursuant to Government Code Section 54957.6)  
Agency Representative: James Aguilar, Board President  
Unrepresented Employee: Blaine Torpey, Superintendent

**XV. Adjournment**

# CONSENT CALENDAR

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**Minutes of the Regular Meeting of the ROP Governing Board  
August 8, 2024**

**I. Call to Order**

Penny Peck, Board Vice President, called the meeting to order at 5:45 p.m. on Thursday, August 8, 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 5:56 pm
Penny Peck, Vice President	San Lorenzo USD	
Gary Howard, Member	Castro Valley USD	
Ken Rawdon, Alternate	Hayward USD	

Eden Area ROP Governing Board Members Absent:

Dr. April Oquenda, Member                      Hayward USD

Eden Area ROP Superintendent/Clerk of the Board Present:

Blaine Torpey

Eden Area ROP Administrators Present:

Mercedes Henderson	Human Resources Administrator
Craig Lang	Director of Adult Programs
Manuschka Michaud	Principal
Anthony Oum	Fiscal Services Administrator
Michelle Stephens	Assistant Principal-Educational Services
Mark Rizkallah	Assistant Principal-Pathways

Eden Area ROP Staff Present:

Gabriela Juarez	Executive Assistant
Daniel Pareja	Automotive Collision and Refinishing Instructor
John Peters	First Responder (Fire Science/EMT) Instructor

**III. Pledge of Allegiance**

Anthony Oum led the Pledge of Allegiance.

**IV. Mission Statement**

Michelle Stephens read the Eden Area ROP mission statement.

**V. Core Values**

Blaine Torpey read the Eden Area ROP core values.

**VI. Approval of Agenda**

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

AYES:	3 (Howard, Peck, Rawdon)
NOES:	0

ABSTENTIONS: 0  
ABSENT: 2 (Aguilar, Oquenda)

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

None.

**VIII. Consent Calendar**

Trustee Ken Rawdon moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of June 7, 2024
- B. Bill Warrants
- C. Personnel Action Items
- D. Quarterly Report on Williams Act Complaints and Resolutions
- E. Disposal of Obsolete or Surplus Items
- F. Eden Area ROP Organization Chart for the 2024-2025 School Year
- G. Superintendent's Goals for the 2024-2025 School Year
- H. Recycling Donations Received by Eden Area ROP for the 2024-2025 School Year
- I. Agreement with Burnham Benefits Insurance Services for Employer Reporting Services for the 2024-2025 School Year
- J. Agreement with the California School Boards Association District Services Corporation (CSBADSC) for GASB Full Report Services for the 2023-2024 School Year
- K. Agreement with the City of Hayward to support the Eden Area ROP/Hayward Unified School District Urban Farming Summer Internships
- L. Agreement with ESI Employee Assistance Group for Participation in their Employee Assistance Program from June 1, 2024 through May 31, 2025
- M. Agreement with the Fresno County Office of Education (FCOE) for Direct Support Professional Training for the 2024-2025 School Year
- N. Agreement with School Services of California and MetroEd for a Career Technical Education Joint Power Authority Coalition for the 2024-2025 School Year
- O. Lease Agreement with L & M Investments for the Use of Facilities for the Electrical Trainee Program that is Operated in Turlock, CA from October 2024 through September 2026
- P. Agreement with Sonia Elgar for Business Services Support for the 2024-2025 School Year
- Q. Contract with American Stage Tours for Sophomore Tour Transportation for the 2024-2025 School Year
- R. MOU with the Alameda County Office of Education (ACOE) for Payroll Services for the 2024-2025 School Year
- S. MOU with the Hayward Unified School District for the Independent Study Teacher to Support the Downtown Hayward Promise Neighborhoods Program for July 1, 2024-June 30, 2025
- T. MOU with the Northern California College Promise Coalition (NCCPC) for Organization Champion Coalition Membership for the 2024-2025 School Year

Trustee Gary Howard seconded the motion.

AYES: 3 (Howard, Peck, Rawdon)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 2 (Aguilar, Oquenda)

Board President, James Aguilar, arrived at 5:56 pm and resumed leading the Board meeting.



## **IX. Information Items**

### **A. SkillsUSA National Competition Update**

Manuschka Michaud, Principal, shared that the SkillsUSA National Competition is a Career Technical Student Organization that supports students with leadership and engagement with their future careers. Ms. Michaud then invited two instructors, Daniel Pareja, the Auto Collision and Refinishing Instructor, and Captain John Peters, the First Responder (Fire Science/EMT) Instructor, to discuss their experiences at the national event in Atlanta, GA.

Mr. Pareja and Captain Peters highlighted the importance of the SkillsUSA Nationals in ensuring that their curriculum remains aligned with industry standards. For both instructors, the event provided a valuable opportunity to connect with industry leaders and observe cutting-edge technologies shaping their fields. Mr. Pareja emphasized how the competition motivates him to update his curriculum, particularly by aligning it with ICAR certifications in Auto Collision Repair. Captain Peters shared similar sentiments, noting how the event reaffirmed the quality of their teaching and provided a platform to connect with peers from across the country.

The instructors also discussed the competition's impact on their students. The event allows students to showcase their skills on a national stage, gain confidence, and develop essential communication skills through activities like pin trading, which encourages them to engage with peers from other states. This experience significantly enhances the students' public speaking, marketing, and interpersonal skills.

They shared specific successes from the competition, such as Cassandra's participation in Auto Collision and Easton's performance in the Firefighting category, where he placed 13th out of 32 participants. Easton, the youngest competitor in his category, excelled despite facing off against more experienced participants. Both instructors expressed pride in their students' achievements and emphasized the transformative impact of SkillsUSA on their educational journey.

The trustees expressed admiration for the program and the dedication of the instructors, recognizing the immense value that competitions like SkillsUSA bring to students' education and future careers.

### **B. Summer Programs Update**

Michelle Stephens, Assistant Principal-Educational Services, shared an overview of the summer programs with the Board. Mrs. Stephens managed these programs and highlighted the various initiatives and activities that took place.

She began by discussing the Urban Farming Internship, funded by a City of Hayward Grant and Hayward Unified School District. The program had three interns on campus, working under the guidance of Dale Garrison and Linden Keiffer, Eden Area ROP Security, who are known for their versatility in security, maintenance, and groundskeeping. These interns, along with others placed in various locations gained hands-on experience in Urban Farming. The summer program culminated in a celebration held in the Culinary Science classroom, where the interns shared their experiences. Distinguished guests, including Mayor Mark Salinas, attended the event. The celebration continued in the garden, where attendees enjoyed lunch and saw the results of the interns' work, with a plaque dedicated to the program.

Mrs. Stephens then moved on to the Student Training and Employment Program (STEP), managed by Workforce Readiness Coordinator, Gilbert Seegmiller. The program placed

students in various positions, including medical and dental offices, as well as summer school office support. Mrs. Stephens visited the Native American Health Facility in Oakland, where students were placed in communications, HR, and medical careers. She noted how the students were excited about the possibilities in these fields, and the staff was enthusiastic about the students' progress.

Additionally, at the Center a summer program was offered to serve over 168 rising 8th graders. The students participated in five different pathways, including Construction Technology, Auto Refinishing, Entrepreneurship, Dental Assisting, and Cybersecurity. Each pathway offered hands-on learning opportunities, from creating planter pots and cornhole sets to designing metal sheets and making toothpaste. The Cybersecurity program was particularly relevant, as it coincided with a significant cybersecurity breach at Patelco Credit Union, giving students real-world context for their learning.

Lastly, Mrs. Stephens discussed the Chabot High School Summer Academy, which served over 281 high school students through concurrent enrollment programs. With eight course offerings across six industry pathways, the program ran from June 16th to August 2nd. Mrs. Stephens expressed excitement for the success of the summer programs and looked forward to the upcoming fall semester.

**X. Action Items**

**A. Request the Governing Board to approve the adoption of Resolution 1-24/25: Signature Card-Board Members, Resolution 2-24/25: Signature Card-Authorized Agents: Payroll Warrants and Disbursements, Resolution 3-24/25: Signature Card-Authorized Agents: Official Documents and Reports**

Upon review of and a motion by Trustee Penny Peck and a second by Trustee Gary Howard the Governing Board approved the adoption of Resolution 1-24/25: Signature Card-Board Members, Resolution 2-24/25: Signature Card-Authorized Agents: Payroll Warrants and Disbursements, Resolution 3-24/25: Signature Card-Authorized Agents: Official Documents and Reports.

AYES: 4 (Aguilar, Howard, Peck, Rawdon)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 1 (Oquenda)

**B. Request the Governing Board to approve the Medical Assisting Certified Electrocardiogram Technician (CET) Course**

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Penny Peck the Governing Board approved the Medical Assisting Certified Electrocardiogram Technician (CET) course .

AYES: 4 (Aguilar, Howard, Peck, Rawdon)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 1 (Oquenda)

**C. Request the Governing Board to approve the Agreement with Allied Path Consulting for Employee Equity Work and Administrative Coaching for the 2024-2025 School Year**

Upon review of and a motion by Trustee Ken Rawdon and a second by Trustee Penny Peck the Governing Board approved the Agreement with Allied Path Consulting for employee equity work and administrative coaching for the 2024-2025 school year.

AYES: 4 (Aguilar, Howard, Peck, Rawdon)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 1 (Oquenda)

**D. Request the Governing Board to approve the Agreement with Christy White, Inc for Auditing Services for the 2024-2025, 2025-2026, 2026-2027, 2027-2028 (Optional) and 2028-2029 (Optional) School Years**

Upon review of and a motion by Trustee Penny Peck and a second by Trustee Gary Howard the Governing Board approved the agreement with Christy White, Inc for auditing services for the 2024-2025, 2025-2026, 2026-2027, 2027-2028 (Optional) and 2028-2029 (Optional) school years.

AYES: 4 (Aguilar, Howard, Peck, Rawdon)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 1 (Oquenda)

**E. Request the Governing Board to approve the Agreement with Courtlandt Butts, Life Guardian Worldwide for Administrative Team Equity Work Coaching for the 2024-2025 School Year**

Upon review of and a motion by Trustee Penny Peck and a second by Trustee Gary Howard the Governing Board approved the agreement with Courtlandt Butts, Life Guardian Worldwide for administrative team equity work coaching for the 2024-2025 school year.

AYES: 4 (Aguilar, Howard, Peck, Rawdon)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 1 (Oquenda)

**F. Request the Governing Board to approve the Keenan & Associates to implement the Workplace Violence Prevention Plan (WVPP) for the 2024-2025 through 2026-2027 School Years**

Upon review of and a motion by Trustee Penny Peck and a second by Trustee Gary Howard the Governing Board approved the Keenan & Associates to implement the Workplace Violence Prevention Plan (WVPP) for the 2024-2025 through 2026-2027 school years.

AYES: 4 (Aguilar, Howard, Peck, Rawdon)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 1 (Oquenda)

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

Blaine Torpey, Superintendent, introduced Mark Rizkallah the Eden Area ROP's new Assistant Principal-Pathways. Mr. Rizkallah is recognized for his extensive experience and strong focus on equity. The Superintendent expressed enthusiasm for his addition to the team and invited everyone to welcome him.

In June, the Superintendent attended the CAROCP transition meeting in San Diego, where focus areas for the year were identified and new leadership was selected. During the reshuffle, the Superintendent joined the Legislative Committee and took on the role of Coastal CAROCP Coordinator. He expressed eagerness to leverage collective expertise for advocacy and to build a community of practice.

In July, the Superintendent participated in the Northern California College Promise Coalition (NCCPC) Joint Convening for Elected Officials and Funders, representing ROP and advocating for alternative pathways to high-wage careers.

Superintendent Torpey shared the CA Youth Apprenticeship Committee is preparing to present a draft report to the Governor's Office on a statewide model for Youth Apprenticeship programs. The report highlights the crucial role of Career Technical Education (CTE) and Regional Occupational Programs (ROPs) in this model, recognizing their importance in the Youth Apprenticeship system.

He reported that this summer, students from the Eden Area ROP were highly active. They represented Eden Area ROP and California at the SkillsUSA Nationals in Atlanta, GA. The Middle School CTE Summer Summit engaged over 160 rising 8th graders, with Eden Area ROP students serving as exemplary paid Teacher Assistants. Additionally, eleven Eden Area ROP students participated in the STEP Paid Summer Internship Program across various pathways, while the City of Hayward funded the second year of the Eden Area ROP Urban Farming program. Numerous students also took part in partner-district internships and Chabot College's Summer Academy.

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

## **XII. Governing Board Reports**

Trustee Penny Peck, San Lorenzo USD representative, noted that the Superintendent's report includes plans for Middle College site visits in September. She mentioned that she will be participating in the all-day field trip to gain a better understanding of the Middle College program. The visit will begin at Chabot and include other sites. Trustee Peck expressed her appreciation for the opportunity to learn more about the program and thanked the Superintendent for bringing this topic to the Board's attention. The Superintendent confirmed that Chabot has already reserved classrooms for the program highlighting strong support for the initiative.

Trustee Gary Howard, Castro Valley USD representative, informed the Board that, due to recent redistricting, his area has been reassigned to Contra Costa County, and they will have a new senator next year. To familiarize the community with the candidates, he announced that the Chamber of Commerce, in partnership with the League of Women Voters, is sponsoring a candidate forum. The forum will take place on Saturday, September 21st, at 9:00 am at First Presbyterian Church in Castro Valley. Superintendent Blaine Torpey has been recruited as the moderator. The event will also be broadcast online. Trustee Howard invited all to attend or view the forum remotely. He also mentioned that his district started school on August 14th.

Trustee James Aguilar, San Leandro USD representative, expressed eagerness for the upcoming school year. He noted the unique historical moment filled with hope and optimism, anticipating positive changes for schools. Additionally, he echoed Trustee Howard's appreciation for the Superintendent's advocacy in Sacramento, emphasizing the importance of local representation in decision-making processes and securing funding.

**XIII. Recess to Closed Session**

The meeting was called into closed session at 6:35 pm.

- A. Public Employee Performance Evaluation (Pursuant Government Code 54957)  
Title: Superintendent**

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

The meeting resumed to open session at 7:00 pm.

- A. Public Employee Performance Evaluation (Pursuant Government Code 54957)  
Title: Superintendent**

Board President, James Aguilar, reported that the Superintendent's Evaluation was discussed.

**XV. Adjournment**

The meeting was adjourned at 7:00 pm.

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

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



**DATE:** September 5, 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**

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The bill warrants submitted for approval are for the period of July 15, 2024 through August 22, 2024 and include test warrant numbers and voided warrants.

## **CONSENT CALENDAR**

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**DATE:** September 5, 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**

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

## **CONSENT CALENDAR**

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**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Listed Donations-Car Show Sponsors

**BACKGROUND**

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

**CURRENT SITUATION**

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Various sponsors, listed below, have made a monetary donation to the Eden Area ROP Automotive Technology Program.

Company	Donation	Date
Midnight Garage	\$300.00	8/9/2024
East Bay Frame and Axle	\$500.00	8/9/2024
Lift Safety and Service	\$100.00	8/9/2024
Red Door Restorations, Inc	\$300.00	8/9/2024
K & A Automotive Group Inc	\$300.00	8/9/2024
Lalo's Plumbing and Drain Cleaning Service	\$500.00	8/9/2024
Total:	\$2000.00	

A letter of acceptance will be sent to the donors.

**CONSENT CALENDAR**

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**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Receipt of the Middle College and Early College Grant Program Funds

## **BACKGROUND**

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The California Middle College and Early College (MCEC) Grant was established to help local educational agencies to develop early college credit programs that give high school students the opportunity to participate in an alternative high school program that exposes students to Community College academics and programs. There are many different models. Some serve 9<sup>th</sup>-12<sup>th</sup> grade students, some have their own campuses, and some are their own schools.

The Eden Area ROP is proposing to establish a Middle College Program on Chabot's campus similar to the program started by Tri-Valley ROP with Las Positas Community College. ROPs were not eligible for the 2022-2023 MCEC Grant but the Request for Applications was amended in 2023-2024 to include ROPs.

## **CURRENT SITUATION**

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During the 2023-2024 school year, the Eden Area ROP applied for an MCEC Grant to support the development of this initiative. The Eden Area ROP was awarded \$250,000 for two years.

The Eden Area Middle College High School Program at Chabot College (EAMCHS) will provide underserved student populations access to a support-embedded Dual Enrollment program, with a specific focus on students who will be first generation college graduates, students experiencing poverty, and English Learners. Students from the Eden Area ROP partner districts will participate free of cost as it will be an extension of their enrollment in public education.

These funds will allow us to accelerate the planning for the Eden Area ROP Middle College Program.

## **CONSENT CALENDAR**

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## Grant Award Notification

<b>GRANTEE NAME AND ADDRESS</b> Linda Granger, Superintendent Eden Area Regional Occupational Program 26316 Hesperian Boulevard Hayward, CA 94545				<b>CDE GRANT NUMBER</b>					
				FY	PCA	Vendor Number	Suffix		
				2024	25665	40428	01		
<b>Attention</b> Linda Granger, Superintendent				<b>STANDARDIZED ACCOUNT CODE STRUCTURE</b>			<b>COUNTY</b>		
<b>Program Office</b> Accounting Office				<b>Resource Code</b>	<b>Revenue Object Code</b>		01		
<b>Telephone</b> 510-293-2901				7339	8590		<b>INDEX</b>		
<b>Name of Grant Program</b> Middle College and Early College Grant							0615		
<b>GRANT DETAILS</b>	<b>Original/Prior Amendments</b>	<b>Amendment Amount</b>	<b>Total</b>		<b>Amend. No.</b>	<b>Award Starting Date</b>	<b>Award Ending Date</b>		
	\$250,000		\$250,000			07/01/2024	06/30/2027		
<b>CFDA Number</b>	<b>Federal Grant Number</b>	<b>Federal Grant Name</b>				<b>Federal Agency</b>			
<p>I am pleased to inform you that you have been funded for the Middle College and Early College Grant at Eden Area Regional Occupational Program.</p> <p>This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, then this award will be amended accordingly.</p> <p>Please return the original, signed Grant Award Notification (AO-400) to:</p> <p style="text-align: center;">Justin Keithline, Staff Services Analyst                  Career and College Transition Division                  California Department of Education                  1430 N Street, Suite 4202                  Sacramento, CA 95814-5901</p>									
<b>California Department of Education Contact</b> Diane Crum					<b>Job Title</b> Education Programs Consultant				
<b>E-mail Address</b> MCECgrant@cde.ca.gov						<b>Telephone</b> 916-323-5765			
<b>Signature of the State Superintendent of Public Instruction or Designee</b> 						<b>Date</b> August 7, 2024			
<b>CERTIFICATION OF ACCEPTANCE OF GRANT REQUIREMENTS</b>									
On behalf of the grantee named above, I accept this grant award. I have read the applicable certifications, assurances, terms, and conditions identified on the grant application (for grants with an application process) or in this document or both; and I agree to comply with all requirements as a condition of funding.									
<b>Printed Name of Authorized Agent</b> Blaine C Torpey					<b>Title</b> Superintendent				
<b>E-mail Address</b> btorpey@edenrap.org						<b>Telephone</b> 510 293 2901			
<b>Signature</b> 						<b>Date</b> 8/15/24			



## Grant Award Notification (Continued)

The following conditions apply:

1. The grant award will be processed upon receipt of the signed Grant Award Notification (AO-400). This AO-400 must be signed by the superintendent or an authorized official and returned within **10 working days**.
2. All approved program funds must be expended within the dates designated and for the maximum amount indicated on the AO-400. Encumbrances may be made at any time after the beginning date of the grant stated on the AO-400. Expenditures must be completed by **June 1, 2027**. **No extensions of this grant will be allowed.**
3. The grantee is required to use these funds to plan for, start-up, or expand a middle college high school or early college high school or program as described in the approved grant application with any required or requested changes. **Prior** written approval is required for any program or budget changes. Line item transfers in excess of 25 percent of each original line item budget amount may not be made without written approval from the High School Innovations and Initiatives Office (HSIIO). These funds may not supplant current fixed costs. Expenditures shall comply with all applicable provisions for federal, state, and local rules, regulations, and policies relating to the administration and accounting for public school funds.
4. The grantee must limit administrative indirect costs to the rate approved by the California Department of Education (CDE) for the applicable fiscal year in which the funds are spent.
5. Upon receipt of the required certifications, scheduled payments of grant funds will be as follows:
  - Ninety percent of the funds will be released upon completion and return of the AO-400. Please allow approximately four weeks for processing.
  - The final 10 percent of the funds will be released after the End-of-Project (EOP) Expenditure Report and all reporting and submission requirements have been received.
  - The EOP Expenditure Report is due **June 15, 2027**, after all funds have been expended. The EOP includes a narrative of expenditures. Failure to submit a final EOP Expenditure Report with a budget narrative within 60 days of the end of the grant period will result in a billing from the CDE for the entire amount of any grant funds paid and a possible reduction of any subsequent years' grant(s).
6. The Baseline Data Report is a requirement of this grant and is due **October 2, 2024**. The Mid-Project Report and Mid-Project Expenditure Report are requirements of this grant and are due **June 15, 2025**. The End-of-Project Report is a requirement of this grant and is due **June 15, 2027**. Guidelines will be mailed separately.
7. The CDE has partnered with the California Coalition for Early and Middle College to provide technical assistance to all grantees through a generous grant received from the College Futures Foundation. The CDE strongly encourages all grantees to participate in technical assistance and capacity-building support.
8. If the grantee or the CDE terminates the grantee's participation in the program, the grantee shall submit a final expenditure report within 30 days and return the unexpended funds upon receipt of a billing from the CDE. Supplies and equipment purchased with these funds will be redirected to other programs.

If you have any questions regarding the grant requirements, please contact Diane Crum, Education Programs Consultant, HSIIO, at [dcrum@cde.ca.gov](mailto:dcrum@cde.ca.gov). If you have questions regarding the fiscal requirements of the grant, please contact Justin Keithline, Staff Services Analyst, HSIIO, at [MCECgrant@cde.ca.gov](mailto:MCECgrant@cde.ca.gov).



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Michelle Stephens, Assistant Principal-Educational Services  
**SUBJECT:** Request the Governing Board to approve the DECA Overnight Field Trips for the 2024-2025 School Year

**BACKGROUND**

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

**CURRENT SITUATION**

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Each year the Eden Area ROP Marketing students participate in DECA activities and field trips. Below, for Board approval is a list of overnight field trips for the 2024-2025 school year.

<b>Date</b>	<b>Activity</b>	<b>Location</b>
February 27-March 2, 2025	Cal State Career Development Conference	Anaheim, CA
April 26-29, 2025	International Career Development Conference	Orlando, FL

**CONSENT CALENDAR**

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**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the SkillsUSA Overnight Field Trips for the 2024-2025 School Year

**BACKGROUND**

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

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

**CURRENT SITUATION**

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

<b>Date</b>	<b>Activity</b>	<b>Location</b>
April 24-27, 2025	SkillsUSA State Competition	Ontario, CA
June 23-28, 2025	SkillsUSA National Competition	Atlanta, GA

**CONSENT CALENDAR**

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**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Michelle Stephens, Assistant Principal-Educational Services  
**SUBJECT:** Request the Governing Board to approve the Agreement with Deborah Maynard for Curriculum Development for the 2024-2025 School Year

## **BACKGROUND**

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The Eden Area ROP Educational Services Department is responsible for providing support and outreach to all member districts students, parents, business partners, Career Technical Education (CTE) instructors, case managers, counselors, and administrators. Deborah Maynard is a retired Eden Area ROP employee who served as a teacher and administrator for the organization before her retirement.

## **CURRENT SITUATION**

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Mrs. Maynard has a background in business, marketing, merchandising and supervision and has worked extensively with the Eden Area ROP Educational Services Department in the past and is willing to provide services to the Eden Area ROP based on this background.

The marketing instructor at Hayward High School is on temporary leave, and Mrs. Maynard will use her twenty-three years of classroom experience and knowledge of marketing and entrepreneurship to write curriculum and prepare lesson plans to support the students in the teacher's absence.

The attached is a copy of the agreement between Deborah Maynard and the Eden Area ROP to provide curriculum development for the 2024-2025 school year.

## **CONSENT CALENDAR**

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# AGREEMENT FOR SERVICE 2024-2025

26316 Hesperian Blvd., Hayward, CA 94545 | P: (510) 293-2905 | F: P: (510) 293-2927 | [www.edenrop.org](http://www.edenrop.org)

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This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Deborah Maynard (the "Service Provider") between August 12, 2024 - January 15, 2025.

## Background:

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- 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. Deborah Maynard has a background in teaching and lesson plan preparation 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

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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:
  - Advanced Curriculum Development & Alignment
  - Lesson Planning
  - Assessment planning

## Term of Agreement

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2. The term of this Agreement will be from August 12, 2024, and will remain in full force and effect until January 15, 2025, and not to exceed eleven hundred (1100) 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

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

## Compensation

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4. Eden Area ROP will pay a fee to Deborah Maynard for the Services based on \$60.00 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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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

## Titles/Headings

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

## Gender

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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

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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

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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

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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

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

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Deborah Maynard, Service Provider

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Date

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Blaine Torpey, Superintendent  
Eden Area ROP

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Date



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Agreement with Lozano Smith, LLP for Legal Services for the 2024-2025 School Year

## **BACKGROUND**

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Occasionally, the Eden Area ROP seeks outside council for matters related to the operations of our organization.

## **CURRENT SITUATION**

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The attached is a copy of the attorney representation agreement between Lozano Smith, LLP and the Eden Area ROP effective August 26, 2024, for approval.

## **CONSENT CALENDAR**

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## AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT (“Agreement”) is effective August 26, 2024 (“Effective Date”), between the EDEN AREA REGIONAL OCCUPATIONAL PROGRAM (“Client”) and the law firm of LOZANO SMITH, LLP (“Attorney”) (each a “Party” and collectively the “Parties”). Attorney shall provide legal services as requested by Client on the following terms and conditions:

1. **ENGAGEMENT.** Client hires Attorney on an as-requested basis as its legal counsel with respect to matters the Client refers to Attorney. When Client refers a matter to Attorney, Attorney shall confirm availability and ability to perform legal services regarding the matter. After Attorney has completed services for the specific matter referred by Client, then no continuing attorney-client relationship exists unless Client requests further services and Attorney accepts a new engagement. If Attorney undertakes to provide legal services to represent Client in such matters, Attorney shall keep Client informed of significant developments and respond to Client’s inquiries regarding those matters. Client understands that Attorney cannot guarantee any particular results, including the costs and expenses of representation. Client agrees to be forthcoming with Attorney, to cooperate with Attorney in protecting Client’s interests, to keep Attorney fully informed of developments material to Attorney’s representation of client, and to abide by this Agreement. Client is hereby advised of the right to seek independent legal advice regarding this Agreement.

2. **RATES TO BE CHARGED.** Client agrees to pay Attorney for services rendered based on the attached rate schedule. Agreements for legal fees on other-than-an-hourly basis may be made by mutual agreement for special projects (including as set forth in future addenda to this Agreement).

3. **REIMBURSEMENT.** Client agrees to reimburse Attorney for actual and necessary expenses and costs incurred in the course of providing legal services to Client, including but not limited to expert, consultant, mediation, arbitration fees and e-discovery service fees. Attorney shall not be required to advance costs on behalf of Client over the amount of \$1,000 unless otherwise agreed to in writing by Attorney. Typical expenses advanced for Client, without prior authorization, include messenger fees, witness fees, expedited delivery charges, travel expenses, court reporter fees and transcript fees. Client authorizes Attorney to retain experts or consultants to perform services necessary to represent Client for a specific matter.

4. **MONTHLY INVOICES.** Attorney shall send Client a statement for fees and costs incurred every calendar month (the “Statement”). Statements shall set forth the amount, rate and description of services provided. Client shall pay Attorney’s Statements within thirty (30) calendar days after receipt. An interest charge of one percent (1%) per month shall be assessed on balances that are more than thirty (30) calendar days past due, not to exceed 10% per annum.

5. COMMUNICATIONS BETWEEN ATTORNEY AND CLIENT. The Parties recognize that all legal advice provided by Attorney is protected by the Attorney-Client and Work Product Privileges. In addition to regular telephone, mail and other common business communication methods, Client hereby authorizes Attorney to use facsimile transmissions, cellular telephone calls and text, unencrypted email, and other electronic transmissions in communicating with Client. Unless otherwise instructed by Client, any such communications may include confidential information.

6. POTENTIAL AND ACTUAL CONFLICTS OF INTEREST. If Attorney becomes aware of any potential or actual conflict of interest between Client and one or more other clients represented by Attorney, Attorney will comply with applicable laws and rules of professional conduct.

7. INDEPENDENT CONTRACTOR. Attorney is an independent contractor and not an employee of Client.

8. TERMINATION.

a. Termination by Client. Client may discharge Attorney at any time, with or without cause, by written notice to Attorney.

b. Termination by Mutual Consent or by Attorney. Attorney may terminate its services at any time with Client's consent or for good cause. Good cause exists if (a) Client fails to pay Attorney's Statement within sixty (60) calendar days of its date; (b) Client fails to comply with other terms and conditions of this Agreement, including Client's duty to cooperate with Attorney in protecting Client's interests; (c) Client has failed to disclose material facts to Attorney; or (d) any other circumstance exists that requires termination of this engagement under the ethical rules applicable to Attorney. Additionally, to the extent allowed by law, Attorney may decline to provide services on new matters or may terminate the Agreement without cause upon written notice to Client if Attorney is not then providing any legal services to Client. Even if this Agreement is not terminated, under paragraph 1, an attorney-client relationship exists only when Attorney is providing legal services to Client.

c. Following Termination. Upon termination by either Party: (i) Client shall promptly pay all unpaid fees and costs for services provided or costs incurred pursuant to this Agreement up to the date of termination; (ii) unless otherwise required by law or agreed to by the Parties, Attorney will provide no legal services following notice of termination; (iii) Client will cooperate with Attorney in facilitating the orderly transfer of any outstanding matters to new counsel, including promptly signing a substitution of counsel form at Attorney's request; and (iv) Client shall, upon request, be provided the Client's file documents maintained for the Client by Attorney and shall sign acknowledgment of receipt upon delivery of that file. For all Statements received by Client from Attorney prior to the date of termination, Client's failure to notify Attorney in writing of any disagreement with either the services performed or the charges for those services as shown in the Statement within thirty (30) calendar days of the date of

termination shall be deemed Client's acceptance of and agreement with the Statement. For any billing appearing for the first time on a Statement received by Client from Attorney after the date of termination, failure to notify Attorney in writing of any disagreement with either the services performed or the charges for those services within thirty (30) calendar days from receipt of the Statement shall be deemed to signify Client's acceptance of and agreement with the Statement.

9. MAINTENANCE OF INSURANCE. Attorney agrees that, during the term of this Agreement, Attorney shall maintain commercial liability and professional errors and omissions insurance.

10. CONSULTANT SERVICES. Attorney works with professional consultants that provide services, including but not limited to, investigations, public relations, educational consulting, leadership mentoring and development, financial, budgeting, management auditing, board/superintendent/chancellor relations, administrator evaluation and best practices, and intergovernmental relations. Attorney does not share its legal fees with such consultants. Attorney may offer these services to Client upon request.

11. DISPUTE RESOLUTION.

a. Mediation. Except as otherwise set forth in this section, Client and Attorney agree to make a good faith effort to settle any dispute or claim that arises under this Agreement through discussions and negotiations and in compliance with applicable law. In the event of a claim or dispute, either Party may request, in writing to the other Party, to refer the dispute to mediation. This request shall be made within thirty (30) calendar days of the action giving rise to the dispute. Upon receipt of a request for mediation, both Parties shall make a good faith effort to select a mediator and complete the mediation process within sixty (60) calendar days. The mediator's fee shall be shared equally between Client and Attorney. Each Party shall bear its own attorney fees and costs. Whenever possible, any mediator selected shall have expertise in the area of the dispute and any selected mediator must be knowledgeable regarding the mediation process. No person shall serve as mediator in any dispute in which that person has any financial or personal interest in the outcome of the mediation. The mediator's recommendation for settlement, if any, is non-binding on the Parties. Mediation pursuant to this provision shall be private and confidential. Only the Parties and their representatives may attend any mediation session. Other persons may attend only with the written permission of both Parties. All persons who attend any mediation session shall be bound by the confidentiality requirements of California Evidence Code section 1115, et seq., and shall sign an agreement to that effect. Completion of mediation shall be a condition precedent to arbitration, unless the other Party refuses to cooperate in the setting of mediation.

b. Dispute Regarding Fees. Any dispute as to attorney fees and/or costs charged under this Agreement shall to the extent required by law be resolved under the California Mandatory Fee Arbitration Act (Bus. & Prof. Code §§ 6200, et seq.).

c. Binding Arbitration. Except as otherwise set forth in section (b) above, Client and Attorney agree to submit all disputes to final and binding arbitration, either following mediation which fails to resolve all disputes or in lieu of mediation as may be agreed by the Parties in writing. Either Party may make a written request to the other for arbitration. If made in lieu of mediation, the request must be made within sixty (60) calendar days of the action giving rise to the dispute. If the request for arbitration is made following an unsuccessful attempt to mediate the Parties' disputes, the request must be made within ten (10) calendar days of termination of the mediation. The Parties shall make a good faith attempt to select an arbitrator and complete the arbitration within ninety (90) calendar days. If there is no agreement on an arbitrator, the Parties shall use the Judicial Arbitration and Mediation Service (JAMS). The arbitrator's qualifications must meet the criteria set forth above for a mediator, except, in addition, the arbitrator shall be an attorney or a retired judge, unless otherwise agreed by the Parties. The arbitrator's fee shall be shared equally by both Parties. Each Party shall bear its own attorney fees and other costs. The arbitrator shall render a written decision and provide it to both Parties. The arbitrator may award any remedy or relief otherwise available in court and the decision shall set forth the reasons for the award. The arbitrator shall not have any authority to amend or modify this agreement. Any arbitration conducted pursuant to this paragraph shall be governed by California Code of Civil Procedure sections 1281, et seq. By signing this Agreement, Client acknowledges that this agreement to arbitrate results in a waiver of Client's right to a court or jury trial for any fee dispute or malpractice claim. This also means that Client is giving up Client's right to discovery and appeal. If Client later refuses to submit to arbitration after agreeing to do so, Client may be ordered to arbitrate pursuant to the provisions of California law. Client acknowledges that before signing this Agreement and agreeing to binding arbitration, Client is entitled, and has been given a reasonable opportunity, to seek the advice of independent counsel.

d. Effect of Termination. The terms and conditions of this section shall survive the termination of the Agreement.

12. **ENTIRE AGREEMENT.** This Agreement with its Professional Rate Schedule attached supersedes any and all other prior or contemporaneous oral or written agreements between the Parties. Each Party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. Furthermore, any modification of this Agreement shall only be effective if in writing signed by the Parties.

13. **SEVERABILITY.** Should any provision of this Agreement be held by a court of competent jurisdiction to be invalid, void or unenforceable, but the remainder of the Agreement can be enforced without failure of material consideration to any Party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended or modified by mutual consent of the Parties; provided, however, that if the invalidity or unenforceability of any provision of this Agreement results in a material failure of consideration, then, to the extent



allowed by law, the Party adversely affected thereby shall have the right in its sole discretion to terminate this Agreement upon providing written notice of such termination to the other Party.


14. **NON-WAIVER.** None of the provisions of this Agreement shall be considered waived by either Party unless such waiver is specified in writing.

15. **NO THIRD PARTY RIGHTS.** This Agreement shall not create any rights in, or inure to the benefit of, any third party.

16. **ASSIGNMENT.** The terms and conditions of this Agreement may not be assigned to any third party. Neither Party may assign any right of recovery under or related to the Agreement to any third party.

17. **EXECUTION IN COUNTERPARTS; SIGNATURES.** This Agreement may be executed in counterparts with signatures appearing on separate signature pages. A copy, or an original, with all signatures appended together shall be deemed a fully executed Agreement. Signatures transmitted by facsimile or electronic image shall be deemed original signatures and binding on the Parties.

WHEREFORE, the Parties hereto, by their signatures below, enter into this Agreement pursuant to the above terms and conditions as of the Effective Date.

CLIENT SIGNATURE	ATTORNEY SIGNATURE
<b>Eden Area Regional Occupational Program</b>	<b>Lozano Smith, LLP</b>
BY <i>(Authorized Signature)</i>	BY <i>(Authorized Signature)</i> 
PRINTED NAME AND TITLE OF PERSON SIGNING	PRINTED NAME AND TITLE OF PERSON SIGNING Karen M. Rezendes, Managing Partner
DATE EXECUTED	DATE EXECUTED 08/26/2024

PROFESSIONAL RATE SCHEDULE  
FOR EDEN AREA REGIONAL OCCUPATIONAL PROGRAM

1. HOURLY PROFESSIONAL RATES

Client agrees to pay Attorney by the following standard hourly rate\*:

Partner** / Senior Counsel / Of Counsel	\$ 295 - \$ 395 per hour
Associate	\$ 250 - \$ 295 per hour
Paralegal / Law Clerk	\$ 185 - \$ 225 per hour
Consultant	\$ 350 - \$ 395 per hour

\* Rates for individual attorneys within each category above vary based upon years of experience. Specific rates for each attorney are available upon request.

\*\* Rates for work performed by Senior Partners with 20 years of experience or more may range from \$395 - \$450 per hour. <sup>1</sup>

2. BILLING PRACTICE

Lozano Smith will provide a monthly, itemized Statement for services rendered. Time billed is broken into 1/10 (.10) hour increments, allowing for maximum efficiency in the use of attorney time. Invoices will clearly indicate the department or individuals for whom services were rendered.

Written responses to audit letter inquiries will be charged to Client on an hourly basis, with the minimum charge for such responses equaling .5 hours. Travel time shall be prorated if the assigned attorney travels for two or more clients on the same trip.

3. COSTS AND EXPENSES

In-office copying/electronic communication printing	\$ 0.25 per page
Facsimile	\$ 0.25 per page
Postage	Actual Usage
Mileage	IRS Standard Rate

Other costs, such as messenger, meals, and lodging shall be charged on an actual and necessary basis.

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<sup>1</sup> Sale or Lease of Real Property Work:

Partner / Senior Counsel / Of Counsel	\$ 450 per hour
Associate	\$ 375 per hour
Paralegal / Law Clerk	\$ 225 per hour



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Craig Lang, Director of Adult Programs  
**SUBJECT:** Request the Governing Board to approve the MOU with the Associated Builders and Contractors of Northern California (ABC NorCal) for the 2024-2025 School Year

## **BACKGROUND**

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

## **CURRENT SITUATION**

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The Associated Builders and Contractors of Northern California (ABC NorCal) provides apprenticeship programs throughout the state in electrical, carpentry, plumbing, painting and skilled labor. Our partnership with ABC NorCal has generated benefits for our students by expanding their links to employers and labor representatives, updating curriculum to interface with these programs, and encouraging non-traditional career opportunities for women and minorities.

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

## **CONSENT CALENDAR**

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# MEMORANDUM OF UNDERSTANDING

Superintendent: Blaine C. Torpey

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

Eden Area Regional Occupational Program (Eden Area ROP) agrees to become the Local educational Agency (LEA) for the Associated Builders and Contractors, Northern California Chapter (Apprenticeship Committee), from July 1, 2024 to June 30, 2025. Both parties will agree to the following:

1. Eden Area ROP will reimburse the Associated Builders and Contractors for apprenticeship expenses according to the current annual apportionment when the 2024-2025 allocation is distributed. The reimbursement rate for each hour of RSI in fiscal year (2024-2025) is \$10.05
2. The Apprenticeship Committee understands that of the hours allocated, zero hours belong to the Apprenticeship Committee and are transferable. The remaining 50,000 hours are loaned to the Apprenticeship Committee and belong to Eden Area ROP and will return to the ROP at the end of the agreement period.
3. Any reimbursement of unused money from the above allocation will be made effective within forty-five (45) days of the following schedule:  
Forty-five (45) days after documentation is submitted and approved.
4. The Apprenticeship Committee understands that all reimbursement expenses must be preapproved and documented in hard copy.
5. The Apprenticeship Committee understands that any reimbursement can only be used on apprenticeship-related expenses.
6. The Eden Area ROP will reimburse only in accordance with the number of hours actually generated. Any hours not generated up to the 50,000 hours will not be reimbursed.
7. The Apprenticeship Committee is responsible for any expenses accrued over the actual number of student hours generated or the allocation stated above.
8. Expenses incurred for this Apprenticeship Committee by Eden Area ROP during a reimbursement period will be deducted from the total reimbursement amount. Expenses are defined as, but not limited to salaries, administrative assistants, mandatory benefits, instructional materials, and other related costs.
9. It is understood that Eden Area ROP will retain twenty (20) percent for administration costs.

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

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Apprenticeship Operations Officer

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Date

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Director of Adult Programs, Eden Area ROP

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Date



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Craig Lang, Director of Adult Programs  
**SUBJECT:** Request the Governing Board to approve the MOU with the California American Fire Sprinkler Association (CAFSA) for the 2024-2025 School Year

## **BACKGROUND**

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

## **CURRENT SITUATION**

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

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

## **CONSENT CALENDAR**

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# MEMORANDUM OF UNDERSTANDING

Superintendent: Blaine C. Torpey

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

Eden Area Regional Occupational Program (Eden Area ROP) agrees to become the Local Educational Agency (LEA) for the California American Fire Sprinkler Association (CAFSA) (Apprenticeship Committee), from July 1, 2024 to June 30, 2025. Both parties will agree to the following:

1. Eden Area ROP will reimburse CAFSA for apprenticeship expenses according to the current annual apportionment when the 2024-2025 allocation is distributed. The reimbursement rate for each hour of RSI in fiscal year (2024-2025) is \$10.05
2. The Apprenticeship Committee understands that of the hours allocated, zero hours belong to the Apprenticeship Committee and are transferable. The remaining 13,262 hours are loaned to the Apprenticeship Committee and belong to Eden Area ROP and will return to the ROP at the end of the agreement period.
3. Any reimbursement of unused money from the above allocation will be made effective within forty-five (45) days of the following schedule:  
Forty-five (45) days after documentation is submitted and approved.
4. The Apprenticeship Committee understands that all reimbursement expenses must be preapproved and documented in hard copy.
5. The Apprenticeship Committee understands that any reimbursement can only be used on apprenticeship-related expenses.
6. The Eden Area ROP will reimburse only in accordance with the amount of hours actually generated. Any hours not generated up to the 13,262 hours will not be reimbursed.
7. The Apprenticeship Committee is responsible for any expenses accrued over the actual amount of student hours generated or the allocation stated above. The Apprenticeship committee will be responsible to reimburse Eden Area ROP for the amount of the shortfall.
8. Expenses incurred for this Apprenticeship Committee by Eden Area ROP during a reimbursement period will be deducted from the total reimbursement amount. Expenses are defined as, but not limited to salaries, administrative assistants, mandatory benefits, instructional materials and other related costs.
9. It is understood that Eden Area ROP will retain twenty (20) percent for administration costs.

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

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Apprenticeship Director

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Date

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Director of Adult Programs, Eden Area ROP

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Date





**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the MOU with the Hayward Unified School District for Student Transportation for 2024-2025 School Year

## **BACKGROUND**

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Each year the Eden Area ROP contracts for transportation services for students with participating districts and outside vendors.

## **CURRENT SITUATION**

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For the 2024-2025 school year, the Eden Area ROP is continuing the MOU between the Hayward Unified School District and the Eden Area ROP to provide daily transportation services to and from Hayward USD high schools and the Eden Area ROP Center.

## **CONSENT CALENDAR**

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MEMORANDUM OF UNDERSTANDING  
BETWEEN  
HAYWARD UNIFIED SCHOOL DISTRICT  
AND  
EDEN AREA REGIONAL OCCUPATIONAL PROGRAM (ROP)  
2024-2025 Transportation Agreement

The Hayward Unified School District (“HUSD”) and Eden Area Regional Occupational Program (“ROP”), jointly known as the Parties (“Parties”), enter this Memorandum of Understanding (“MOU”) to provide transportation as agreed-upon and on agreed-upon calendar days.

HUSD shall secure and maintain valid permits, licenses, and certifications that are required by law for the execution of these agreements.

HUSD shall maintain insurance and workers' compensation coverage as required by laws and regulations. HUSD shall maintain insurance that names Eden Area ROP and its Governing Board and Employees indemnified for any claims or damages to property sustained by any person, firm, or corporation caused by neglect, default, or omission of HUSD and its employees in connection with performance under this agreement.

HUSD agrees to assign each School Bus to qualified drivers who are employed, trained, and licensed in accordance with the California rules and regulations governing the operation of school buses.

HUSD shall provide accident reports as required by law within the prescribed timeline. In the event an accident occurs that results in serious injuries or death, HUSD will immediately notify the Eden Area ROP.

Vehicle equipment and services covered by this agreement must comply with applicable laws and regulations.

HUSD shall observe all requirements of California Laws governing the safe operation of school bus equipment and training of personnel as it relates to the safety of students transported for the Eden Area ROP.

Control and discipline on the school bus are the responsibility of the school bus driver. If problems arise, the school bus driver shall speak to the student. Any continuation of inappropriate behavior or serious misconduct shall be reported in writing to the Principal. Disciplinary action could be taken which could result in the loss of school bus riding privileges; this transportation to and from school could become the responsibility of the parents. Rules of Conduct shall be made available in the Hayward Unified School District Student Handbook handed out to all students. Individual complaints or concerns about discipline should be directed to the Principal. If these are not resolved to the satisfaction of all concerned, complaints will be referred to the Superintendent and through him/her to the Board.

HUSD agrees to provide bus transportation from August 2024 through June 2025. The total cost will be \$145,275.00 with a maximum of 17,874 miles for 180 days of service (School Days). This includes two (2) assigned school buses for service of HUSD locations. This includes pickups and drop-offs between Eden Area ROP and HUSD High Schools (Tennyson HS, Hayward HS, Brenkwitz Continuation School, and Mt. Eden HS). If student passenger ridership increases beyond the capacity of two school buses then a daily rate of \$372.50 per school bus will be applied.

Memorandum of Understanding  
2024-2025 Transportation Agreement

The daily average mileage is as follows:

District	Est. Miles/Day	Est. Miles/Year
Hayward	96	17,280
FIRE SCI (Monday)	18	3725
<b>Total</b>	<b>114</b>	<b>21,005</b>

A total of 96 daily and an additional 18 for Monday FSCI. Miles per day is estimated for the two assigned school buses for Hayward Unified School District. This includes pickups and drop-offs at Tennyson HS, Hayward HS, Brenkwitz Continuation School, and Mt. Eden HS. Mileage in excess of 17,280 will be charged at \$7.50 per mile, which, if applicable, will be invoiced to Eden ROP within sixty days of the end of this agreement.

HUSD agrees that the above payment calculation is for the exclusive use of buses for Eden Area ROP programs. HUSD agrees that when Hayward buses are utilized for programs other than the Eden Area ROP, the above rates, including but not limited to mileage, will be adjusted on subsequent invoices. Eden ROP agrees to pay the actual cost of any repairs to seats or items vandalized by students riding the bus. HUSD will furnish Eden Area ROP a daily report or log for any damages or items that are vandalized by ROP students subject to inspection by Eden Area ROP Security and Administration.

Eden Area ROP agrees to pay the base contract amount of \$145,275.00 in three quarterly installments of \$48,425.00 on or before September 30, 2024, December 31, 2024, March 31, 2025, and June 30, 2025.

Signed

\_\_\_\_\_

Amy Nichols

\_\_\_\_\_

Date

Signed

\_\_\_\_\_

Blaine C. Torpey Superintendent

\_\_\_\_\_

Date

Eden AREA ROP

HUSD Board of Education Approval Date:

August 28, 2024



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the MOU with the San Lorenzo Unified School District for Student Transportation for 2024-2025 School Year

## **BACKGROUND**

---

Each year the Eden Area ROP contracts for transportation services for students with participating districts and outside vendors.

## **CURRENT SITUATION**

---

For the 2024-2025 school year, the Eden Area ROP is continuing the MOU between the San Lorenzo Unified School District and the Eden Area ROP to provide daily transportation services to and from San Lorenzo USD and San Leandro USD high schools and the Eden Area ROP Center.

## **CONSENT CALENDAR**

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# San Lorenzo Unified School District

BOARD OF EDUCATION  
Samuel Medina, President  
Alicia Gonzalez, Vice President/Clerk  
Juan Campos  
Penny Peck  
Kyla Sinegal

SUPERINTENDENT  
Daryl Camp Ed.D.

ASSISTANT SUPERINTENDENT  
Roberto Perez, Ed.D., Business Services  
Renee Lama Ed.D., Educational Services  
Jessica Saavedra, Human Resources

## MEMORANDUM OF UNDERSTANDING BETWEEN SAN LORENZO UNIFIED SCHOOL DISTRICT (SLZUSD) AND EDEN AREA REGIONAL OCCUPATIONAL PROGRAM (ROP) AUGUST 2024 – JUNE 2025 TRANSPORTATION AGREEMENT

The San Lorenzo Unified School District ("SLZUSD") and Eden Area Regional Occupational Program ("ROP"), jointly known as the Parties ("Parties"), enter this Memorandum of Understanding ("MOU") to provide transportation as agreed-upon and on agreed-upon calendar days.

SLZUSD shall secure and maintain valid permits, licenses, and certifications that are required by law for the execution of these agreements.

SLZUSD shall maintain insurance and workers' compensation coverage as required by laws and regulations. SLZUSD shall maintain insurance that names Eden Area ROP and its Governing Board and Employees indemnified for any claims or damages to property sustained by any person, firm or corporation caused by neglect, default or omission of SLZUSD and its employees in connection with performance under this agreement.

SLZUSD agrees to assign each School Bus with qualified drivers who are employed, trained, and licensed in accordance with the California rules and regulations governing the operation of school transportation vehicles. SLZUSD shall provide accident reports as required by law within the prescribed timeline. In the event an accident occurs which results in serious injuries or death, SLZUSD will immediately notify the Eden Area ROP.

Vehicle equipment and services covered by this agreement must comply with applicable laws and regulations.

SLZUSD shall observe all requirements of California Laws governing the safe operation of school bus equipment and training of personnel as it relates to the safety of students transported for the Eden Area ROP.

Control and discipline on the school bus is the responsibility of the school bus driver. If problems arise, the school bus driver shall speak to the student. Any continuation of inappropriate behavior or serious misconduct shall be reported in writing to the Principal. Disciplinary action could be taken which could result in the loss of school bus riding privileges; this transportation to and from school could become the responsibility of the parents. Rules of Conduct shall be made available in the San Lorenzo Unified School District Student Handbook handed out to all students. Individual complaints or concerns about discipline should be directed to the Principal. If these are not resolved to the satisfaction of all concerned, complaints will be referred to the Superintendent and through him/her to the Board.

SLZUSD agrees to provide bus transportation from August 14, 2024 through June 2025. The total cost will be \$144,000.00 with a maximum of 15,480 miles for 180 days of service (School Days). This includes two (2) assigned school buses for service of SLZUSD locations. This includes pickups and drop offs between Eden Area ROP and SLZUSD High Schools (Arroyo High, San Lorenzo High, East Bay Arts and Royal Sunset Continuation School). If student passenger ridership increases beyond the capacity of two school buses, then a daily rate of \$400.00 per school bus will be applied.

The daily average mileage is as follows:

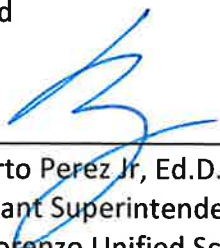
District	Est. Miles/Day	Est. Miles/Year
San Lorenzo	90 miles per day	16,200 (August to June 30, 2025)
<b>Total</b>	<b>90 miles per day</b>	<b>16,200 180 days</b>

A total of 90 miles per day is estimated for the two assigned school buses for San Lorenzo Unified School District. This includes pickups and drop offs at Arroyo High, San Lorenzo High/East Bay Arts High, and Royal Sunset Continuation School. Mileage more than (total amount above) will be charged at \$7.50 per mile, which, if applicable, will be invoiced to Eden ROP within sixty days of the end of this agreement.

SLZUSD agrees that the above payment calculation is for the exclusive use of buses for Eden Area ROP programs. SLZUSD agrees that when San Lorenzo buses are utilized for programs other than the Eden Area ROP, the above rates, including but not limited to mileage, will be adjusted on subsequent invoices. Eden ROP agrees to pay the actual cost of any repairs to seats or items vandalized by students riding the bus. SLZUSD will furnish Eden Area ROP a daily report or log for any damages or items that are vandalized by ROP students subject to inspection by Eden Area ROP Security and Administration.

Eden Area ROP agrees to pay the base contract amount of \$144,000.00 in two installments of \$72,000.00 on or before December 31, 2024, and June 30, 2025.

Signed



\_\_\_\_\_  
 Roberto Perez Jr, Ed.D.  
 Assistant Superintendent, Business Services  
 San Lorenzo Unified School District

8/5/24

\_\_\_\_\_  
 Date

Signed

\_\_\_\_\_  
 Blaine C. Torpey Superintendent  
 Eden Area ROP

\_\_\_\_\_  
 Date

SLZUSD Board of Education Approval Date: \_\_\_\_\_



# San Lorenzo Unified School District

BOARD OF EDUCATION  
Samuel Medina, President  
Alicia Gonzalez, Vice President/Clerk  
Juan Campos  
Penny Peck  
Kyla Sinegal

SUPERINTENDENT  
Daryl Camp Ed.D.

ASSISTANT SUPERINTENDENT  
Roberto Perez, Ed.D., Business Services  
Renee Lama Ed.D., Educational Services  
Jessica Saavedra, Human Resources

## MEMORANDUM OF UNDERSTANDING BETWEEN SAN LORENZO UNIFIED SCHOOL DISTRICT (SLZUSD) AND EDEN AREA REGIONAL OCCUPATIONAL PROGRAM (ROP) AUGUST 2024 – JUNE 2025 TRANSPORTATION AGREEMENT

The San Lorenzo Unified School District (“SLZUSD”) and Eden Area Regional Occupational Program (“ROP”), jointly known as the Parties (“Parties”), enter this Memorandum of Understanding (“MOU”) to provide transportation as agreed-upon and on agreed-upon calendar days.

SLZUSD shall secure and maintain valid permits, licenses, and certifications that are required by law for the execution of these agreements.

SLZUSD shall maintain insurance and workers' compensation coverage as required by laws and regulations. SLZUSD shall maintain insurance that names Eden Area ROP and its Governing Board and Employees indemnified for any claims or damages to property sustained by any person, firm or corporation caused by neglect, default or omission of SLZUSD and its employees in connection with performance under this agreement.

SLZUSD agrees to assign each School Bus with qualified drivers who are employed, trained, and licensed in accordance with the California rules and regulations governing the operation of school transportation vehicles. SLZUSD shall provide accident reports as required by law within the prescribed timeline. In the event an accident occurs which results in serious injuries or death, SLZUSD will immediately notify the Eden Area ROP.

Vehicle equipment and services covered by this agreement must comply with applicable laws and regulations.

SLZUSD shall observe all requirements of California Laws governing the safe operation of school bus equipment and training of personnel as it relates to the safety of students transported for the Eden Area ROP.

Control and discipline on the school bus is the responsibility of the school bus driver. If problems arise, the school bus driver shall speak to the student. Any continuation of inappropriate behavior or serious misconduct shall be reported in writing to the principal. Disciplinary action could be taken which could result in the loss of school bus riding privileges; this transportation to and from school could become the responsibility of the parents. Rules of Conduct shall be made available in the San Lorenzo Unified School District Student Handbook handed out to all students. Individual complaints or concerns about discipline should be directed to the principal. If these are not resolved to the satisfaction of all concerned, complaints will be referred to the Superintendent and through him/her to the Board.

SLZUSD agrees to provide bus transportation from August 14, 2024 through June 2025. The total cost will be \$73,440.00 with a maximum of 10,260 miles for 180 days of service (School Days). This includes one (1) assigned school buses for service of San Leandro locations. This includes pickups and drop offs between Eden Area ROP and San Leandro High Schools. If student passenger ridership increases beyond the capacity of one school buses, then a daily rate of \$408.00 per school bus will be applied.

The daily average mileage is as follows:


District	Est. Miles/Day	Est. Miles/Year
San Lorenzo	60 miles per day	10,800 (August to June 30, 2025)
<b>Total</b>	<b>60 miles per day</b>	<b>10,800 180 days</b>

A total of 60 miles per day is estimated for the one assigned school buses for San Leandro Unified School District/ Eden Area ROP. This includes pickups and drop offs between San Leandro locations and Eden Area ROP. Mileage more than (total amount above) will be charged at \$7.50 per mile, which, if applicable, will be invoiced to Eden ROP within sixty days of the end of this agreement.

SLZUSD agrees that the above payment calculation is for the exclusive use of buses for Eden Area ROP programs. SLZUSD agrees that when San Lorenzo buses are utilized for programs other than the Eden Area ROP, the above rates, including but not limited to mileage, will be adjusted on subsequent invoices. Eden ROP agrees to pay the actual cost of any repairs to seats or items vandalized by students riding the bus. SLZUSD will furnish Eden Area ROP a daily report or log for any damages or items that are vandalized by ROP students subject to inspection by Eden Area ROP Security and Administration.

Eden Area ROP agrees to pay the base contract amount of \$73,440.00 in two installments of \$36,720.00 on or before December 31, 2024, and June 30, 2024.

Signed

  
 \_\_\_\_\_  
 Roberto Perez Jr, Ed.D.  
 Assistant Superintendent, Business Services  
 San Lorenzo Unified School District

8/5/24  
 \_\_\_\_\_  
 Date

Signed

\_\_\_\_\_  
 Blaine C. Torpey Superintendent  
 Eden Area ROP

\_\_\_\_\_  
 Date

SLZUSD Board of Education Approval Date: \_\_\_\_\_





**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Contract with San Jose Charter for Student Transportation for 2024-2025 School Year

## **BACKGROUND**

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Each year the Eden Area ROP contracts for transportation services for students with participating districts and outside vendors.

## **CURRENT SITUATION**

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For the 2024-2025 school year, the Eden Area ROP is continuing the contract between San Jose Charter and the Eden Area ROP to provide daily transportation services to and from Castro Valley USD and San Leandro USD high schools and the Eden Area ROP Center.

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



Sales Person: Sara Magana

## OFFER TO CHARTER

Reservation ID: 1814962

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

No Buses: 2  
 No Pax: 56



### Departure Information

Trip Date: 8/14/2024  
 Depart Time: 7:00  
 Address: (see itinerary)  
 City/Zip: San Leandro/Castro Valley CA 00000-  
 Host:  
 Group Name: Eden Area ROP 2024-2025

### Destination Information

Address: Eden Area ROP-26316 Hesperian Blvd  
 City/Zip: Hayward CA 94545-  
 Return Date: 6/5/2025  
 Return Time: 11:50  
 Drop-Off Date: 6/5/2025  
 Drop-Off Time: 16:05

### ITINERARY

1 bus for San Leandro HS & Lincoln HS for AM & PM service  
 1 bus for Castro Valley & Redwood HS for AM & PM service

Changes- (add or remove a route) must be made in writing 30 days prior to changes taking effect

Cancellation of contract- must be made in writing 60days prior to cancelling services

Item	Qty	Price	Subtotal
Aug,Sept,Oct(55days of service=143,000.	0	\$0.00	\$0.00
Nov,Dec,Jan(47days of service=122,200.	0	\$0.00	\$0.00
Feb,Mar,Apr(53days of service=137,800.	0	\$0.00	\$0.00
May, Jun(25days of service=65,000.00	0	\$0.00	\$0.00
(180 Days of service) = \$468,000.00	0	\$0.00	\$0.00
Driver Tip	0	\$0.00	\$0.00
Discount:		0.00%	\$0.00
Bridge/Tolls:			\$0.00
Parking Fees:			\$0.00
Fuel Surcharge:			\$0.00
TOTAL:			\$0.00

Please make checks payable to SAN JOSE CHARTERS, INC. and include your RESERVATION ID to ensure accurate processing.

Deposit Amount:	\$0.00
Deposit Date:	
Balance Due:	\$0.00
Balance Due Date:	

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

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

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

Client's Signature

Date

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



Sales Person: Sara Magana

## OFFER TO CHARTER

Reservation ID: 1814962

### TERMS AND CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

# INFORMATION ITEMS

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**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Opening of School for the 2024-2025 School Year

## **BACKGROUND**

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Every year, staff monitors pre-enrollment, actual enrollment, and attendance to forecast and make adjustments if necessary.

## **CURRENT SITUATION**

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A report will be delivered to the Governing Board on the opening of the 2024-2025 school year. The participating high schools have worked closely with the Eden Area ROP in encouraging students to take advantage of the career and college development opportunities available through ROP classes. This collaboration has proven very effective in providing excellent educational and hands-on opportunities for students in all four of our participating districts.

## **RECOMMENDATION**

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Information only



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Eden Area ROP Service Awards

## **BACKGROUND**

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Annually the Eden Area ROP recognizes staff for their years of service.

## **CURRENT SITUATION**

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At the August 12, 2024 professional development day, service pins recognizing years of service were presented to staff members. Below is a list of the recipients and their respective years of service.

<b>EMPLOYEE</b>	<b>TITLE</b>	<b>SERVICE YEARS</b>
Roy Samol	Electrical Instructor	5
Laura Jagroop	Entrepreneurship Instructor	10
Linden Keiffer	Security	15
David Espinoza	Automotive Technology Instructor	20

## **RECOMMENDATION**

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Information only



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Michelle Stephens, Assistant Principal-Educational Services  
**SUBJECT:** Dates for the Sophomore Tours and the Student Awards Ceremony

**BACKGROUND**

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Every year, Eden Area ROP hosts a series of tours for sophomores in our partner school districts. The sophomore tours promote awareness of the Eden Area ROP programs and career opportunities for students. We collaborate with each of our partner high schools to design, organize and facilitate this field trip to the Hayward Center for all interested sophomores.

Every year, the Eden Area ROP holds a student award ceremony in the Spring. The student awards ceremony is held to recognize the outstanding achievements of Eden Area ROP students.

**CURRENT SITUATION**

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The sophomore tours have been scheduled for the following dates:

San Leandro High School & Lincoln High School	Friday, November 1, 2024
San Lorenzo High School, East Bay Arts, DICE	Friday, November 8, 2024
Hayward High School	Friday, November 15, 2024
Tennyson High School & Brenkwitz High School	Tuesday, November 19, 2024
Mt. Eden High School	Tuesday, December 10, 2024
Arroyo High School & Royal Sunset High School	Friday, December 13, 2024
Castro Valley High School & Redwood High School	Tuesday, January 28, 2025

This year, the Eden Area ROP Student Award Ceremony will be held on Thursday, May 15, 2025. This date was chosen carefully as calendars of each of the four school districts were considered, and availability of the facility was determined. The award ceremony's location will be announced at a later date.

**RECOMMENDATION**

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Information only



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** The Superintendent's Evaluation Timeline Revised

## **BACKGROUND**

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Part of the role and responsibilities of the Governing Board is to annually evaluate the performance of the Superintendent.

## **CURRENT SITUATION**

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The current timeline requires the Superintendent to present their goals to the Board in June for approval in August. This timeline impedes the organization's ability to plan in advance of the coming year. While it is difficult to align the Superintendent's evaluation to the development of the next year's goals, it is important for the organization to plan its goals before summer. Summer is a critical time for mapping out the implementation of the Eden Area ROP's annual goals. Having the goals approved prior to summer will allow the Superintendent and Leadership Team the time needed to effectively plan for the coming year.

Attached is a recommended calendar with a timeline to fulfill this obligation.

## **RECOMMENDATION**

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Information only



 **EdenAreaROP**  
**Superintendent's Evaluation Action Timeline 2024-2025 (Revised)**

Timeline	Action
<b>August 2024</b>	<p>The Superintendent will present draft of 2024-2025 goals to the Governing Board in closed session.</p> <p>If draft goals are completed in June, final goals will be presented for approval during open session.</p>
<b>September 2024</b>	<p>If needed, the Superintendent will present to the Governing Board finalized goals for the 2024-2025 school year.</p>
<b>March 2025</b>	<p>Reminder to the Governing Board of notification for extension of the Superintendent's contract by March 31, 2025.</p>
<b>April 15, 2025</b>	<p>Evaluation packet will be delivered to the Governing Board, which will include the Superintendent's job description and accomplishments towards the completion of goals.</p> <p>The Governing Board members will discuss the evaluation with their respective Superintendents prior to written finalization.</p>
<b>May 2025</b>	<p>The Governing Board President compiles and summarizes all information into draft for discussion with the Governing Board.</p> <p>The Governing Board discusses the evaluation and prepares for presentation to the Superintendent.</p>
<b>May 2025</b>	<p>The Superintendent will present draft of 2025-2026 goals to the Governing Board in closed session.</p>
<b>June 2025</b>	<p>If draft goals are completed in June, final goals will be presented for approval during open session.</p>
<b>June 2025</b>	<p>Final document(s) are presented to the Superintendent. Employment contract language is reviewed, if necessary.</p> <p>Employment contract is finalized and approved.</p> <p>The Governing Board will give the Superintendent suggestions and input for goals for the coming year during closed session.</p>
<b>August 2025</b>	<p>If needed, the Superintendent will present to the Governing Board finalized goals for the 2025-2026 school year.</p>



# EdenAreaROP Superintendent’s Evaluation Action/Timeline 2024-2025

2024  
Aug

The Superintendent will present draft of 2024-2025 goals to the Governing Board in closed session.

If draft goals are completed in June, final goals will be presented for approval during open session

2024  
Sept

If needed, the Superintendent will present to the Governing Board finalized goals for the 2024-2025 school year.

2025  
March

Reminder to the Governing Board of notification for extension of the Superintendent’s contract by March 31, 2025.

2025  
Apr 15

Evaluation packet will be delivered to the Governing Board, which will include the Superintendent’s job description and accomplishments towards the completion of goals.

The Governing Board members will discuss the evaluation with their respective Superintendents prior to written finalization.

2025  
May

The Governing Board President compiles and summarizes all information into draft for discussion with the Governing Board.

The Governing Board discusses the evaluation and prepares for presentation to the Superintendent.

2025  
Jun

Final document(s) are presented to the Superintendent. Employment contract language is reviewed, if necessary.

Employment contract is finalized and approved.

The Governing Board will give the Superintendent suggestions and input for goals for the coming year during closed session.



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** First Reading of Governing Board Policies, Administrative Regulations and Exhibits

## BACKGROUND

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

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

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

NUMBER	TYPE	TITLE	STATUS
1113	BP	District And School Websites	Revise
1113	AR	District And School Websites	Revise
1113	E(1)	District And School Websites	Revise
1260	BP	Educational Foundation	New
2121	BP	Superintendent's Contract	Revise
4112.9/4212.9/4312.9	E(1)	Employee Notifications	Revise
4121	BP	Temporary/Substitute Personnel	Revise
4121	AR	Temporary/Substitute Personnel	Revise
4161/4261/4361	BP	Leaves	Revise
4161.1/4361.1	AR	Personal Illness/Injury Leave	Revise
4261.1	AR	Personal Illness/Injury Leave	Revise
4161.2/4261.2/4361.2	AR	Personal Leaves	Revise
5113	BP	Absences and Excuses	Revise
5113	AR	Absences and Excuses	Revise
5145.6	BP	Parent/Guardian Notifications	Revise
5145.6	E(1)	Parent/Guardian Notifications	Revise

6000	BP	Concepts And Roles	Revise
6164.2	BP	Guidance/Counseling Services	Revise
6177	BP	Summer Learning Programs	Revise

## **RECOMMENDATION**

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Information only



# EdenAreaROP SUPERINTENDENT'S MEMO

**To:** Eden Area ROP Governing Board  
**From:** Blaine Torpey, Superintendent  
**Date:** September 5, 2024  
**Re:** First Reading of Board Policies, Administrative Regulations, and Exhibits

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

Number	Type	Title	Explanation of Change	Status
1113	BP	District And School Websites	Policy reviewed in conjunction with the accompanying administrative regulation and exhibit, with references to outdated material deleted.	Revise
1113	AR	District And School Websites	Regulation updated to add material related to reporting of cyberattacks to the Cybersecurity Integration Center.	Revise
1113	E(1)	District And School Websites	Exhibit updated to clarify that the exhibit is a non-exhaustive list of materials that are required to be posted on district and school websites. Additionally, exhibit updated to reflect (1) NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474) regarding additional notification requirements related to sex-based discrimination as well as the removal of the requirement to post specified training materials, (2) NEW LAW (AB 1327, 2023) which requires districts that participate in the California Interscholastic Federation to post the standardized incident form which tracks racial discrimination, harassment, or hazing at high school sporting games or events, (3) NEW LAW (AB 1326, 2023) related to posting requirements when a provisional appointment is made to fill a governing board vacancy, (4) NEW LAW (AB 889, 2023) related to posting requirements for specified information regarding the dangers of synthetic drugs, and (5) NEW LAW (AB 1466, 2023) related to posting requirements for the annual report on the use of seclusion and restraint.	Revise
1260	BP	Educational Foundation	Policy updated to reflect Proposition 28 Arts and Music in Schools Funding Guarantee and Accountability Act and corresponding California Department of Education accounting guidance regarding how districts can	New

Number	Type	Title	Explanation of Change	Status
			demonstrate state funds are used to supplement not supplant existing program funds. Additionally, policy updated to reflect that the district may not release student records or other personally identifiable student information except with parental consent or as required by law or district policy, and that student directory information may be released when appropriate.	
2121	BP	Superintendent's Contract	Policy updated to delete a portion of the language related to limitations for discussing superintendent salary or other compensation in closed session as this material exists in other policy materials. Additionally, policy updated to reflect <b>NEW LAW (SB 494, 2023)</b> prohibiting a governing board from taking action to terminate a superintendent under specified conditions.	Revise
4112.9/4212.9/4312.9	BP	Employee Notifications	Policy reviewed in conjunction with the accompanying exhibit.	Revise
4112.9/4212.9/4312.9	E(1)	Employee Notifications	Exhibit updated to clarify that the exhibit is a non-exhaustive list of notices which the law explicitly requires be provided to employees. Additionally, exhibit updated to incorporate notifications related to requesting volunteers to be trained to administer albuterol and anti-seizure medication.	Revise
4121	BP	Temporary/Substitute Personnel	Policy updated to reflect <b>NEW LAW (AB 897, 2023)</b> which (1) requires an employment agreement for a categorically funded project to include the expected end date of employment, the source of funding, and the nature of the categorically funded program or project, and (2) specifies that Education Code 44909 does not apply to a teacher of classes for adults. Additionally, policy updated to reflect <b>NEW LAW (SB 616, 2023)</b> which (1) requires districts that provide sick leave on an accrual basis to provide sick leave accrual at a rate of at least 40 hours or five days by the 200th calendar day of employment, each calendar year, or 12-month period, (2) for districts that credit employees with sick leave at the beginning of each	Revise

Number	Type	Title	Explanation of Change	Status
			year, increases paid sick leave to 40 hours or five days, and (3) extends procedural protections against retaliation to employees covered by collective bargaining agreements. In addition, policy updated to clarify that up to 80 hours or ten days of sick leave may be carried over annually, but the district may limit an employee's use of sick leave to 40 hours or five days per year. Policy also updated to provide that reemployment provisions contained in Education Code 44918 do not apply to districts with an average daily attendance of over 250,000 (formerly 400,000).	
4121	AR	Temporary/Substitute Personnel	Regulation updated to clarify that "time of initial employment" means before the employee starts work, including by moving related language.	Revise
4161/4261/4361	BP	Leaves	Policy updated to reference <b>NEW LAW (AB 472, 2023)</b> which requires a district that places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, to, upon the conclusion of the proceedings in favor of the employee, pay the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the district.	Revise
4161.1/4361.1	AR	Personal Illness/Injury Leave	Regulation updated to clarify that it applies to certificated employees, including certificated management, and that classified employees, including classified management should refer to Administrative Regulation 4261.1 - Personnel Illness/Injury Leave. Additionally, regulation updated to reflect <b>NEW LAW (SB 848, 2023)</b> which prohibits a district from refusing to grant a request from an employee to take up to five days of reproductive loss leave, and reference <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which, for purposes of Title IX, requires the district to treat pregnancy, childbirth, termination of	Revise

Number	Type	Title	Explanation of Change	Status
			<p>pregnancy, or lactation, including any related medical condition or recovery, as it would any other temporary medical condition for job-related purposes, including leaves. In addition, regulation updated to include that an employee may use sick leave days for bereavement leave. Regulation also updated to reflect <b>NEW LAW (SB 616, 2023)</b> which extends procedural protections to employees covered by collective bargaining agreements and (1) requires districts that provide sick leave on an accrual basis to provide sick leave accrual at a rate of at least 40 hours or five days by the 200th calendar day of employment, each calendar year, or 12-month period, or (2) for districts that credit employees with sick leave at the beginning of each year, increases paid sick leave to 40 hours or five days.</p>	
4261.1	AR	Personal Illness/Injury Leave	<p>Regulation updated to clarify that it applies to classified employees, including classified management, and that certificated employees, including certificated management should refer to Administrative Regulation 4161.1/4361.1 - Personnel Illness/Injury Leave. Additionally, regulation updated to reflect <b>NEW LAW (SB 848, 2023)</b> which prohibits a district from refusing to grant a request from an employee to take up to five days of reproductive loss leave, and reference <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which, for purposes of Title IX, requires the district to treat pregnancy, childbirth, termination of pregnancy, or lactation, including any related medical condition or recovery, as it would any other temporary medical condition for job-related purposes, including leaves. In addition, regulation updated to include that an employee may use sick leave days for bereavement leave, and that employees should be notified of the amount of sick leave they have accumulated at the beginning of each school year. Regulation also updated to reflect that up to 80 hours or 10 days of accrued sick leave may carry over, but the district may limit the use of sick leave to 40 hours or five days annually.</p>	Revise



Number	Type	Title	Explanation of Change	Status
			<p>Additionally, regulation updated to reflect <b>NEW LAW (SB 616, 2023)</b> which extends procedural protections to employees covered by collective bargaining agreements and (1) requires districts that provide sick leave on an accrual basis to provide sick leave accrual at a rate of at least 40 hours or five days by the 200th calendar day of employment, each calendar year, or 12-month period, or (2) for districts that credit employees with sick leave at the beginning of each year, increases paid sick leave to 40 hours or five days.</p>	
4161.2/4261.2/4361.2	AR	Personal Leaves	<p>Regulation updated to include that the definition of immediate family includes siblings-in-law. Additionally, regulation updated to reflect <b>NEW LAW (SB 848, 2023)</b> which (1) allows employees to take up to five days of reproductive loss leave following a reproductive loss event, (2) prohibits the district from retaliating or discriminating against an employee related to reproductive loss leave, and (3) provides that unless the district's leave policy does not so specify, reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.</p>	Revise
5113	BP	Absences and Excuses	<p>Policy updated to reference CSBA's new governance brief, "Seize the Data: Using Chronic Absence Data to Drive Student Engagement". Additionally, policy updated to clarify that absence from school is required to be excused when the absence is due to work in the entertainment or allied industry, as permitted by law. In addition, policy updated to add the requirement for teachers to provide identical or equivalent assignments and tests when a student has an excused absence.</p>	Revise
5113	AR	Absences and Excuses	<p>Regulation updated to reflect <b>NEW LAW (SB 350, 2023)</b> which requires that (1) a student's absence be excused for up to five days when the absence is for the purpose of attending funeral services or grieving the death of a student's immediate family, or of a</p>	Revise

Number	Type	Title	Explanation of Change	Status
			<p>person who is determined by the student's parent/guardian to be in such close association with the student as to be considered the student's immediate family, and (2) a student's absence be excused for up to three days when the absence is for the purpose of accessing victim or grief support services or for participating in safety planning as it relates to the death of a student's immediate family member, or of a person who is determined by the student's parent/guardian to be in such close association with the student as to be considered the student's immediate family. Additionally, regulation updated to reflect <b>NEW LAW (AB 1503, 2023)</b> which provides that attendance at a religious retreat may be excused for no more than one school day each semester. In addition, regulation updated to generalize the means of communication from parents/guardians to verify a student absence to keep the language more timeless. Policy also updated for closer alignment with law, clarity, and gender neutrality.</p>	
5145.6	BP	Parent/Guardian Notifications	<p>Policy updated to clarify the importance of effective communication from the district and/or school to families, and that a parent/guardian's signature acknowledging receipt of the annual notifications is not required. Additionally, policy updated to delete a portion of the material related to how notifications are presented, due to redundancy.</p>	Revise
5145.6	E(1)	Parent/Guardian Notifications	<p>Exhibit updated to clarify that the exhibit is a non-exhaustive list of notices which the law explicitly requires be provided to parents/guardians. Additionally, exhibit updated to include notifications related to (1) the dangers of synthetic drug use, (2) the use of CalPADS data, (3) guidelines for the full human papillomavirus immunization, (4) school closures, and (5) status change of a nonpublic nonsectarian school or agency.</p> <p>Additionally, exhibit updated to delete material related to a negative balance</p>	Revise

Number	Type	Title	Explanation of Change	Status
			in a meal account as this notification is no longer required.	
6000	BP	Concepts And Roles	Policy updated to align concepts with other sample policies and incorporate concepts of equity and inclusion. Additionally, policy updated to reflect <b>NEW GUIDANCE</b> from the California Department of Education, including the importance of coordination, collaboration and alignment between the school, parents/guardians and the community, and district support for innovative programs and practices that promote student engagement, growth, understanding, achievement and career exploration.	Revise
6164.2	BP	Guidance/Counseling Services	Policy updated to reflect <b>NEW LAW (AB 278, 2023)</b> which establishes the Dream Resource Grant Program with the goal of creating Dream Resource Centers at schools that serve students in grades 9-12, and <b>NEW LAW (SB 223, 2023)</b> which provides flexibility for pupil personnel services holders to receive authorization to provide child welfare and attendance services by either completing a Commission on Teacher Credentialing (CTC)-approved program of supervised field experience, or a CTC-approved program of professional preparation offered by a local educational agency. Additionally, policy updated to clarify that (1) guidance counseling regarding school programs and career, vocational, or higher education opportunities may not be differentiated based on any protected category specified in law or board policy, and that (2) the district may not use testing or other materials that permit or require impermissible or unlawful differential treatment of students, unless such different materials cover the same occupations and interest areas and the use of such materials is essential to the elimination of bias and discrimination. In addition, policy updated to reflect <b>NEW LAW (AB 1173, 2023)</b> which requires a district that serves students in any of grades 9-12 that is planning to hold a college or career fair to notify each community college district that has overlapping jurisdiction of the date,	Revise

Number	Type	Title	Explanation of Change	Status
			<p>time, and location of the fair, and provide an opportunity for the community college district to participate. Policy also updated to reflect <b>NEW LAW (AB 665, 2023)</b> which aligns a section of the Family Code with a related Health and Safety Code section which allows a minor age 12 or older to consent to outpatient mental health counseling or treatment services without parent/guardian consent if, in the opinion of a school psychologist or other professional person, the minor is mature enough to participate intelligently in the services, without having to establish that the minor would present a danger of serious physical or mental harm to themselves or others without the mental counseling or treatment services or that the minor is an alleged victim of incest or child abuse; however the child's parent/guardian is required to be involved unless the professional person determines after consulting with the minor that it would be inappropriate. Policy also updated to delete the requirement for school counselors to assist in the development of the comprehensive safety plan since this is not required by law, but maintained the requirement for school counselors to assist in the development of the disaster preparedness plan, which is part of the comprehensive safety plan.</p>	
6177	BP	Summer Learning Programs	<p>Policy updated to incorporate concepts related to learning recovery, including that the district will provide students with supplemental instruction and support in a tiered framework that bases universal, targeted, and intensive supports on students' needs for academic, social-emotional, and other integrated student supports through a program of engaging learning experiences in a positive school climate. Policy also updated to reflect <b>NEW LAW (AB 723, 2023)</b> and <b>NEW LAW (AB 373, 2023)</b> which require a district to grant priority access for intersession programs to a foster youth and/or to a student experiencing homelessness, and that if during an intersession period the student will be moving, the student's educational rights holder will</p>	Revise

Number	Type	Title	Explanation of Change	Status
			<p>determine which school the student will attend for the intersession period. Additionally, policy updated to add that a district is required to provide any student who attends a school that is not operating an expanded learning opportunity (ELO) program transportation to attend at a location that is providing an ELO program and to return to the original location or another location that is established by the district.</p>	

**Policy 1113: District And School Websites**

Status: DRAFT

Original Adopted Date: 03/05/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

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

To enhance communication with students, parents/guardians, staff, community members and the public at large, the Governing Board encourages the development and ongoing maintenance of Eden Area Regional Occupational Program (Eden Area ROP) websites on the Internet. Websites shall support the educational vision of the Eden Area ROP and shall be consistent with the Eden Area ROP 's plans for communications and media relations.

The Superintendent or designee shall develop guidelines regarding the content Eden Area ROP websites, which shall include standards for the ethical and responsible use of information and technology. These guidelines shall be consistent with law, Governing Board policy and administrative regulation, and address the accessibility of the Eden Area ROP website to the individuals with disabilities including compatibility with commonly used assistive technologies.

Eden Area ROP websites shall not include content which is obscene, libelous or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts on school premises, violate school rules or substantially disrupt the Eden Area ROP's orderly operation.

Any links to external sites shall follow the same guidelines applicable to Eden Area ROP websites.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on Eden Area ROP websites.

**Privacy Rights**

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on the Eden Area ROP website.

Telephone numbers and home and email addresses of students and/or their parent/guardians shall not be published on the Eden Area ROP website.

Photographs of individual students shall not be published on the Eden Area ROP website accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on the Eden Area ROP website.

**Superintendent's Approval Required**

No Eden Area ROP-related websites shall be published on the Internet without approval of the Superintendent or designee.

**Closed Forums for Expression**

All Eden Area ROP-related websites shall be "closed forums" for expression. This means that the Eden Area ROP has control over what may go on such websites and is not required to allow students, faculty, or others to place material on Eden Area ROP-related websites which the Eden Area ROP determines is inappropriate for any such websites. The purpose of Eden Area ROP-related websites will be to present the public with information about 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**

Bus. and Prof. Code 22580-22582

**Description**

[Privacy rights for California minors in the digital world](#)

**State References**

Bus. and Prof. Code 22584-22585  
 Bus. and Prof. Code 22586-22587  
 Ed. Code 32526  
 Ed. Code 33353  
 Ed. Code 35182.5  
 Ed. Code 35258  
 Ed. Code 42103  
 Ed. Code 48852.6  
 Ed. Code 48907  
 Ed. Code 48950  
 Ed. Code 48985.5  
 Ed. Code 49006  
 Ed. Code 49061  
 Ed. Code 49073  
 Ed. Code 5092  
 Ed. Code 60048  
 Gov. Code 11135  
 Gov. Code 12950  
 Gov. Code 3307.5  
 Gov. Code 7920.000-7930.215  
 Pen. Code 14029.5  
 Pub. Res. Code 21082.1

**Federal References**

16 CFR 312.1-312.13  
 17 USC 101-122  
 17 USC 504  
 20 USC 1232g  
 29 USC 705  
 29 USC 794  
 34 CFR 104.1-104.61  
 34 CFR 99.1-99.67  
 42 USC 12101-12213

**Management Resources References**

CA Civil Rights Department Publication  
 CA Civil Rights Department Publication  
 CA Civil Rights Department Publication

**Description**

[Student Online Personal Information Protection Act](#)  
[Early Learning Personal Information Protection Act](#)  
 Use of learning recovery funds  
 California Interscholastic Federation; standardized incident form  
[Contracts for advertising](#)  
[Internet access to school accountability report cards](#)  
[Budget notification](#)  
[Information regarding homelessness](#)  
[Exercise of free expression; time, place, and manner rules and regulations](#)  
[Speech and other communication](#)  
 Synthetic drugs  
 Seclusion and restraint  
[Definitions; directory information](#)  
[Release of directory information](#)  
 Filling Vacancies  
[Commercial brand names, contracts or logos](#)  
[Prohibition of discrimination](#)  
[California Civil Rights Department posters](#)  
[Publishing identity of public safety officers](#)  
[California Public Records Act](#)  
[Prohibition against publishing personal information of person in witness protection program](#)  
[California Environmental Quality Act environmental review documents](#)

**Description**

Children's Online Privacy Protection Act  
 Subject matter and scope of copyright  
 Penalties for copyright infringement  
 Family Educational Rights and Privacy Act (FERPA) of 1974  
 Definitions; Vocational Rehabilitation Act  
 Rehabilitation Act of 1973; Section 504  
 Nondiscrimination on the basis of disability  
 Family Educational Rights and Privacy  
 Americans with Disabilities Act

**Description**

[Family Care and Medical Leave and Pregnancy Disability Leave, January 2023](#)  
[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)  
[The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022](#)

**Management Resources References**

CA Civil Rights Department Publication  
 Court Decision  
 Court Decision  
 U.S. Department of Agriculture Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOJ, Civil Rights Division Publication  
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 Website  
 World Wide Web Consortium Publication

**Description**

[Your Rights and Obligations as a Pregnant Employee, January 2023](#)  
[Aaris v. Las Virgenes Unified School District \(1998\) 64 Cal.App.4th 1112](#)  
[City of San Jose v. Superior Court \(2017\) 2 Cal.5th 608](#)  
[Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016](#)  
[Dear Colleague Letter: Race and School Programming, August 2023](#)  
[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)  
[California Interscholastic Federation](#)  
[Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments](#)  
[California Cybersecurity Integration Center](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Governor's Office of Planning and Research, The California Environmental Quality Act](#)  
[California Department of Education, Web Accessibility Standards](#)  
[California School Public Relations Association](#)  
[California Interscholastic Federation](#)  
[U.S. Department of Justice, Civil Rights Division, Disability Rights Section](#)  
[World Wide Web Consortium, Web Accessibility Initiative](#)  
[CSBA](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[California Civil Rights Department](#)  
[Web Content Accessibility Guidelines, June 2018](#)

**Cross References**

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**Description**

[Vision](#)  
[Nondiscrimination In District Programs And Activities](#)  
[District Technology Plan](#)  
[District Technology Plan](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Accountability](#)  
[School Accountability Report Card](#)  
[School Accountability Report Card](#)  
[Media Relations](#)  
[District-Sponsored Social Media](#)  
[District-Sponsored Social Media](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Advertising And Promotion](#)  
[Access To District Records](#)



**Cross References****Description**

1340	<a href="#">Access To District Records</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3515	<a href="#">Campus Security</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.7	<a href="#">Firearms On School Grounds</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516.5	<a href="#">Emergency Schedules</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4040-E(2)	<a href="#">Employee Use Of Technology</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4132	<a href="#">Publication Or Creation Of Materials</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4219.21	<a href="#">Professional Standards</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4232	<a href="#">Publication Or Creation Of Materials</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4331	<a href="#">Staff Development</a>
4332	<a href="#">Publication Or Creation Of Materials</a>

**Cross References**

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**Description**[Family Care And Medical Leave](#)[Student Records](#)[Student Records](#)[Release Of Directory Information](#)[Release Of Directory Information](#)[Bullying](#)[Bullying](#)[Use Of Seclusion And Restraint](#)[Use Of Copyrighted Materials](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Evaluation Of The Instructional Program](#)[Site Selection And Development](#)[Site Selection And Development](#)[Public Statements](#)[Board Member Electronic Communications](#)[Board Policies](#)[Meetings And Notices](#)[Agenda/Meeting Materials](#)

## Regulation 1113: District And School Websites

Status: DRAFT

Original Adopted Date: 03/05/2020 | Last Reviewed Date: 03/05/2020

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

### Content

As applicable, the Eden Area Regional Occupational Program (Eden Area ROP) websites shall provide current and useful information regarding Eden Area ROP mission and goals, Eden Area ROP programs and operations, Eden Area ROP news, agendas and minutes of Governing Board meetings, school calendars, links to educational resources, activities and operations. Such information shall be appropriate for both internal and external audiences.

The content of websites may include, but not be limited to, Eden Area ROP news, mission and goals, agendas and minutes of Governing Board meetings, policy information, and messages from the Governing Board or administrators, information about curriculum and instruction, calendars, student projects, activities, transportation schedules, map, handbook, educational resources, links to other educational sites and contacts for further information.

Student work may be published on a website provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a newspaper or school newsletter.

Students, staff or other individuals may not use Eden Area ROP websites to provide access to their personal webpages or online services.

If any Any copyrighted material is to be posted on an Eden Area ROP website, shall be submitted to the Superintendent or designee together with the permission of the copyright owner to print the material. the website shall include a notice crediting the original producer of the material and noting how and when permission to reprint the material was granted. Any copyrighted material submitted without the copyright owner's permission shall only be posted on an Eden Area ROP website if the Superintendent or designee determines that the material is in the public domain or that the intended use meets the criteria for fair use or another exception pursuant to 17 USC 107-122. When any copyrighted material is posted, the website shall include a notice crediting the copyright owner and, as necessary, shall note that permission to reprint the material was granted.

Whenever an Eden Area ROP website includes links to external websites, it shall include a disclaimer that the Eden Area ROP is not responsible for the content of external websites.

### Roles and Responsibilities

The Eden Area ROP webmaster shall be responsible for the content and publication of the Eden Area ROP website upon approval of the Superintendent or designee. He/she shall review all content before publication, upload content to the Eden Area ROP web server, regularly check links for accuracy and appropriateness, and keep the web server free of outdated or unused files.

Any employee assigned as the Eden Area ROP webmaster shall be responsible for the uploading of material to the website(s) upon approval of the Superintendent or designee. The employee shall review Eden Area ROP websites to ensure consistency with Eden Area ROP standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

The Eden Area ROP webmaster shall perform similar duties related to the content and maintenance of the school's website upon approval of the school Eden Area ROP Director. The Eden Area ROP Director or school webmaster shall notify the Superintendent or designee regarding the creating and updating of a school website.

### Security

Pursuant to Education Code 35266, if the Eden Area ROP experiences a cyberattack which impacts more than 500 students or personnel the Eden Area ROP is required to report such cyberattack to the California Cybersecurity Integration Center.

The website host computer shall have security procedures that prohibit unauthorized persons from accessing system-level controls or making changes to website content.

The Superintendent or designee shall establish security procedures for the Eden Area ROP's computer network to

prevent unauthorized access and changes to Eden Area ROP websites. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

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

### State References

	Description
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">Student Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>
Ed. Code 32526	Use of learning recovery funds
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35182.5	<a href="#">Contracts for advertising</a>
Ed. Code 35258	<a href="#">Internet access to school accountability report cards</a>
Ed. Code 42103	<a href="#">Budget notification</a>
Ed. Code 48852.6	<a href="#">Information regarding homelessness</a>
Ed. Code 48907	<a href="#">Exercise of free expression; time, place, and manner rules and regulations</a>
Ed. Code 48950	<a href="#">Speech and other communication</a>
Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint
Ed. Code 49061	<a href="#">Definitions; directory information</a>
Ed. Code 49073	<a href="#">Release of directory information</a>
Ed. Code 5092	Filling Vacancies
Ed. Code 60048	<a href="#">Commercial brand names, contracts or logos</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12950	<a href="#">California Civil Rights Department posters</a>
Gov. Code 3307.5	<a href="#">Publishing identity of public safety officers</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Pen. Code 14029.5	<a href="#">Prohibition against publishing personal information of person in witness protection program</a>
Pub. Res. Code 21082.1	<a href="#">California Environmental Quality Act environmental review documents</a>

### Federal References

	Description
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

**Management Resources References**

CA Civil Rights Department Publication  
 CA Civil Rights Department Publication  
 CA Civil Rights Department Publication  
 CA Civil Rights Department Publication  
 Court Decision  
 Court Decision  
 U.S. Department of Agriculture Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOJ, Civil Rights Division Publication  
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 World Wide Web Consortium Publication

**Description**

[Family Care and Medical Leave and Pregnancy Disability Leave, January 2023](#)  
[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)  
[The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022](#)  
[Your Rights and Obligations as a Pregnant Employee, January 2023](#)  
 Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112  
 City of San Jose v. Superior Court (2017) 2 Cal.5th 608  
[Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016](#)  
[Dear Colleague Letter: Race and School Programming, August 2023](#)  
[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)  
[California Interscholastic Federation](#)  
[Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments](#)  
[California Cybersecurity Integration Center](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Governor's Office of Planning and Research, The California Environmental Quality Act](#)  
[California Department of Education, Web Accessibility Standards](#)  
[California School Public Relations Association](#)  
[California Interscholastic Federation](#)  
[U.S. Department of Justice, Civil Rights Division, Disability Rights Section](#)  
[World Wide Web Consortium, Web Accessibility Initiative](#)  
[CSBA](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[California Civil Rights Department](#)  
[Web Content Accessibility Guidelines, June 2018](#)

**Cross References**

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**Description**

[Vision](#)  
[Nondiscrimination In District Programs And Activities](#)  
[District Technology Plan](#)  
[District Technology Plan](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Accountability](#)  
[School Accountability Report Card](#)  
[School Accountability Report Card](#)  
[Media Relations](#)  
[District-Sponsored Social Media](#)  
[District-Sponsored Social Media](#)

**Cross References****Description**

1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
1325	<a href="#">Advertising And Promotion</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3515	<a href="#">Campus Security</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.7	<a href="#">Firearms On School Grounds</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516.5	<a href="#">Emergency Schedules</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4040-E(2)	<a href="#">Employee Use Of Technology</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4132	<a href="#">Publication Or Creation Of Materials</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4219.21	<a href="#">Professional Standards</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4232	<a href="#">Publication Or Creation Of Materials</a>
4261.8	<a href="#">Family Care And Medical Leave</a>

**Cross References**

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**Description**

[Professional Standards](#)  
[Professional Standards](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
[Publication Or Creation Of Materials](#)  
[Family Care And Medical Leave](#)  
[Student Records](#)  
[Student Records](#)  
[Release Of Directory Information](#)  
[Release Of Directory Information](#)  
[Bullying](#)  
[Bullying](#)  
[Use Of Seclusion And Restraint](#)  
[Use Of Copyrighted Materials](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)  
[Evaluation Of The Instructional Program](#)  
[Site Selection And Development](#)  
[Site Selection And Development](#)  
[Public Statements](#)  
[Board Member Electronic Communications](#)  
[Board Policies](#)  
[Meetings And Notices](#)  
[Agenda/Meeting Materials](#)

**Exhibit 1113-E(1): District And School Websites**

Status: DRAFT

Original Adopted Date: 11/04/2021 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

**MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEBSITE**

This exhibit is a non-exhaustive list of materials which the law explicitly requires be posted on Eden Area ROP websites. Other legal requirements may exist and may be identified in the future.

**Materials to Prominently Display**

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

The following must be posted in a prominent location on the Eden Area ROP's website, such as on the home page when required by law:

1. A direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the Eden Area ROP's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). Post at least 72 hours before a regular board meeting or 24 hours before a special meeting. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.
2. The Eden Area ROP's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). See BP 5141.52 - Suicide Prevention.
3. The Eden Area ROP's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.
4. The Eden Area ROP's policy on preventing and responding to hate violence, if the Eden Area ROP has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.
5. The definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
6. Information regarding Title IX prohibitions against discrimination based on a student's sex, including sex stereotypes, sex characteristics, gender, gender identity, sexual orientation, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery, and parental, family, and marital status; including that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights (OCR); the name and contact information of the Title IX Coordinator; how to locate the district's nondiscrimination policy and grievance procedures; how to report information about conduct that may constitute sex discrimination under Title IX; the rights of students and the public as specified in Education Code 221.8; the responsibilities of the Eden Area ROP under Title IX; web links to information about those rights and responsibilities on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, OCR; a description of how to file a complaint of noncompliance under Title IX with specified components; and a link to Title IX information posted on the California Department of Education's (CDE) website (Education Code 221.6, 221.61, 234.6; 34 CFR 106.2, 106.8, 106.10). See AR 5145.3 -Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.
7. A link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
8. Posters published by the California Civil Rights Department (CRD) including, "California Law Prohibits Workplace Discrimination and Harassment," and for districts with five or more employees, "The Rights of Employees Who Are Transgender or Gender Nonconforming," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave" (Government Code 12950).



See AR 4030 - Nondiscrimination in Employment and AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

### Other Postings

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

9. The Eden Area ROP's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.
10. Training materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person(s) who facilitates an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
11. Contact information for the Eden Area ROP's liaison(s) for homeless students and other persons as required by Education Code 48852.6, and information regarding the educational rights and resources available to persons experiencing homelessness (Education Code 48852.6). See AR 6173 - Education for Homeless Children.
12. The section(s) of the Eden Area ROP's employee code of conduct addressing interactions with students. These section(s) or a link to them shall be posted on each school's website or, if a school does not have its own website, on the Eden Area ROP's website in a manner that is accessible to the public without a password. (Education Code 44050) See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
13. The school's or Eden Area ROP's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5. The plan shall be posted on the school's website or, if the school does not have a website, then on the Eden Area ROP's website. (Education Code 17611.5). See AR 3514.2 Integrated Pest Management.
14. When the California Environmental Quality Act requires an environmental impact report, negative declaration, or mitigated negative declaration, those environmental review documents, public notice of the preparation and availability of such documents within a reasonable period of time prior to certification of the environmental impact report, adoption of a negative declaration, or determination that a proposed subsequent project will have no additional significant effect on the environment, and specified notices when written requests for notices have been filed (Public Resources Code 21082.1, 21092, 21092.2). See BP 7150 - Site Selection And Development.
15. Results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results. (This notification could be made in writing to parents/guardians instead of or in addition to posting the results on the Eden Area ROP's website.) In addition, if a school loses its WASC or other agency's accreditation, the Eden Area ROP and school shall post on their websites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.
16. The Eden Area ROP's COVID-19 testing plan (Education Code 32096).
17. An age appropriate and culturally relevant digitized poster that identifies approaches and shares resources about student mental health, distributed to students online at the beginning of each school year (Education Code 49428.5). See BP 5141.5 - Mental Health
18. If a provisional appointment is made to fill a governing board vacancy, notice of both the actual vacancy or the filing of a deferred resignation and the provisional appointment. Post within 10 days of making the provisional appointment (Education Code 5092). See BB 9223 - Filling Vacancies.
19. The dangers associated with using synthetic drugs that are not prescribed by a physician, such as fentanyl, and of the possibility that dangerous synthetic drugs can be found in counterfeit pills (Education Code 48985.5).
20. The annual report to CDE on the use of behavioral restraints and seclusion (Education Code 49006).

**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**

	<b>Description</b>
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">Student Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>
Ed. Code 32526	Use of learning recovery funds
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35182.5	<a href="#">Contracts for advertising</a>
Ed. Code 35258	<a href="#">Internet access to school accountability report cards</a>
Ed. Code 42103	<a href="#">Budget notification</a>
Ed. Code 48852.6	<a href="#">Information regarding homelessness</a>
Ed. Code 48907	<a href="#">Exercise of free expression; time, place, and manner rules and regulations</a>
Ed. Code 48950	<a href="#">Speech and other communication</a>
Ed. Code 48985.5	Synthetic drugs
Ed. Code 49006	Seclusion and restraint
Ed. Code 49061	<a href="#">Definitions; directory information</a>
Ed. Code 49073	<a href="#">Release of directory information</a>
Ed. Code 5092	Filling Vacancies
Ed. Code 60048	<a href="#">Commercial brand names, contracts or logos</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12950	<a href="#">California Civil Rights Department posters</a>
Gov. Code 3307.5	<a href="#">Publishing identity of public safety officers</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Pen. Code 14029.5	<a href="#">Prohibition against publishing personal information of person in witness protection program</a>
Pub. Res. Code 21082.1	<a href="#">California Environmental Quality Act environmental review documents</a>

**Federal References**

	<b>Description</b>
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

**Management Resources References**

	<b>Description</b>
CA Civil Rights Department Publication	<a href="#">Family Care and Medical Leave and Pregnancy Disability Leave, January 2023</a>

**Management Resources References**

CA Civil Rights Department Publication  
 CA Civil Rights Department Publication  
 CA Civil Rights Department Publication  
 Court Decision  
 Court Decision  
 U.S. Department of Agriculture Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOJ, Civil Rights Division Publication  
 Website  
 Website  
 Website  
 Website  
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 Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 World Wide Web Consortium Publication

**Description**

[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)  
[The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022](#)  
[Your Rights and Obligations as a Pregnant Employee, January 2023](#)  
 Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112  
 City of San Jose v. Superior Court (2017) 2 Cal.5th 608  
[Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016](#)  
[Dear Colleague Letter: Race and School Programming, August 2023](#)  
[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)  
[California Interscholastic Federation](#)  
[Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments](#)  
[California Cybersecurity Integration Center](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Governor's Office of Planning and Research, The California Environmental Quality Act](#)  
[California Department of Education, Web Accessibility Standards](#)  
[California School Public Relations Association](#)  
[California Interscholastic Federation](#)  
[U.S. Department of Justice, Civil Rights Division, Disability Rights Section](#)  
[World Wide Web Consortium, Web Accessibility Initiative](#)  
[CSBA](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[California Civil Rights Department](#)  
[Web Content Accessibility Guidelines, June 2018](#)

**Cross References**

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 0410  
 0440  
 0440  
 0450  
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 1114  
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**Description**

[Vision](#)  
[Nondiscrimination In District Programs And Activities](#)  
[District Technology Plan](#)  
[District Technology Plan](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Accountability](#)  
[School Accountability Report Card](#)  
[School Accountability Report Card](#)  
[Media Relations](#)  
[District-Sponsored Social Media](#)  
[District-Sponsored Social Media](#)  
[Uniform Complaint Procedures](#)

**Cross References****Description**

1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
1325	<a href="#">Advertising And Promotion</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3290	<a href="#">Gifts, Grants And Requests</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3515	<a href="#">Campus Security</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.7	<a href="#">Firearms On School Grounds</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516.5	<a href="#">Emergency Schedules</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4040-E(2)	<a href="#">Employee Use Of Technology</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4132	<a href="#">Publication Or Creation Of Materials</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4219.21	<a href="#">Professional Standards</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4232	<a href="#">Publication Or Creation Of Materials</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4319.21	<a href="#">Professional Standards</a>

**Cross References**

4319.21-E PDF(1)

4319.23

4331

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4361.8

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5125.1

5125.1

5131.2

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5131.41

6162.6

6163.4

6163.4

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**Description**[Professional Standards](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Staff Development](#)[Publication Or Creation Of Materials](#)[Family Care And Medical Leave](#)[Student Records](#)[Student Records](#)[Release Of Directory Information](#)[Release Of Directory Information](#)[Bullying](#)[Bullying](#)[Use Of Seclusion And Restraint](#)[Use Of Copyrighted Materials](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Evaluation Of The Instructional Program](#)[Site Selection And Development](#)[Site Selection And Development](#)[Public Statements](#)[Board Member Electronic Communications](#)[Board Policies](#)[Meetings And Notices](#)[Agenda/Meeting Materials](#)

**Policy 1260: Educational Foundation**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes the importance of community support of Eden Area Regional Occupational Programs (Eden Area ROP) programs, including voluntary financial contributions, to assist the Eden Area ROP in achieving its goals for student learning.

The Board desires to work cooperatively with the educational foundation in determining the purposes for which funds may be used to meet the changing needs of the Eden Area ROP and its students. The Board recognizes that an educational foundation is a separate legal entity, independent of the Eden Area ROP. However, the foundation is encouraged to provide regular reports to the Board on the status of its work and to communicate ways that the Eden Area ROP can help support the foundation's activities.

With the consent of the Superintendent or designee, the educational foundation, as appropriate, may use the Eden Area ROP's name or any logo attributable to the Eden Area ROP.

Student records or other personally identifiable student information shall not be released except with parental consent or as required by law or Eden Area ROP policy. Student directory information may be released when appropriate.

The Board supports foundation allocations that serve the Eden Area ROP equitably.

**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**

	<b>Description</b>
11 CCR 300-312.1	Fundraising for charitable purposes
Bus. Code 17510-17510.95	<a href="#">Charitable solicitations</a>
Bus. Code 25608	<a href="#">Alcohol on school property; use in connection with instruction</a>
Ed. Code 38130-38138	<a href="#">Civic Center Act; use of school property for public purposes</a>
Ed. Code 8820-8822	The Arts and Music in Schools—Funding Guarantee and Accountability Act
Gov. Code 12580-12599.10	<a href="#">Fundraisers for Charitable Purposes Act</a>
Pen. Code 319-329	<a href="#">Lottery; raffle</a>

**Management Resources References**

	<b>Description</b>
California Department of Education Publication	<a href="#">Proposition 28- AMS Financial &amp; Audit Requirements</a>
Court Decision	Serrano v. Priest (1976) 18 Cal. 3d 728
Education Audit Appeals Panel Publication	<a href="#">2023-24 Audit Guide</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Consortium of Education Foundations</a>
Website	<a href="#">California Office of the Attorney General, Registry of Charities and Fundraisers</a>
Website	<a href="#">Education Audit Appeals Panel</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

**Cross References**

	<b>Description</b>
0200	<a href="#">Goals For The School District</a>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0415	<a href="#">Equity</a>

**Cross References****Description**

1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1321	<a href="#">Solicitation Of Funds From And By Students</a>
1321	<a href="#">Solicitation Of Funds From And By Students</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.1	<a href="#">Release Of Directory Information</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6161.11	<a href="#">Supplementary Instructional Materials</a>

**Policy 2121: Superintendent's Contract**

Status: DRAFT

Original Adopted Date: 06/07/2012 | Last Revised Date: 12/09/2021 | Last Reviewed Date: 12/09/2021

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

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

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

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

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

*(cf 3350 – Travel Expenses)*

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

*(cf 4040 – Employee Use of Technology)*

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

*(cf 4161/4261/4361 – Leaves)*

6. Professional development
7. General duties and responsibilities of the position

*(cf 2110 – Superintendent Responsibilities and Duties)*

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

*(cf 2140 – Evaluation of the Superintendent)*

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

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

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

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date
12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in the



Superintendent's official capacity in the performance of employment-related duties

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

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

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

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

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

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

*(cf 9320 – Meetings and Notices)*

*(cf 9321 – Closed Session)*

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

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

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

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

*(cf 1340 – Access to District Records)*

*(cf 3580 – District Records)*

## Termination of Contract

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

*(cf 4117.5/4217.5/4317.5 – Termination Agreements)*

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

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

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

The Board shall not take action to terminate the Superintendent without cause at a special or emergency meeting of

the Board. (Education Code 35150)

Additionally, the Board shall not take action to terminate the Superintendent without cause or 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)

However, the Board may take action to terminate the Superintendent without cause at a regular meeting during any month in which a regular meeting of the Board is not scheduled. (Education Code 35150)

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

#### State References

Ed. Code 35031

#### Description

[Term of employment](#)

Ed. Code 35150

Termination of superintendent

Ed. Code 41325-41328

[Conditions of emergency apportionment](#)

Gov. Code 3511.1-3511.2

[Local agency executives](#)

Gov. Code 53243-53243.4

[Abuse of office](#)

Gov. Code 53260-53264

[Employment contracts](#)

Gov. Code 54953

[Oral summary of recommended salary and benefits of superintendent](#)

Gov. Code 54954

[Time and place of regular meetings](#)

Gov. Code 54956

[Special meetings](#)

Gov. Code 54957

[Closed session personnel matters](#)

Gov. Code 54957.1

[Closed session; public report of action taken](#)

Gov. Code 54957.6

[Closed sessions regarding employee matters](#)

Gov. Code 7920.000-7930.215

[California Public Records Act](#)

#### Federal References

#### Description

26 CFR 1.105-11

Self-insured medical reimbursement plan

26 USC 105

Self-insured medical reimbursement plan; definition of highly compensated individual

42 USC 300gg-16

Group health plan; nondiscrimination in favor of highly compensated individuals

#### Management Resources References

#### Description

Attorney General Opinion

57 Ops. Cal. Atty. Gen. 209 (1974)

Attorney General Publication

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Court Decision

San Diego Union v. City Council (1983) 146 Cal.App.3d 947

CSBA Publication

Superintendent Contract Template

Website

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

Website

[California Office of the Attorney General](#)

Website

[Association of California School Administrators](#)

Website

[CSBA](#)

#### Cross References

#### Description

0200

[Goals For The School District](#)

1340

[Access To District Records](#)

**Cross References****Description**

1340	<a href="#">Access To District Records</a>
2110	<a href="#">Superintendent Responsibilities And Duties</a>
2120	<a href="#">Superintendent Recruitment And Selection</a>
2140	<a href="#">Evaluation Of The Superintendent</a>
2210	<a href="#">Administrative Discretion Regarding Board Policy</a>
3312	<a href="#">Contracts</a>
3350	<a href="#">Travel Expenses</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4040-E(2)	<a href="#">Employee Use Of Technology</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E PDF(1)	<a href="#">Employee Notifications</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.2	<a href="#">Personal Leaves</a>
4161.5	<a href="#">Military Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E PDF(1)	<a href="#">Employee Notifications</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261	<a href="#">Leaves</a>
4261	<a href="#">Leaves</a>
4261.2	<a href="#">Personal Leaves</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E PDF(1)	<a href="#">Employee Notifications</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4361	<a href="#">Leaves</a>
4361	<a href="#">Leaves</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.2	<a href="#">Personal Leaves</a>

**Cross References**

4361.5

4361.8

9000

9011

9124

9320

9321

9321-E(1)

9321-E(2)

9323.2

9323.2-E(1)

**Description**[Military Leave](#)[Family Care And Medical Leave](#)[Role Of The Board](#)[Disclosure Of Confidential/Privileged Information](#)[Attorney](#)[Meetings And Notices](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)[Actions By The Board](#)[Actions By The Board](#)

**NOTE: The Exhibits titled "Employee Notifications" are triple coded, indicating that the language is identical across all three exhibits being presented for review.**

**Exhibit 4112.9-E(1): Employee Notifications**

Status: DRAFT

Original Adopted Date: 03/03/2022 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

**I. To All Employees**

When/Whom to Notify: At the beginning of school year or upon employment  
Education or Other Legal Code: Education Code 231.5, Government Code 12950  
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11  
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application  
Education or Other Legal Code: Education Code 17612  
Board Policy/Administrative Regulation #: AR 3514.2  
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49013; 5 CCR 4622  
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260  
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually  
Education or Other Legal Code: Education Code 49069.5, 51225.1  
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175  
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, migrant students, and students participating in a newcomer program.

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per year  
Education or Other Legal Code: Education Code 49414.3  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Request for volunteers to be trained to administer opioid antagonist

When/Whom to Notify: To all employees  
Education or Other Legal Code: Government Code 1126  
Board Policy/Administrative Regulation #: BP 4136/4236/4336  
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees  
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210  
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359  
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment  
Education or Other Legal Code: Government Code 21029  
Board Policy/Administrative Regulation #: None  
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter  
Education or Other Legal Code: Health and Safety Code 1797.196  
Board Policy/Administrative Regulation #: AR 5141  
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: Annually, or more frequently if there is new information  
Education or Other Legal Code: Health and Safety Code 120875, 120880  
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43  
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees  
Education or Other Legal Code: Labor Code 230.1  
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2  
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck  
Education or Other Legal Code: Labor Code 246  
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1  
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave  
Education or Other Legal Code: Labor Code 1034  
Board Policy/Administrative Regulation #: BP 4033  
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees  
Education or Other Legal Code: Labor Code 2800.2  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account  
Education or Other Legal Code: Labor Code 2810.7  
Board Policy/Administrative Regulation #: None  
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period  
Education or Other Legal Code: Labor Code 3551  
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1  
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable  
Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted  
Education or Other Legal Code: Labor Code 6409.6  
Board Policy/Administrative Regulation #: AR 4157/4257/4357  
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment  
Education or Other Legal Code: Penal Code 11165.7, 11166.5  
Board Policy/Administrative Regulation #: AR 5141.4  
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury  
Education or Other Legal Code: Unemployment Insurance Code 2613  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses  
Education or Other Legal Code: Welfare and Institutions Code 827  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants  
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9  
Board Policy/Administrative Regulation #: BP 0410, AR 4030  
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee  
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300  
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8  
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: To all employees  
Education or Other Legal Code: 8 CCR 3203  
Board Policy/Administrative Regulation #: AR 4157/4257/4357  
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees  
Education or Other Legal Code: 34 CFR 106.8  
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11  
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually  
Education or Other Legal Code: 40 CFR 763.84, 763.93  
Board Policy/Administrative Regulation #: AR 3514  
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment  
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8  
Board Policy/Administrative Regulation #: AR 6178  
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

## **II. To Certificated Employees**

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire  
Education or Other Legal Code: Education Code 22455.5  
Board Policy/Administrative Regulation #: AR 4121  
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual  
Education or Other Legal Code: Education Code 22461  
Board Policy/Administrative Regulation #: AR 4117.14/4317.14  
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees  
Education or Other Legal Code: Education Code 35171  
Board Policy/Administrative Regulation #: AR 4115, BP 4315  
Subject: District regulations related to performance evaluations



When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated  
Education or Other Legal Code: Education Code 44663  
Board Policy/Administrative Regulation #: AR 4115  
Subject: Copy of employee's evaluation

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees  
Education or Other Legal Code: Education Code 44842  
Board Policy/Administrative Regulation #: AR 4112.1  
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter  
Education or Other Legal Code: Education Code 44916  
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121  
Subject: Employment status and salary

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year  
Education or Other Legal Code: Education Code 44934, 44934.1, 44936  
Board Policy/Administrative Regulation #: BP 4118; AR 4118  
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice  
Education or Other Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year  
Education or Other Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings  
Education or Other Legal Code: Education Code 44940.5  
Board Policy/Administrative Regulation #: AR 4118  
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released  
Education or Other Legal Code: Education Code 44954  
Board Policy/Administrative Regulation #: BP 4121  
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated  
Education or Other Legal Code: Education Code 44955.5  
Board Policy/Administrative Regulation #: BP 4117.3  
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts  
Education or Other Legal Code: Education Code 49079  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion  
Education or Other Legal Code: Education Code 48201  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct  
Education or Other Legal Code: 5 CCR 80303  
Board Policy/Administrative Regulation #: AR 4117.7/4317.7  
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

### III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a nonmerit district  
Education or Other Legal Code: Education Code 45113  
Board Policy/Administrative Regulation #: AR 4218  
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification  
Education or Other Legal Code: Education Code 45169  
Board Policy/Administrative Regulation #: AR 4212  
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted  
Education or Other Legal Code: Education Code 45192, 45195  
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11  
Subject: Exhaustion of leave, opportunity to request additional leave

### IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract  
Education or Other Legal Code: Education Code 35031  
Board Policy/Administrative Regulation #: BP 2121, BP 4312.1  
Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position  
Education or Other Legal Code: Education Code 44896  
Board Policy/Administrative Regulation #: AR 4313.2  
Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951  
Board Policy/Administrative Regulation #: AR 4313.2  
Subject: Notice that employee may be released or reassigned the following school year

#### **V. To Individual Employees Under Special Circumstances**

When/Whom to Notify: In the event of a breach of security of district records to affected employees  
Education or Other Legal Code: Civil Code 1798.29  
Board Policy/Administrative Regulation #: BP 3580  
Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file  
Education or Other Legal Code: Education Code 44031  
Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6  
Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline  
Education or Other Legal Code: Government Code 3304  
Board Policy/Administrative Regulation #: AR 3515.3  
Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return  
Education or Other Legal Code: Government Code 20997  
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5  
Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee  
Education or Other Legal Code: Government Code 54957  
Board Policy/Administrative Regulation #: BB 9321  
Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information  
Education or Other Legal Code: Government Code 54963  
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23  
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed  
Education or Other Legal Code: Labor Code 230  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime  
Education or Other Legal Code: Labor Code 3553, 5401  
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1  
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification  
Education or Other Legal Code: Penal Code 11105, 11105.2  
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5  
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204  
 Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42  
 Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

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

**State References**

**Description**

13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	<a href="#">District records; breach of security</a>
Ed. Code 17612	<a href="#">Notification of pesticide use</a>
Ed. Code 22455.5	<a href="#">STRS information to potential members</a>
Ed. Code 22461	<a href="#">Postretirement compensation limitation</a>
Ed. Code 231.5	<a href="#">Sexual harassment policy</a>
Ed. Code 35031	<a href="#">Term of employment</a>
Ed. Code 35171	<a href="#">Availability of rules and regulations for evaluation of performance</a>
Ed. Code 37616	<a href="#">Consultation regarding year-round schedule</a>

**State References****Description**

Ed. Code 44663-44664	<a href="#">Evaluation of certificated employees</a>
Ed. Code 44842	<a href="#">Reemployment notices; certificated employees</a>
Ed. Code 44896	<a href="#">Transfer of administrator or supervisor to teaching position</a>
Ed. Code 44916	<a href="#">Written statement of employment status</a>
Ed. Code 44929.21	<a href="#">Notice of reelection decision; districts with 250 ADA or more</a>
Ed. Code 44929.23	<a href="#">Districts with less than 250 ADA</a>
Ed. Code 44934	<a href="#">Notice of disciplinary action for cause</a>
Ed. Code 44938	<a href="#">Notice of unprofessional conduct and opportunity to correct</a>
Ed. Code 44940.5-44941	<a href="#">Notification of suspension and intent to dismiss</a>
Ed. Code 44948.3-44948.5	<a href="#">Dismissal of probationary employees</a>
Ed. Code 44948.5	<a href="#">Nonreelection procedures; districts under 250 ADA</a>
Ed. Code 44949	<a href="#">Dismissal of probationary employees</a>
Ed. Code 44951	<a href="#">Continuation in position unless notified; administrative or supervisory personnel</a>
Ed. Code 44954	<a href="#">Nonreelection of temporary employees</a>
Ed. Code 44955	<a href="#">Reduction in number of permanent employees</a>
Ed. Code 44955.5	<a href="#">Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance</a>
Ed. Code 45113	<a href="#">Notification of charges; classified employees</a>
Ed. Code 45117	<a href="#">Notice of layoff; classified employees</a>
Ed. Code 45169	<a href="#">Employee salary data; classified employees</a>
Ed. Code 45192	<a href="#">Industrial accident and illness leave for classified employees</a>
Ed. Code 45195	<a href="#">Additional leave</a>
Ed. Code 46162	<a href="#">Alternative schedule for junior high and high school; public hearing with notice</a>
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	<a href="#">Complaints regarding student fees</a>
Ed. Code 49079	<a href="#">Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion</a>
Ed. Code 49414	<a href="#">Epinephrine auto-injectors</a>
Ed. Code 49414.3	<a href="#">Administration of opioid antagonist</a>
Gov. Code 1126	<a href="#">Incompatible activities of employees</a>
Gov. Code 12950	<a href="#">Sexual harassment</a>
Gov. Code 21029	<a href="#">Retirement credit for period of military service</a>
Gov. Code 54957	<a href="#">Complaints against employees; right to open session</a>
Gov. Code 54963	<a href="#">Unauthorized disclosure of confidential information</a>
Gov. Code 8355	<a href="#">Certification of drug-free workplace, including notification</a>
H&S Code 104420	<a href="#">Tobacco-free schools</a>
H&S Code 120875	<a href="#">Information on AIDS, AIDS-related conditions, and hepatitis B</a>
H&S Code 120880	<a href="#">Notification to employees re AIDS, AIDS-related conditions, and hepatitis B</a>

**State References**

H&amp;S Code 1797.196

Lab. Code 230

Lab. Code 2800.2

Lab. Code 3550-3553

Lab. Code 5401

Pen. Code 11165.7

Pen. Code 11166.5

Unemp. Ins. Code 2613

W&amp;I Code 827

**Description**[Automated external defibrillators; notification of use and locations](#)[Accommodations and leave for victims of domestic violence](#)[Notification of availability of continuation health coverage](#)[Notifications: Workers' compensation benefits](#)[Workers' compensation; claim form and notice of potential eligibility](#)[Child Abuse and Neglect Reporting Act; notification requirement](#)[Employment; statement of knowledge of duty to report child abuse or neglect](#)[Disability insurance; notice of rights and benefits](#)[Limited exception to juvenile court record](#)**Federal References**

20 USC 2354

29 CFR 825.300

34 CFR 100

34 CFR 104.8

34 CFR 106.9

34 CFR 84.205-84.210

38 USC 4334

40 CFR 763.84

40 CFR 763.93

41 USC 8101-8106

42 USC 11431-11435

49 CFR 382.113

49 CFR 382.303

49 CFR 382.601

**Description**

Local application for career and technical education programs

Family and Medical Leave Act; notice requirement

Nondiscrimination under programs receiving federal assistance

Nondiscrimination

Severability

Drug-free workplace statement

Uniformed Services Employment and Reemployment Rights Act; notice requirement

Asbestos inspections, response actions and post-response actions

Asbestos management plans

Drug-Free Workplace Act

McKinney-Vento Homeless Assistance Act

Controlled substance and alcohol use and testing notifications

Post-accident information, procedures, and instructions

Controlled substance and alcohol use and testing notification

**Management Resources References**

Website

**Description**[CSBA District and County Office of Education Legal Services](#)**Cross References**

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3-E PDF(1)

[Uniform Complaint Procedures](#)

2121

[Superintendent's Contract](#)

3260

[Fees And Charges](#)

3260

[Fees And Charges](#)

3513.3

[Tobacco-Free Schools](#)

3513.3

[Tobacco-Free Schools](#)

3514

[Environmental Safety](#)

3514.1

[Hazardous Substances](#)

**Cross References****Description**

3514.1	<a href="#">Hazardous Substances</a>
3514.2	<a href="#">Integrated Pest Management</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4020	<a href="#">Drug And Alcohol-Free Workplace</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4033	<a href="#">Lactation Accommodation</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.6	<a href="#">Personnel Files</a>
4115	<a href="#">Evaluation/Supervision</a>
4115	<a href="#">Evaluation/Supervision</a>
4116	<a href="#">Probationary/Permanent Status</a>
4117.3	<a href="#">Personnel Reduction</a>
4117.7	<a href="#">Employment Status Reports</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4119.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4119.11-E PDF(1)	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4119.43	<a href="#">Universal Precautions</a>
4119.43	<a href="#">Universal Precautions</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4136	<a href="#">Nonschool Employment</a>
4136-E PDF(1)	<a href="#">Nonschool Employment</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4157.1	<a href="#">Work-Related Injuries</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.11	<a href="#">Industrial Accident/Illness Leave</a>
4161.2	<a href="#">Personal Leaves</a>
4161.5	<a href="#">Military Leave</a>

**Cross References****Description**

4161.8	<a href="#">Family Care And Medical Leave</a>
4212	<a href="#">Appointment And Conditions Of Employment</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4212.6	<a href="#">Personnel Files</a>
4216	<a href="#">Probationary/Permanent Status</a>
4217.3	<a href="#">Layoff/Rehire</a>
4219.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4219.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4219.11-E PDF(1)	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4219.43	<a href="#">Universal Precautions</a>
4219.43	<a href="#">Universal Precautions</a>
4236	<a href="#">Nonschool Employment</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4257	<a href="#">Employee Safety</a>
4257	<a href="#">Employee Safety</a>
4257.1	<a href="#">Work-Related Injuries</a>
4258	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4261.1	<a href="#">Personal Illness/Injury Leave</a>
4261.11	<a href="#">Industrial Accident/Illness Leave</a>
4261.2	<a href="#">Personal Leaves</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4312.6	<a href="#">Personnel Files</a>
4315	<a href="#">Evaluation/Supervision</a>
4317.7	<a href="#">Employment Status Reports</a>
4319.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4319.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4319.11-E PDF(1)	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4319.43	<a href="#">Universal Precautions</a>
4319.43	<a href="#">Universal Precautions</a>
4336	<a href="#">Nonschool Employment</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4357	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>



**Cross References**

4357.1

4358

4358

4361.1

4361.11

4361.2

4361.5

4361.8

5141.21

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5141.4

5141.4

5141.4-E PDF(1)

5145.3

5145.3

9310

9321

9321-E(1)

9321-E(2)

**Description**[Work-Related Injuries](#)[Employee Security](#)[Employee Security](#)[Personal Illness/Injury Leave](#)[Industrial Accident/Illness Leave](#)[Personal Leaves](#)[Military Leave](#)[Family Care And Medical Leave](#)[Administering Medication And Monitoring Health Conditions](#)[Administering Medication And Monitoring Health Conditions](#)[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Board Policies](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)

**Exhibit 4212.9-E(1): Employee Notifications**

Status: DRAFT

Original Adopted Date: 03/03/2022 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

**I. To All Employees**

When/Whom to Notify: At the beginning of school year or upon employment  
Education or Other Legal Code: Education Code 231.5, Government Code 12950  
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11  
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application  
Education or Other Legal Code: Education Code 17612  
Board Policy/Administrative Regulation #: AR 3514.2  
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49013; 5 CCR 4622  
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260  
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually  
Education or Other Legal Code: Education Code 49069.5, 51225.1  
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175  
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, migrant students, and students participating in a newcomer program.

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per year  
Education or Other Legal Code: Education Code 49414.3  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Request for volunteers to be trained to administer opioid antagonist

When/Whom to Notify: To all employees  
Education or Other Legal Code: Government Code 1126  
Board Policy/Administrative Regulation #: BP 4136/4236/4336  
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees  
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210  
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359  
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment  
Education or Other Legal Code: Government Code 21029  
Board Policy/Administrative Regulation #: None  
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter  
Education or Other Legal Code: Health and Safety Code 1797.196  
Board Policy/Administrative Regulation #: AR 5141  
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: Annually, or more frequently if there is new information  
Education or Other Legal Code: Health and Safety Code 120875, 120880  
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43  
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees  
Education or Other Legal Code: Labor Code 230.1  
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2  
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck  
Education or Other Legal Code: Labor Code 246  
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1  
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave  
Education or Other Legal Code: Labor Code 1034  
Board Policy/Administrative Regulation #: BP 4033  
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees  
Education or Other Legal Code: Labor Code 2800.2  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account  
Education or Other Legal Code: Labor Code 2810.7  
Board Policy/Administrative Regulation #: None  
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period  
Education or Other Legal Code: Labor Code 3551  
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1  
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable  
Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted  
Education or Other Legal Code: Labor Code 6409.6  
Board Policy/Administrative Regulation #: AR 4157/4257/4357  
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment  
Education or Other Legal Code: Penal Code 11165.7, 11166.5  
Board Policy/Administrative Regulation #: AR 5141.4  
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury  
Education or Other Legal Code: Unemployment Insurance Code 2613  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses  
Education or Other Legal Code: Welfare and Institutions Code 827  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants  
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9  
Board Policy/Administrative Regulation #: BP 0410, AR 4030  
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee  
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300  
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8  
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: To all employees  
Education or Other Legal Code: 8 CCR 3203  
Board Policy/Administrative Regulation #: AR 4157/4257/4357  
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees  
Education or Other Legal Code: 34 CFR 106.8  
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11  
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually  
Education or Other Legal Code: 40 CFR 763.84, 763.93  
Board Policy/Administrative Regulation #: AR 3514  
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment  
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8  
Board Policy/Administrative Regulation #: AR 6178  
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

## **II. To Certificated Employees**

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire  
Education or Other Legal Code: Education Code 22455.5  
Board Policy/Administrative Regulation #: AR 4121  
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual  
Education or Other Legal Code: Education Code 22461  
Board Policy/Administrative Regulation #: AR 4117.14/4317.14  
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees  
Education or Other Legal Code: Education Code 35171  
Board Policy/Administrative Regulation #: AR 4115, BP 4315  
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated  
Education or Other Legal Code: Education Code 44663  
Board Policy/Administrative Regulation #: AR 4115  
Subject: Copy of employee's evaluation

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees  
Education or Other Legal Code: Education Code 44842  
Board Policy/Administrative Regulation #: AR 4112.1  
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter  
Education or Other Legal Code: Education Code 44916  
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121  
Subject: Employment status and salary

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year  
Education or Other Legal Code: Education Code 44934, 44934.1, 44936  
Board Policy/Administrative Regulation #: BP 4118; AR 4118  
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice  
Education or Other Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year  
Education or Other Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings  
Education or Other Legal Code: Education Code 44940.5  
Board Policy/Administrative Regulation #: AR 4118  
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released  
Education or Other Legal Code: Education Code 44954  
Board Policy/Administrative Regulation #: BP 4121  
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated  
Education or Other Legal Code: Education Code 44955.5  
Board Policy/Administrative Regulation #: BP 4117.3  
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts  
Education or Other Legal Code: Education Code 49079  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion  
Education or Other Legal Code: Education Code 48201  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct  
Education or Other Legal Code: 5 CCR 80303  
Board Policy/Administrative Regulation #: AR 4117.7/4317.7  
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

### III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a nonmerit district  
Education or Other Legal Code: Education Code 45113  
Board Policy/Administrative Regulation #: AR 4218  
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification  
Education or Other Legal Code: Education Code 45169  
Board Policy/Administrative Regulation #: AR 4212  
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted  
Education or Other Legal Code: Education Code 45192, 45195  
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11  
Subject: Exhaustion of leave, opportunity to request additional leave

### IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract  
Education or Other Legal Code: Education Code 35031  
Board Policy/Administrative Regulation #: BP 2121, BP 4312.1  
Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position  
Education or Other Legal Code: Education Code 44896  
Board Policy/Administrative Regulation #: AR 4313.2  
Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951  
Board Policy/Administrative Regulation #: AR 4313.2  
Subject: Notice that employee may be released or reassigned the following school year

#### **V. To Individual Employees Under Special Circumstances**

When/Whom to Notify: In the event of a breach of security of district records to affected employees  
Education or Other Legal Code: Civil Code 1798.29  
Board Policy/Administrative Regulation #: BP 3580  
Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file  
Education or Other Legal Code: Education Code 44031  
Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6  
Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline  
Education or Other Legal Code: Government Code 3304  
Board Policy/Administrative Regulation #: AR 3515.3  
Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return  
Education or Other Legal Code: Government Code 20997  
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5  
Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee  
Education or Other Legal Code: Government Code 54957  
Board Policy/Administrative Regulation #: BB 9321  
Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information  
Education or Other Legal Code: Government Code 54963  
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23  
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed  
Education or Other Legal Code: Labor Code 230  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime  
Education or Other Legal Code: Labor Code 3553, 5401  
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1  
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification  
Education or Other Legal Code: Penal Code 11105, 11105.2  
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5  
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

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**Exhibit 4312.9-E(1): Employee Notifications**

Status: DRAFT

Original Adopted Date: 03/03/2022 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

**I. To All Employees**

When/Whom to Notify: At the beginning of school year or upon employment  
Education or Other Legal Code: Education Code 231.5, Government Code 12950  
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11  
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application  
Education or Other Legal Code: Education Code 17612  
Board Policy/Administrative Regulation #: AR 3514.2  
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49013; 5 CCR 4622  
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260  
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually  
Education or Other Legal Code: Education Code 49069.5, 51225.1  
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175  
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, migrant students, and students participating in a newcomer program.

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per year  
Education or Other Legal Code: Education Code 49414.3  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Request for volunteers to be trained to administer opioid antagonist

When/Whom to Notify: To all employees  
Education or Other Legal Code: Government Code 1126  
Board Policy/Administrative Regulation #: BP 4136/4236/4336  
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees  
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210  
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359  
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment  
Education or Other Legal Code: Government Code 21029  
Board Policy/Administrative Regulation #: None  
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter  
Education or Other Legal Code: Health and Safety Code 1797.196  
Board Policy/Administrative Regulation #: AR 5141  
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: Annually, or more frequently if there is new information  
Education or Other Legal Code: Health and Safety Code 120875, 120880  
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43  
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees  
Education or Other Legal Code: Labor Code 230.1  
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2  
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck  
Education or Other Legal Code: Labor Code 246  
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1  
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave  
Education or Other Legal Code: Labor Code 1034  
Board Policy/Administrative Regulation #: BP 4033  
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees  
Education or Other Legal Code: Labor Code 2800.2  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account  
Education or Other Legal Code: Labor Code 2810.7  
Board Policy/Administrative Regulation #: None  
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period  
Education or Other Legal Code: Labor Code 3551  
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1  
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable  
Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted  
Education or Other Legal Code: Labor Code 6409.6  
Board Policy/Administrative Regulation #: AR 4157/4257/4357  
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment  
Education or Other Legal Code: Penal Code 11165.7, 11166.5  
Board Policy/Administrative Regulation #: AR 5141.4  
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury  
Education or Other Legal Code: Unemployment Insurance Code 2613  
Board Policy/Administrative Regulation #: AR 4154/4254/4354  
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses  
Education or Other Legal Code: Welfare and Institutions Code 827  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants  
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9  
Board Policy/Administrative Regulation #: BP 0410, AR 4030  
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee  
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300  
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8  
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: To all employees  
Education or Other Legal Code: 8 CCR 3203  
Board Policy/Administrative Regulation #: AR 4157/4257/4357  
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees  
Education or Other Legal Code: 34 CFR 106.8  
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11  
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually  
Education or Other Legal Code: 40 CFR 763.84, 763.93  
Board Policy/Administrative Regulation #: AR 3514  
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment  
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8  
Board Policy/Administrative Regulation #: AR 6178  
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

## **II. To Certificated Employees**

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire  
Education or Other Legal Code: Education Code 22455.5  
Board Policy/Administrative Regulation #: AR 4121  
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual  
Education or Other Legal Code: Education Code 22461  
Board Policy/Administrative Regulation #: AR 4117.14/4317.14  
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees  
Education or Other Legal Code: Education Code 35171  
Board Policy/Administrative Regulation #: AR 4115, BP 4315  
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated  
Education or Other Legal Code: Education Code 44663  
Board Policy/Administrative Regulation #: AR 4115  
Subject: Copy of employee's evaluation

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees  
Education or Other Legal Code: Education Code 44842  
Board Policy/Administrative Regulation #: AR 4112.1  
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter  
Education or Other Legal Code: Education Code 44916  
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121  
Subject: Employment status and salary

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year  
Education or Other Legal Code: Education Code 44934, 44934.1, 44936  
Board Policy/Administrative Regulation #: BP 4118; AR 4118  
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice  
Education or Other Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year  
Education or Other Legal Code: Education Code 44938  
Board Policy/Administrative Regulation #: BP 4118  
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings  
Education or Other Legal Code: Education Code 44940.5  
Board Policy/Administrative Regulation #: AR 4118  
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released  
Education or Other Legal Code: Education Code 44954  
Board Policy/Administrative Regulation #: BP 4121  
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated  
Education or Other Legal Code: Education Code 44955.5  
Board Policy/Administrative Regulation #: BP 4117.3  
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts  
Education or Other Legal Code: Education Code 49079  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion  
Education or Other Legal Code: Education Code 48201  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct  
Education or Other Legal Code: 5 CCR 80303  
Board Policy/Administrative Regulation #: AR 4117.7/4317.7  
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

### III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a nonmerit district  
Education or Other Legal Code: Education Code 45113  
Board Policy/Administrative Regulation #: AR 4218  
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program  
Education or Other Legal Code: Education Code 45117  
Board Policy/Administrative Regulation #: AR 4217.3  
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification  
Education or Other Legal Code: Education Code 45169  
Board Policy/Administrative Regulation #: AR 4212  
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted  
Education or Other Legal Code: Education Code 45192, 45195  
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11  
Subject: Exhaustion of leave, opportunity to request additional leave

### IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract  
Education or Other Legal Code: Education Code 35031  
Board Policy/Administrative Regulation #: BP 2121, BP 4312.1  
Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position  
Education or Other Legal Code: Education Code 44896  
Board Policy/Administrative Regulation #: AR 4313.2  
Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951  
Board Policy/Administrative Regulation #: AR 4313.2  
Subject: Notice that employee may be released or reassigned the following school year

#### **V. To Individual Employees Under Special Circumstances**

When/Whom to Notify: In the event of a breach of security of district records to affected employees  
Education or Other Legal Code: Civil Code 1798.29  
Board Policy/Administrative Regulation #: BP 3580  
Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file  
Education or Other Legal Code: Education Code 44031  
Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6  
Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21  
Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline  
Education or Other Legal Code: Government Code 3304  
Board Policy/Administrative Regulation #: AR 3515.3  
Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return  
Education or Other Legal Code: Government Code 20997  
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5  
Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee  
Education or Other Legal Code: Government Code 54957  
Board Policy/Administrative Regulation #: BB 9321  
Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information  
Education or Other Legal Code: Government Code 54963  
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23  
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed  
Education or Other Legal Code: Labor Code 230  
Board Policy/Administrative Regulation #: AR 4158/4258/4358  
Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime  
Education or Other Legal Code: Labor Code 3553, 5401  
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1  
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification  
Education or Other Legal Code: Penal Code 11105, 11105.2  
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5  
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

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**Policy 4121: Temporary/Substitute Personnel**

Status: DRAFT

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

The Governing Board recognizes that substitute personnel perform an essential role in promoting student achievement and expects to employ highly qualified, appropriately credentialed employees to fill such positions.

(cf. 4112.2 – Certification)

### Hiring

The Superintendent or designee shall recommend candidates for substitute positions for Governing Board approval, and shall ensure that all substitute employees are assigned in accordance with law and the authorizations specified in their credential.

(cf. 4113 – Assignment)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Governing Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The Eden Area Regional Occupational Program (Eden Area ROP) shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

(cf. 4117.14/4317.14 – Postretirement Employment)

### Classification

The Governing Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

### Salary and Benefits

The Governing Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the Eden Area ROP. (Education Code 44977, 45030)

Substitute employees shall not participate in the health and welfare plans or other fringe benefits of the district.

### Paid Sick Leave

(Paid leave that credits employees with sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year)

Except for a retired annuitant who is not reinstated to the retirement system, any substitute employee who works for 30 or more days within a year of his/her their employment shall be credited with 2440 hours or five days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Any substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she the employee may use the sick days as they are accrued. (Labor Code 246)

A substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

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

(cf. 4261.1 – Personal Illness/Injury Leave)



No employee shall be denied the right to use accrued sick days and the Eden Area ROP shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging Eden Area ROP violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in [AR Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave](#).

### Release from Employment/Dismissal

The [Governing](#) Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The [Governing](#) Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the Eden Area ROP are maintained during one school year. After serving 75 percent of the number of days that Eden Area ROP schools are maintained during one school year, a temporary employee may be released as long as [he/she](#) the employee is notified, before the last day of June, of the Eden Area ROP's decision not to reelect [him/her](#) the substitute employee for the following school year. (Education Code 37200, 44954)

[\(cf. 4112.9/4212.9/4312.9 - Employee Notifications\)](#)

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

### State References

### Description

5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5590	Temporary athletic team coach
5 CCR 80025-80025.5	Emergency substitute teaching permits
Ed. Code 22455.5	<a href="#">STRS information to potential members</a>
Ed. Code 22515	<a href="#">Irrevocable election to join retirement plan</a>
Ed. Code 37200	<a href="#">School calendar</a>
Ed. Code 44252.5	<a href="#">State basic skills assessment required for certificated personnel</a>
Ed. Code 44300	<a href="#">Emergency permits</a>
Ed. Code 44830	<a href="#">Employment of certificated persons</a>
Ed. Code 44839.5	<a href="#">Requirements for employment of retirant</a>
Ed. Code 44845	<a href="#">Date of employment</a>
Ed. Code 44846	<a href="#">Criteria for reemployment preferences</a>
Ed. Code 44909	<a href="#">Employees providing services through categorically funded programs</a>
Ed. Code 44914	<a href="#">Substitute and probationary employment computation for classification as permanent employee</a>
Ed. Code 44915	<a href="#">Classification of probationary employees</a>
Ed. Code 44916	<a href="#">Written statement of employment status</a>
Ed. Code 44917	<a href="#">Classification of substitute employees</a>
Ed. Code 44918	<a href="#">Substitute or temporary employee deemed probationary employee; reemployment rights</a>
Ed. Code 44919	<a href="#">Classification of temporary employees; classifications</a>
Ed. Code 44920	<a href="#">Employment of certain temporary employees; classifications</a>
Ed. Code 44921	<a href="#">Employment of temporary employees; reemployment rights (unified and high school districts)</a>
Ed. Code 44953	<a href="#">Dismissal of substitute employees</a>

**State References**

Ed. Code 44954	<a href="#">Nonreelection of temporary employees</a>
Ed. Code 44955	<a href="#">Reduction in number of permanent employees</a>
Ed. Code 44956	<a href="#">Rights of laid-off permanent employees to substitute positions</a>
Ed. Code 44957	<a href="#">Rights of laid-off probationary employees to substitute positions</a>
Ed. Code 44977	<a href="#">Salary schedule for substitute employees</a>
Ed. Code 45030	<a href="#">Substitutes</a>
Ed. Code 45041	<a href="#">Computation of salary</a>
Ed. Code 45042	<a href="#">Alternative method of computation for less than one school year</a>
Ed. Code 45043	<a href="#">Compensation for employment beginning in the second semester</a>
Ed. Code 56060-56063	<a href="#">Substitute teachers in special education</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Lab. Code 220	<a href="#">Sections inapplicable to public employees</a>
Lab. Code 230	<a href="#">Accommodations and leave for victims of domestic violence</a>
Lab. Code 230.1	<a href="#">Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off</a>
Lab. Code 233	<a href="#">Leave to attend to family illness</a>
Lab. Code 234	<a href="#">Absence control policy</a>
Lab. Code 245-249	<a href="#">Healthy Workplaces, Healthy Families Act of 2014</a>

**Management Resources References**

	<b>Description</b>
Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187
Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District (2007) 149 Cal.App.4th 135
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">CSBA</a>

**Cross References**

	<b>Description</b>
0500	<a href="#">Accountability</a>
4111.2	<a href="#">Legal Status Requirement</a>
4111.2	<a href="#">Legal Status Requirement</a>
4112	<a href="#">Appointment And Conditions Of Employment</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>

**Cross References****Description**

4112.3	<a href="#">Oath Or Affirmation</a>
4112.3-E PDF(1)	<a href="#">Oath Or Affirmation</a>
4112.4	<a href="#">Health Examinations</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4113	<a href="#">Assignment</a>
4113	<a href="#">Assignment</a>
4116	<a href="#">Probationary/Permanent Status</a>
4117.3	<a href="#">Personnel Reduction</a>
4151	<a href="#">Employee Compensation</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.2	<a href="#">Personal Leaves</a>
4211.2	<a href="#">Legal Status Requirement</a>
4211.2	<a href="#">Legal Status Requirement</a>
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4212.9-E(1)	<a href="#">Employee Notifications</a>
4217.3	<a href="#">Layoff/Rehire</a>
4251	<a href="#">Employee Compensation</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261.2	<a href="#">Personal Leaves</a>
4311.2	<a href="#">Legal Status Requirement</a>
4311.2	<a href="#">Legal Status Requirement</a>
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4312.3-E PDF(1)	<a href="#">Oath Or Affirmation</a>
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4312.5-E(1)	<a href="#">Criminal Record Check</a>
4312.9	<a href="#">Employee Notifications</a>

**Cross References**

4312.9

4312.9-E(1)

4351

4354

4354

4361.1

4361.2

5141.52

5141.52

6200

**Description**[Employee Notifications](#)[Employee Notifications](#)[Employee Compensation](#)[Health And Welfare Benefits](#)[Health And Welfare Benefits](#)[Personal Illness/Injury Leave](#)[Personal Leaves](#)[Suicide Prevention](#)[Suicide Prevention](#)[Adult Education](#)

**Regulation 4121: Temporary/Substitute Personnel**

Status: DRAFT

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

**Qualifications**

Any candidate recommended by the Superintendent or designee for a substitute position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions. (Education Code 44830)

{cf. 4111.2/4211.2/4311.2 - Legal Status Requirement}

{cf. 4112.2 - Certification}

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

{cf. 4112.4/4212.4/4312.4 - Health Examinations}

{cf. 4112.5/4212.5/4312.5 - Criminal Record Check}

The Eden Area ROP shall not initially hire a certificated person on a substitute basis in a capacity designated in his/her the person's credential unless he/she the person has demonstrated basic skills proficiency in reading, writing, and mathematics pursuant to Education Code 44252.5, unless or is exempted by law. (Education Code 44830)

**Notifications**

At the time of initial employment during each school year Before starting work, each new temporary substitute employee shall receive a written statement indicating his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

{cf. 4112.9/4212.9/4312.9 - Employee Notifications}

Time of initial employment means before the employee starts work. (Kavanaugh v. West Sonoma County Union High School District)

The Superintendent or designee shall notify all substitute and part-time certificated employees, within 30 days of their hire, of their right to elect membership in a defined benefit program under a qualified retirement plan. The employee shall sign a form provided by the system to acknowledge receipt of this notice and to indicate whether he/she the employee elects or declines membership. Election of membership shall be irrevocable for all future employment to perform creditable service. (Education Code 22455.5, 22515)

**Assignments**

A person who holds an emergency 30-day substitute permit, emergency career substitute permit, emergency substitute permit for prospective teachers, or emergency substitute permit for career technical education shall be restricted in the number of days he/she the employee may substitute for any one teacher in accordance with 5 CCR 80025-80025.5.

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**State References**

5 CCR 5502

5 CCR 5503

5 CCR 5590

5 CCR 80025-80025.5

Ed. Code 22455.5

Ed. Code 22515

**Description**

Filing of notice of physical examination for employment of retired person

Physical examination for employment of retired persons

Temporary athletic team coach

Emergency substitute teaching permits

[STRS information to potential members](#)

[Irrevocable election to join retirement plan](#)

**State References**

Ed. Code 37200	<a href="#">School calendar</a>
Ed. Code 44252.5	<a href="#">State basic skills assessment required for certificated personnel</a>
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Ed. Code 44953	<a href="#">Dismissal of substitute employees</a>
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Ed. Code 44955	<a href="#">Reduction in number of permanent employees</a>
Ed. Code 44956	<a href="#">Rights of laid-off permanent employees to substitute positions</a>
Ed. Code 44957	<a href="#">Rights of laid-off probationary employees to substitute positions</a>
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Ed. Code 56060-56063	<a href="#">Substitute teachers in special education</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Lab. Code 220	<a href="#">Sections inapplicable to public employees</a>
Lab. Code 230	<a href="#">Accommodations and leave for victims of domestic violence</a>
Lab. Code 230.1	<a href="#">Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off</a>
Lab. Code 233	<a href="#">Leave to attend to family illness</a>
Lab. Code 234	<a href="#">Absence control policy</a>
Lab. Code 245-249	<a href="#">Healthy Workplaces, Healthy Families Act of 2014</a>

**Management Resources References**

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4211.2	<a href="#">Legal Status Requirement</a>
4212.3	<a href="#">Oath Or Affirmation</a>
4212.3-E PDF(1)	<a href="#">Oath Or Affirmation</a>

**Cross References****Description**

4212.4	<a href="#">Health Examinations</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4217.3	<a href="#">Layoff/Rehire</a>
4251	<a href="#">Employee Compensation</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261.2	<a href="#">Personal Leaves</a>
4311.2	<a href="#">Legal Status Requirement</a>
4311.2	<a href="#">Legal Status Requirement</a>
4312.3	<a href="#">Oath Or Affirmation</a>
4312.3-E PDF(1)	<a href="#">Oath Or Affirmation</a>
4312.4	<a href="#">Health Examinations</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4351	<a href="#">Employee Compensation</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.2	<a href="#">Personal Leaves</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>
6200	<a href="#">Adult Education</a>



**NOTE: The Board Policies (BP) titled "Leaves" are triple coded, indicating that the language is identical across all three BPs being presented for review.**

**Policy 4161: Leaves**

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Governing Board policy, and administrative regulation, as applicable.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

The Governing Board recognizes the following justifiable reasons for employee absence:

Employees have the right to take leaves as authorized by law including, but not limited to:

1. Personal illness or injury

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

(cf. 4261.1 - Personal Illness/Injury Leave)

2. Industrial accident or illness

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

3. Family care and medical leave

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

4. Military service

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

5. Personal necessity and personal emergencies

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

6. Disability leave for certificated employees in accordance with Education Code 44986

7. Vacations for classified staff and certificated management staff, as applicable

8. Attendance at work-related meetings and staff development opportunities

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

9. Compulsory leave

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

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

10. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law

11. Bereavement

**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 22850-22856	<a href="#">Pension benefits; STRS members on military leave</a>
Ed. Code 44018	<a href="#">Compensation for employees on active military duty</a>
Ed. Code 44036-44037	<a href="#">Leaves of absence for judicial and official appearances</a>
Ed. Code 44043.5	<a href="#">Catastrophic leave</a>
Ed. Code 44800	<a href="#">Effect of active military service on status of employees</a>
Ed. Code 44842	<a href="#">Reemployment notices; certificated employees</a>
Ed. Code 44940	<a href="#">Compulsory leave of absence for certificated persons</a>
Ed. Code 44962-44988	<a href="#">Leave of absence; certificated</a>
Ed. Code 45059	<a href="#">Employee ordered to active military/naval duty; computation of salary</a>
Ed. Code 45190-45210	<a href="#">Leaves of absence; classified</a>
Fam. Code 297-297.5	<a href="#">Rights, protections, benefits under the law; registered domestic partners</a>
Gov. Code 12945.1-12945.21	<a href="#">California Family Rights Act</a>
Gov. Code 12945.7	Bereavement leave
Gov. Code 20990-21013	<a href="#">Pension benefits; PERS members on military leave</a>
Gov. Code 3543.1	<a href="#">Rights of employee organizations</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
Lab. Code 230.3	<a href="#">Leave for emergency personnel</a>
Lab. Code 230.4	<a href="#">Leave for volunteer firefighters</a>
Lab. Code 230.8	<a href="#">Time off to visit child's school</a>
Lab. Code 233	<a href="#">Leave to attend to family illness</a>
M&V Code 395-395.9	<a href="#">Military leave</a>
M&V Code 395.10	<a href="#">Leave when spouse on leave from military deployment</a>

**Federal References**

29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

**Management Resources References**

Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
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**Cross References**

2121	<a href="#">Superintendent's Contract</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.11	<a href="#">Industrial Accident/Illness Leave</a>

**Cross References****Description**

4161.2	<a href="#">Personal Leaves</a>
4161.5	<a href="#">Military Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4161.9	<a href="#">Catastrophic Leave Program</a>
4161.9	<a href="#">Catastrophic Leave Program</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261.1	<a href="#">Personal Illness/Injury Leave</a>
4261.11	<a href="#">Industrial Accident/Illness Leave</a>
4261.2	<a href="#">Personal Leaves</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4261.9	<a href="#">Catastrophic Leave Program</a>
4261.9	<a href="#">Catastrophic Leave Program</a>
4300	<a href="#">Administrative And Supervisory Personnel</a>
4300	<a href="#">Administrative And Supervisory Personnel</a>
4331	<a href="#">Staff Development</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.11	<a href="#">Industrial Accident/Illness Leave</a>
4361.2	<a href="#">Personal Leaves</a>
4361.5	<a href="#">Military Leave</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
4361.9	<a href="#">Catastrophic Leave Program</a>
4361.9	<a href="#">Catastrophic Leave Program</a>

**Policy 4261: Leaves**

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Governing Board policy, and administrative regulation, as applicable.

(cf. 4141/4241 – Collective Bargaining Agreement)

(cf. 4161.9/4261.9/4361.9 – Catastrophic Leave Program)

The Governing Board recognizes the following justifiable reasons for employee absence:

Employees have the right to take leaves as authorized by law including, but not limited to:

1. Personal illness or injury

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

(cf. 4261.1 – Personal Illness/Injury Leave)

2. Industrial accident or illness

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

3. Family care and medical leave

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

4. Military service

(cf. 4161.5/4261.5/4361.5 – Military Leave)

5. Personal necessity and personal emergencies

(cf. 4161.2/4261.2/4361.2 – Personal Leaves)

6. Disability leave for certificated employees in accordance with Education Code 44986

7. Vacations for classified staff and certificated management staff, as applicable

8. Attendance at work-related meetings and staff development opportunities

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

9. Compulsory leave

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

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

10. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law

11. Bereavement

**Policy 4361: Leaves**

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Governing Board policy, and administrative regulation, as applicable.

(cf. 4141/4241 – Collective Bargaining Agreement)

(cf. 4161.9/4261.9/4361.9 – Catastrophic Leave Program)

The Governing Board recognizes the following justifiable reasons for employee absence:

Employees have the right to take leaves as authorized by law including, but not limited to:

1. Personal illness or injury

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

(cf. 4261.1 – Personal Illness/Injury Leave)

2. Industrial accident or illness

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

3. Family care and medical leave

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

4. Military service

(cf. 4161.5/4261.5/4361.5 – Military Leave)

5. Personal necessity and personal emergencies

(cf. 4161.2/4261.2/4361.2 – Personal Leaves)

6. Disability leave for certificated employees in accordance with Education Code 44986

7. Vacations for classified staff and certificated management staff, as applicable

8. Attendance at work-related meetings and staff development opportunities

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

9. Compulsory leave

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

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

10. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law

11. Bereavement

**NOTE: The Administrative Regulations (AR) titled "Personal Illness/Injury Leave" are double coded, indicating that the language is identical across both ARs being presented for review.**

**Regulation 4161.1: Personal Illness/Injury Leave**

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

The following administrative regulation applies to certificated employees, including certificated management. For classified employees, including classified management, see Administrative Regulation 4261.1 – Personal Illness/Injury Leave.

Certificated employees employed five school days per week are entitled to 10 days' days leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employees who are entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 44978; Labor Code 245-249)

**Use of Sick Leave**

~~Certificated employees~~ A certificated employee may use sick leave for absences ~~due~~ as authorized by law, including, but not limited to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery, as well as reproductive loss (Education Code 44965, 44978; Government Code 12945.6)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2.; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)
9. Bereavement leave, as specified in Administrative Regulation 4161.2/4261.2/4361.2 – Personal Leaves (Education Code 44985; Government Code 12945.7)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

~~An employee shall reimburse the Eden Area ROP for any unearned sick leave used as of the date of termination.~~

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination, in accordance with Education Code 44042.5.



The Eden Area ROP shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the Eden Area ROP after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee may request that the Eden Area ROP transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

### **Continued Absence After Available Sick Leave Is Exhausted/Differential Pay**

**(Differential pay: regular salary minus cost of substitute)**

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the Eden Area ROP shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the Eden Area ROP has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

### **Absence Beyond Five-Month Period/Reemployment List**

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

### **Parental Leave**

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

### **Verification Requirements**

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

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the Eden Area ROP, at Eden Area ROP expense, in order to receive a report on the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any Eden Area ROP request for additional verification by an employee's physician or an Eden Area ROP-selected physician shall be in writing and shall specify that the report to be submitted to the Eden Area ROP should not contain the employee's genetic information. Any genetic information received by the Eden Area ROP on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to duty and stipulating any necessary restrictions or limitations.

### **Healthy Workplaces, Healthy Families Act Requirements**

No employee shall be denied the right to use accrued sick days, and the Eden Area ROP shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging Eden Area ROP violation of Labor Code 245-249.

To ensure the Eden Area ROP's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the Eden Area ROP discriminates or retaliates against the employee
2. Provide at least 2440 hours or three five days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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

### State References

	<b>Description</b>
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44042.5	<a href="#">Wage overpayment</a>
Ed. Code 44964	<a href="#">Power to grant leaves of absence for accident, illness, or quarantine</a>
Ed. Code 44965	<a href="#">Granting of leaves of absence for pregnancy and childbirth</a>
Ed. Code 44976	<a href="#">Transfer of leave rights when school is transferred to another district</a>
Ed. Code 44977	<a href="#">Salary schedule for substitute employees</a>
Ed. Code 44977.5	<a href="#">Differential pay during parental leave up to 12 weeks after sick leave is exhausted</a>
Ed. Code 44978	<a href="#">Sick leave; certificated employees</a>
Ed. Code 44978.1	<a href="#">Inability to return to duty; placement in another position or on reemployment list</a>
Ed. Code 44978.2	<a href="#">Leave for military service-connected disability</a>
Ed. Code 44979	<a href="#">Transfer of accumulated sick leave to another district</a>
Ed. Code 44980	<a href="#">Transfer of accumulated sick leave to a county office of education</a>
Ed. Code 44981	<a href="#">Leave of absence for personal necessity</a>
Ed. Code 44983	<a href="#">Compensation during leave; certificated employees</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Ed. Code 44985	<a href="#">Leave of absence due to death in immediate family; certificated</a>
Ed. Code 44986	<a href="#">Leave of absence; state disability benefits</a>
Ed. Code 45194	<a href="#">Bereavement leave of absence; classified</a>
Gov. Code 12945.1-12945.21	<a href="#">California Family Rights Act</a>
Gov. Code 12945.6	Reproductive loss leave
Gov. Code 12945.7	Bereavement leave
Lab. Code 220	<a href="#">Sections inapplicable to public employees</a>
Lab. Code 230	<a href="#">Accommodations and leave for victims of domestic violence</a>
Lab. Code 230.1	<a href="#">Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off</a>
Lab. Code 233	<a href="#">Leave to attend to family illness</a>
Lab. Code 234	<a href="#">Absence control policy</a>
Lab. Code 245-249	<a href="#">Healthy Workplaces, Healthy Families Act of 2014</a>

### Federal References

	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
34 CFR 106.1-106.82	Discrimination on the basis of sex; effectuating Title IX

**Federal References**

42 USC 2000ff-2000ff-11

**Description**

Genetic Information Nondiscrimination Act of 2008

**Management Resources References**

Court Decision

**Description**Veguez v. Governing Board of Long Beach Unified School District (2005)  
127 Cal.App.4th 406

Website

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

2121

**Description**[Superintendent's Contract](#)

4032

[Reasonable Accommodation](#)

4112.2

[Certification](#)

4112.2

[Certification](#)

4112.9

[Employee Notifications](#)

4112.9

[Employee Notifications](#)

4112.9-E(1)

[Employee Notifications](#)

4113.4

[Temporary Modified/Light-Duty Assignment](#)

4116

[Probationary/Permanent Status](#)

4119.41

[Employees With Infectious Disease](#)

4121

[Temporary/Substitute Personnel](#)

4121

[Temporary/Substitute Personnel](#)

4154

[Health And Welfare Benefits](#)

4154

[Health And Welfare Benefits](#)

4157.1

[Work-Related Injuries](#)

4161

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4161

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4161.8

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4161.9

[Catastrophic Leave Program](#)

4212.9

[Employee Notifications](#)

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[Employee Notifications](#)

4212.9-E(1)

[Employee Notifications](#)

4213.4

[Temporary Modified/Light-Duty Assignment](#)

4219.41

[Employees With Infectious Disease](#)

4254

[Health And Welfare Benefits](#)

4254

[Health And Welfare Benefits](#)

4257.1

[Work-Related Injuries](#)

4261

[Leaves](#)

4261

[Leaves](#)

**Cross References**

4261.11

4261.2

4261.5

4261.8

4261.9

4261.9

4312.9

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4357.1

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4361.9

**Description**[Industrial Accident/Illness Leave](#)[Personal Leaves](#)[Military Leave](#)[Family Care And Medical Leave](#)[Catastrophic Leave Program](#)[Catastrophic Leave Program](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Temporary Modified/Light-Duty Assignment](#)[Employees With Infectious Disease](#)[Health And Welfare Benefits](#)[Health And Welfare Benefits](#)[Work-Related Injuries](#)[Leaves](#)[Leaves](#)[Industrial Accident/Illness Leave](#)[Personal Leaves](#)[Military Leave](#)[Family Care And Medical Leave](#)[Catastrophic Leave Program](#)[Catastrophic Leave Program](#)

**Regulation 4361.1: Personal Illness/Injury Leave**

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

The following administrative regulation applies to certificated employees, including certificated management. For classified employees, including classified management, see Administrative Regulation 4261.1 – Personal Illness/Injury Leave.

Certificated employees employed five school days per week are entitled to 10 days' days leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employees who are entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 44978; Labor Code 245-249)

**Use of Sick Leave**

~~Certificated employees~~ A certificated employee may use sick leave for absences ~~due~~ as authorized by law, including, but not limited to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery, as well as reproductive loss (Education Code 44965, 44978; Government Code 12945.6)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2.; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)
9. Bereavement leave, as specified in Administrative Regulation 4161.2/4261.2/4361.2 – Personal Leaves (Education Code 44985; Government Code 12945.7)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

~~An employee shall reimburse the Eden Area ROP for any unearned sick leave used as of the date of termination.~~

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination, in accordance with Education Code 44042.5.

The Eden Area ROP shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the Eden Area ROP after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee may request that the Eden Area ROP transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

### **Continued Absence After Available Sick Leave Is Exhausted/Differential Pay**

**(Differential pay: regular salary minus cost of substitute)**

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the Eden Area ROP shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the Eden Area ROP has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

### **Absence Beyond Five-Month Period/Reemployment List**

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

### **Parental Leave**

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

### **Verification Requirements**

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

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the Eden Area ROP, at Eden Area ROP expense, in order to receive a report on the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any Eden Area ROP request for additional verification by an employee's physician or an Eden Area ROP-selected physician shall be in writing and shall specify that the report to be submitted to the Eden Area ROP should not contain the employee's genetic information. Any genetic information received by the Eden Area ROP on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to duty and stipulating any necessary restrictions or limitations.

### **Healthy Workplaces, Healthy Families Act Requirements**

No employee shall be denied the right to use accrued sick days, and the Eden Area ROP shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging Eden Area ROP violation of Labor Code 245-249.

To ensure the Eden Area ROP's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the Eden Area ROP discriminates or retaliates against the employee
2. Provide at least 2440 hours or three five days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available



4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years
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**Regulation 4261.1: Personal Illness/Injury Leave**

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

The following administrative regulation applies to classified employees, including classified management. For certificated employees, including certificated management, see Administrative Regulation 4161.1/4361.1 – Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, part-time employees who are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

**Use of Sick Leave**

A classified employee may use sick leave for absences due to as authorized by law, including, but not limited to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease (Education Code 45199)
2. Pregnancy, miscarriage, childbirth, and related recovery, as well as reproductive loss (Education Code 45193; Government Code 12945.6)
3. Personal necessity (Education Code 45207)
4. Medical and dental appointments, in increments
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)
6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, ; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)
9. Bereavement leave, as specified in Administrative Regulation 4161.2/4261.2/4361.2 – Personal Leaves (Education Code 45194; Government Code 12945.7)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee has completed six months of active service with the Eden Area ROP. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the Eden Area ROP for any unearned sick leave used as of the date of termination, in accordance with Education Code 44042.5.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The Eden Area ROP shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

The Superintendent or designee shall notify any classified employee whose employment with the Eden Area ROP is terminated after at least one calendar year for reasons other than for cause that, if the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, the employee may request that the Eden Area ROP transfer any accumulated sick leave to the new employer. (Education Code 45202)

### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the Eden Area ROP may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

### **Notification of Absence**

An employee shall notify the Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the Eden Area ROP. If the duration of absence becomes shorter than estimated, the employee shall notify the Eden Area ROP not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the Eden Area ROP and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

### **Continued Absence After Available Sick Leave Is Exhausted/Differential Pay**

When a classified employee has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of five months or less, the Eden Area ROP shall deduct from the employee's regular salary for that period an amount that does not exceed the actual cost of a substitute to fill the position. (Education Code 45196)

The five-month period shall commence on the first day of **the leave of** absence and shall run concurrently with any other paid leave.

### **Parental Leave**

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Eligibility for such leave shall not require 1,250 hours of service with the Eden Area ROP during the previous 12 months. (Education Code 45196.1)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

### **Extension of Leave**

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Governing Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

### **Verification Requirements**

After any absence due to illness or injury, the employee shall submit a completed and signed Eden Area ROP absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the Eden Area ROP, at Eden Area ROP expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any Eden Area ROP request for additional verification by an employee's physician or an Eden Area ROP-selected physician shall be in writing and shall specify that the report to be submitted to the Eden Area ROP should not contain the employee's genetic information. Any genetic information received by the Eden Area ROP on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to work and stipulating any necessary restrictions or limitations.

### **Short-Term and Substitute Employees**

(Paid leave that credits employees with sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year)

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be credited with 24 40 hours or three five days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

### Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the Eden Area ROP shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging Eden Area ROP violation of Labor Code 245-249.

To ensure the Eden Area ROP's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the Eden Area ROP discriminates or retaliates against the employee
2. Provide at least 2440 hours or threefive days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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

#### State References

#### Description

Ed. Code 44042.5	<a href="#">Wage overpayment</a>
Ed. Code 45103	<a href="#">Classified service in districts not incorporating the merit system</a>
Ed. Code 45190	<a href="#">Resignation and leaves of absence</a>
Ed. Code 45191	<a href="#">Personal illness and injury leave; classified employees</a>
Ed. Code 45191.5	<a href="#">Leave for military service-connected disability</a>
Ed. Code 45193	<a href="#">Leave of absence for pregnancy; use of sick leave under certain circumstance</a>
Ed. Code 45195	<a href="#">Additional leave</a>
Ed. Code 45196	<a href="#">Salary deductions during sick leave; classified employees</a>
Ed. Code 45196.1	<a href="#">Differential pay during parental leave up to 12 weeks after sick leave is exhausted</a>
Ed. Code 45202	<a href="#">Transfer of accumulated sick leave and other benefits</a>
Gov. Code 12945.1-12945.21	<a href="#">California Family Rights Act</a>

**State References**

Gov. Code 12945.6  
 Gov. Code 12945.7  
 Lab. Code 230  
 Lab. Code 230.1  
 Lab. Code 233  
 Lab. Code 245-249

**Description**

Reproductive loss leave  
 Bereavement leave  
[Accommodations and leave for victims of domestic violence](#)  
[Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off](#)  
[Leave to attend to family illness](#)  
[Healthy Workplaces, Healthy Families Act of 2014](#)

**Federal References**

20 USC 1681-1688  
 29 CFR 1635.1-1635.12  
 29 CFR 825.100-825.702  
 29 USC 2601-2654  
 34 CFR 106.1-106.82  
 42 USC 2000ff-2000ff-11

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Genetic Information Nondiscrimination Act of 2008  
 Family and Medical Leave Act of 1993  
 Family Care and Medical Leave Act  
 Discrimination on the basis of sex; effectuating Title IX  
 Genetic Information Nondiscrimination Act of 2008

**Management Resources References**

Court Decision  
 Court Decision  
 Website

**Description**

California School Employees Association v. Colton Joint Unified School District (2009) 170 Cal.App.4th 957  
 California School Employees Association v. Tustin Unified School District (2007) 148 Cal.App.4th 510  
[CSBA District and County Office of Education Legal Services](#)

**Cross References**

4032  
 4112.9  
 4112.9  
 4112.9-E(1)  
 4113.4  
 4119.41  
 4154  
 4154  
 4161  
 4161  
 4161.11  
 4161.2  
 4161.5  
 4161.8  
 4161.9  
 4161.9  
 4212.9  
 4212.9

**Description**

[Reasonable Accommodation](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Temporary Modified/Light-Duty Assignment](#)  
[Employees With Infectious Disease](#)  
[Health And Welfare Benefits](#)  
[Health And Welfare Benefits](#)  
[Leaves](#)  
[Leaves](#)  
[Industrial Accident/Illness Leave](#)  
[Personal Leaves](#)  
[Military Leave](#)  
[Family Care And Medical Leave](#)  
[Catastrophic Leave Program](#)  
[Catastrophic Leave Program](#)  
[Employee Notifications](#)  
[Employee Notifications](#)

**Cross References****Description**

4212.9-E(1)	<a href="#">Employee Notifications</a>
4213.4	<a href="#">Temporary Modified/Light-Duty Assignment</a>
4216	<a href="#">Probationary/Permanent Status</a>
4217.3	<a href="#">Layoff/Rehire</a>
4219.41	<a href="#">Employees With Infectious Disease</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261	<a href="#">Leaves</a>
4261	<a href="#">Leaves</a>
4261.11	<a href="#">Industrial Accident/Illness Leave</a>
4261.2	<a href="#">Personal Leaves</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4261.9	<a href="#">Catastrophic Leave Program</a>
4261.9	<a href="#">Catastrophic Leave Program</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4313.4	<a href="#">Temporary Modified/Light-Duty Assignment</a>
4319.41	<a href="#">Employees With Infectious Disease</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4361	<a href="#">Leaves</a>
4361	<a href="#">Leaves</a>
4361.11	<a href="#">Industrial Accident/Illness Leave</a>
4361.2	<a href="#">Personal Leaves</a>
4361.5	<a href="#">Military Leave</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
4361.9	<a href="#">Catastrophic Leave Program</a>
4361.9	<a href="#">Catastrophic Leave Program</a>

**NOTE: The Administrative Regulations (AR) titled "Personal Leave" are triple coded, indicating that the language is identical across all three ARs being presented for review.**



## Regulation 4161.2: Personal Leaves

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

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

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

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

### Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194 (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

"Immediate Family" means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, sibling or sibling-in-law of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194; Government Code 12945.7)

No deduction shall be made from the employee's salary for any authorized paid bereavement leave as specified by this policy, nor shall such leave be deducted from any other leave to which the employee is entitled unless requested by the employee. (Education Code 44985, 45194; Government Code 12945.7)

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

### Reproductive Loss

Upon request by any employee who has experienced a reproductive loss event, defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, the Eden Area ROP shall grant the employee up to five days of reproductive loss leave, to be taken consecutively or non-consecutively. The employee shall take the leave within three months following the event. If the employee is on another type of leave at the time of the reproductive loss event, or chooses to take another type of leave immediately following a reproductive loss event, then the reproductive loss leave shall be completed within three months of the end date of the other leave. (Government Code 12945.6)

Reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. (Government Code 12945.6)

Any request or inquiry or information provided by an employee related to reproductive loss leave and/or a reproductive loss shall remain confidential, except to internal personnel or counsel as necessary or as required by law.

### Personal Necessity

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

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

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

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

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

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

### **Leave to Perform Legal Duties**

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

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

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

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

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

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

### **Leaves for Crime Victims for Judicial Proceedings**

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

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

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

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

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

### **Leaves for Victims of Crime or Abuse**

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

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

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

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

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

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

### **Personal Leave for Child-Related Activities**

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

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
  - a. A request by the school or child care provider that the child be picked up
  - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
  - c. Behavioral or discipline problems
  - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
  - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

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

### **Religious Leave**

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional districtEden Area ROP expenditures, the neglect of assigned duties, or any other unreasonable hardship on the Eden Area ROPdistrict.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

### **Spouse on Leave from Military Deployment**

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

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

### **Leave for Emergency Duty**

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

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

## Civil Air Patrol Leave

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

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

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

### State References

### Description

CA Constitution Article 1, Section 8	<a href="#">Religious discrimination</a>
Ed. Code 44036-44037	<a href="#">Leaves of absence for judicial and official appearances</a>
Ed. Code 44963	<a href="#">Power to grant leaves of absence; certificated</a>
Ed. Code 44981	<a href="#">Leave of absence for personal necessity</a>
Ed. Code 44985	<a href="#">Leave of absence due to death in immediate family; certificated</a>
Ed. Code 44987	<a href="#">Service as officer of employee organization; certificated</a>
Ed. Code 44987.3	<a href="#">Leave of absence to serve on certain boards, commissions, etc.</a>
Ed. Code 45190	<a href="#">Resignation and leaves of absence</a>
Ed. Code 45194	<a href="#">Bereavement leave of absence; classified</a>
Ed. Code 45198	<a href="#">Effect of provisions authorizing leaves of absence</a>
Ed. Code 45207	<a href="#">Personal necessity; classified</a>
Ed. Code 45210	<a href="#">Service as officer of employee organization; classified</a>
Ed. Code 45240-45320	<a href="#">Merit system</a>
Evid. Code 1035.2	<a href="#">Sex assault counselor; definition</a>
Evid. Code 1037.1	<a href="#">Domestic violence counselor; definition</a>
Fam. Code 297-297.5	<a href="#">Rights, protections, benefits under the law; registered domestic partners</a>
Gov. Code 12945.1-12945.21	<a href="#">California Family Rights Act</a>
Gov. Code 12945.6	Reproductive loss leave
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	<a href="#">Rights of employee organizations</a>
Lab. Code 1500-1507	<a href="#">Civil Air Patrol leave</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
Lab. Code 230.3	<a href="#">Leave for emergency personnel</a>
Lab. Code 230.4	<a href="#">Leave for volunteer firefighters</a>
Lab. Code 230.8	<a href="#">Time off to visit child's school</a>
Lab. Code 233	<a href="#">Leave to attend to family illness</a>
Lab. Code 234	<a href="#">Absence control policy</a>
Lab. Code 246.5	<a href="#">Paid sick days; purposes for use</a>
M&V Code 395.10	<a href="#">Leave when spouse on leave from military deployment</a>

**State References**

Pen. Code 1192.7

Pen. Code 667.5

**Federal References**

29 USC 2601-2654

42 USC 2000d-2000d-7

**Management Resources References**

Court Decision

Public Employment Relations Board Decision

Website

Website

Website

Website

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Website

**Cross References**

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4112.9

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4261.1

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4312.9

4312.9

**Description**

[Plea bargaining limitation](#)

[Prior prison terms; enhancement of prison terms](#)

**Description**

Family Care and Medical Leave Act

Title VI, Civil Rights Act of 1964

**Description**

Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167

Berkeley Council of Classified Employees v. Berkeley Unified School District (2008) PERB Decision No. 1954

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

[California Department of Industrial Relations](#)

[California Federation of Teachers](#)

[California Public Employment Relations Board](#)

[California School Employees Association](#)

[California Teachers Association](#)

**Description**

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**Description**[Employee Notifications](#)[Employee Security](#)[Employee Security](#)[Leaves](#)[Leaves](#)[Personal Illness/Injury Leave](#)[Family Care And Medical Leave](#)

## Regulation 4261.2: Personal Leaves

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

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

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

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

### Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194 (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

"Immediate Family" means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, sibling or sibling-in-law of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194; Government Code 12945.7)

No deduction shall be made from the employee's salary for any authorized paid bereavement leave as specified by this policy, nor shall such leave be deducted from any other leave to which the employee is entitled unless requested by the employee. (Education Code 44985, 45194; Government Code 12945.7)

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

### Reproductive Loss

Upon request by any employee who has experienced a reproductive loss event, defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, the Eden Area ROP shall grant the employee up to five days of reproductive loss leave, to be taken consecutively or non-consecutively. The employee shall take the leave within three months following the event. If the employee is on another type of leave at the time of the reproductive loss event, or chooses to take another type of leave immediately following a reproductive loss event, then the reproductive loss leave shall be completed within three months of the end date of the other leave. (Government Code 12945.6)

Reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. (Government Code 12945.6)

Any request or inquiry or information provided by an employee related to reproductive loss leave and/or a reproductive loss shall remain confidential, except to internal personnel or counsel as necessary or as required by law.

### Personal Necessity

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

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)



2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

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

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

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

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

#### **Leave to Perform Legal Duties**

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

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

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

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

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

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

#### **Leaves for Crime Victims for Judicial Proceedings**

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

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

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

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

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

### **Leaves for Victims of Crime or Abuse**

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

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

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

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

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

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

### **Personal Leave for Child-Related Activities**

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

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
  - a. A request by the school or child care provider that the child be picked up
  - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
  - c. Behavioral or discipline problems
  - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
  - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

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

### **Religious Leave**

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional districtEden Area ROP expenditures, the neglect of assigned duties, or any other unreasonable hardship on the Eden Area ROPdistrict.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

### **Spouse on Leave from Military Deployment**

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

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

### **Leave for Emergency Duty**

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

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

### **Civil Air Patrol Leave**

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

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

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## Regulation 4361.2: Personal Leaves

Status: DRAFT

Original Adopted Date: 05/07/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

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

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

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

### Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194 (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

"Immediate Family" means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, sibling or sibling-in-law of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194; Government Code 12945.7)

No deduction shall be made from the employee's salary for any authorized paid bereavement leave as specified by this policy, nor shall such leave be deducted from any other leave to which the employee is entitled unless requested by the employee. (Education Code 44985, 45194; Government Code 12945.7)

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

### Reproductive Loss

Upon request by any employee who has experienced a reproductive loss event, defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, the Eden Area ROP shall grant the employee up to five days of reproductive loss leave, to be taken consecutively or non-consecutively. The employee shall take the leave within three months following the event. If the employee is on another type of leave at the time of the reproductive loss event, or chooses to take another type of leave immediately following a reproductive loss event, then the reproductive loss leave shall be completed within three months of the end date of the other leave. (Government Code 12945.6)

Reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. (Government Code 12945.6)

Any request or inquiry or information provided by an employee related to reproductive loss leave and/or a reproductive loss shall remain confidential, except to internal personnel or counsel as necessary or as required by law.

### Personal Necessity

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

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

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

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

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

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

#### **Leave to Perform Legal Duties**

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

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

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

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

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

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

#### **Leaves for Crime Victims for Judicial Proceedings**

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

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

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

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

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

### **Leaves for Victims of Crime or Abuse**

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

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

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

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

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

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

### **Personal Leave for Child-Related Activities**

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

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
  - a. A request by the school or child care provider that the child be picked up
  - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
  - c. Behavioral or discipline problems
  - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
  - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

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

### **Religious Leave**

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional districtEden Area ROP expenditures, the neglect of assigned duties, or any other unreasonable hardship on the Eden Area ROPdistrict.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

### **Spouse on Leave from Military Deployment**

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

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

### **Leave for Emergency Duty**

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

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



### **Civil Air Patrol Leave**

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

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

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**Policy 5113: Absences And Excuses**

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board believes that regular attendance plays an important role in student achievement. The Governing Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws and may use appropriate legal means to address chronic absences or truancy.

(cf. 5112.1 – Exemptions from Attendance)

(cf. 5112.2 – Exclusions from Attendance)

(cf. 5113.1 – Chronic Absence and Truancy)

(cf. 5121 – Grades/Evaluation of Student Achievement)

(cf. 6154 – Homework/Makeup Work)

Absence In accordance with law, Board policy, and administrative regulation, absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Governing Board policy, and administrative regulation. as specified in (Education Code 48205), and work in the entertainment or allied industry as permitted pursuant to Education Code 48225.5.

When a student's absence from school is excused, the student's teacher shall determine identical or reasonably equivalent assignments and tests to those missed during the absence which the student shall be permitted to complete for full credit within a reasonable amount of time as determined by the teacher. (Education Code 48205, 48225.5)

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation. (Education Code 46014)

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

The Governing Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

**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 306	Explanation of absence
5 CCR 420-424	Record of verification of absence due to illness and other causes
Ed. Code 1740	<a href="#">Employment of personnel to supervise attendance</a>
Ed. Code 37201	<a href="#">School month</a>
Ed. Code 37223	<a href="#">Weekend classes</a>
Ed. Code 41601	<a href="#">Reports of average daily attendance</a>
Ed. Code 42238-42250.1	<a href="#">Apportionments</a>
Ed. Code 46000	<a href="#">Attendance records</a>
Ed. Code 46010-46015	<a href="#">Absences</a>
Ed. Code 46110-46120	<a href="#">Attendance in kindergarten and elementary schools</a>
Ed. Code 46140-46148	<a href="#">Attendance in junior high and high schools</a>

**State References**

Ed. Code 48200-48208	<a href="#">Children ages 6-18; compulsory full-time attendance</a>
Ed. Code 48210-48216	<a href="#">Exclusions from attendance</a>
Ed. Code 48225.5	<a href="#">Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization</a>
Ed. Code 48240-48246	<a href="#">Supervisors of attendance</a>
Ed. Code 48260-48273	<a href="#">Truants</a>
Ed. Code 48292	<a href="#">Filing complaint against parent</a>
Ed. Code 48320-48324	<a href="#">School attendance review boards</a>
Ed. Code 48340-48341	<a href="#">Improvement of student attendance</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 49067	<a href="#">Unexcused absences as cause of failing grade</a>
Ed. Code 49701	<a href="#">Provisions of the Interstate Compact on Educational Opportunities for Military Children</a>
Elec. Code 12302	<a href="#">Student participation on precinct boards</a>
Fam. Code 6920-6930	<a href="#">Consent by minor for medical treatment</a>
W&I Code 11253.5	<a href="#">Compulsory school attendance; eligibility for aid</a>
W&I Code 601-601.5	<a href="#">Habitually truant minors</a>

**Description****Management Resources References**

Attorney General Opinion	66 Ops.Cal.Atty.Gen. 244 (1983)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 168 (2004)
Court Decision	American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
CSBA Publication	<a href="#">Seize the Data: Using Chronic Absence Data to Drive Student Engagement, March 2024</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA</a>

**Description****Cross References**

0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
4119.41	<a href="#">Employees With Infectious Disease</a>
4219.41	<a href="#">Employees With Infectious Disease</a>
4319.41	<a href="#">Employees With Infectious Disease</a>
5000	<a href="#">Concepts And Roles</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5112.5	<a href="#">Open/Closed Campus</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.11	<a href="#">Attendance Supervision</a>

**Description**

**Cross References**

5121

5131

5141.21

5141.21

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5144.1

5144.1

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**Description**[Grades/Evaluation Of Student Achievement](#)[Conduct](#)[Administering Medication And Monitoring Health Conditions](#)[Administering Medication And Monitoring Health Conditions](#)[Infectious Diseases](#)[Infectious Diseases](#)[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[School Calendar](#)[School Day](#)[Recognition Of Religious Beliefs And Customs](#)[Recognition Of Religious Beliefs And Customs](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Homework/Makeup Work](#)[Guidance/Counseling Services](#)[Summer Learning Programs](#)

**Regulation 5113: Absences And Excuses**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 05/04/2023 | Last Reviewed Date: 05/04/2023

**Excused Absences**

Subject to any applicable limitation, condition, or other requirement specified in law, a high school student's absence shall be excused for any of the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health. (Education Code 48205)
2. Quarantine under the direction of a county or city health officer. (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic service or appointment. (Education Code 48205)
4. Attendance at funeral services for ~~or grieving the death of~~ a member of the student's immediate family; (Education Code 48205) ~~Such absence shall or be limited to one day if the service is conducted in California or three days if the service is conducted out of state.~~ ~~considered the student's immediate family~~ (Education Code 48205)

A student may be excused for this reason for up to five days for each incident. (Education Code 48205)

5. Jury duty in the manner provided by law; (Education Code 48205)
6. Illness or medical appointment of a student to whom the student is the custodial parent. (Education Code 48205)
7. Upon advance written request by the parent/guardian and the approval of the Superintendent or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
  - a. ~~Attendance or appearance~~ Appearance in court
  - b. Attendance at a funeral service
  - c. Observance of a religious holiday or ceremony
  - d. Attendance at religious retreats for no more than ~~four hours per~~ one school day each semester
  - e. Attendance at an employment conference
  - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302. (Education Code 48205)
9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code 48205)
10. Attendance at the student's naturalization ceremony to become a United States citizen. (Education Code 48205)
11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people. (Education Code 48205)

12. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. (Education Code 48205)

Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence ~~per~~each school year. (Education Code 48205)

13. When a student's immediate family member or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family has died (Education Code 48205)

- a. To access services from a victim services organization or agency

- b. To access grief support services

- c. To participate in safety planning or take other actions, including, but not limited to, temporary or permanent relocation, to increase the safety of the student, an immediate family member of the student, or a person determined by the student's parent/guardian to be in such close association with the student as to be considered immediate family.

Such absence shall be excused for not more than three days for each incident. (Education Code 48205)

14. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church, or denomination. (Education Code 46014)

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in ARAdministrative Regulation 6112 - School Day, and is not excused from school for this purpose on more than four days ~~per~~ each school month. (Education Code 46014)

15. ~~Work in the entertainment or allied industry. (Education Code 48225.5)~~For Work for a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days, work in such industry (Education Code 48225.5)

For this purpose, student absence shall be excused for a maximum of up to five absences ~~per~~ each school year. (Education Code 48225.5)

16. Participation with a nonprofit performing arts organization in a performance for a public school audience. (Education Code 48225.5)

A student may be excused for up to five such absences ~~per~~each school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

17. Other reasons authorized at the discretion of the Superintendent or designee based on the student's specific circumstances. (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, sibling ~~brother or sister~~, grandparent, or any other relative living in the student's household. (Education Code 48205)

#### Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the Superintendent or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify high school student absences:

1. Written note, fax, email, digital, or voice mail audio message from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:

The employee shall subsequently record the following:

- a. Name of student
  - b. Name of parent/guardian or parent representative
  - c. Name of verifying employee
  - d. Date(s) of absence
  - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in #2 above.  
The employee shall document the verification and include the information specified in Item #2 above.
  4. Physician's verification.
    - a. When excusing students for confidential medical services or verifying such appointments, Eden Area ROP staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
    - b. If a student shows a pattern of chronic absenteeism due to illness, Eden Area ROP staff may require physician verification of any further student absences.

### Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination. (Education Code 46014, 48980)
2. Notify students in grades 9-12 and the parents/guardians of all students enrolled in the Eden Area ROP that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)
3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

Such notice shall include the full text of Education Code 48205. (Education Code 48980)

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

### State References

5 CCR 306

### Description

Explanation of absence

**State References**

5 CCR 420-424  
 Ed. Code 1740  
 Ed. Code 37201  
 Ed. Code 37223  
 Ed. Code 41601  
 Ed. Code 42238-42250.1  
 Ed. Code 46000  
 Ed. Code 46010-46015  
 Ed. Code 46110-46120  
 Ed. Code 46140-46148  
 Ed. Code 48200-48208  
 Ed. Code 48210-48216  
  
 Ed. Code 48225.5  
  
 Ed. Code 48240-48246  
 Ed. Code 48260-48273  
 Ed. Code 48292  
 Ed. Code 48320-48324  
 Ed. Code 48340-48341  
 Ed. Code 48980  
 Ed. Code 49067  
  
 Ed. Code 49701  
  
 Elec. Code 12302  
 Fam. Code 6920-6930  
 W&I Code 11253.5  
 W&I Code 601-601.5

**Description**

Record of verification of absence due to illness and other causes  
[Employment of personnel to supervise attendance](#)  
[School month](#)  
[Weekend classes](#)  
[Reports of average daily attendance](#)  
[Apportionments](#)  
[Attendance records](#)  
[Absences](#)  
[Attendance in kindergarten and elementary schools](#)  
[Attendance in junior high and high schools](#)  
[Children ages 6-18; compulsory full-time attendance](#)  
[Exclusions from attendance](#)  
[Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization](#)  
[Supervisors of attendance](#)  
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[Filing complaint against parent](#)  
[School attendance review boards](#)  
[Improvement of student attendance](#)  
[Parent/Guardian notifications](#)  
[Unexcused absences as cause of failing grade](#)  
[Provisions of the Interstate Compact on Educational Opportunities for Military Children](#)  
[Student participation on precinct boards](#)  
[Consent by minor for medical treatment](#)  
[Compulsory school attendance; eligibility for aid](#)  
[Habitually truant minors](#)

**Management Resources References**

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

**Description**

66 Ops.Cal.Atty.Gen. 244 (1983)  
 87 Ops.Cal.Atty.Gen. 168 (2004)  
 American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307  
[Seize the Data: Using Chronic Absence Data to Drive Student Engagement, March 2024](#)  
[CSBA District and County Office of Education Legal Services](#)  
[CSBA](#)

**Cross References**

0450  
 0450  
 3516  
 3516

**Description**

[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Emergencies And Disaster Preparedness Plan](#)  
[Emergencies And Disaster Preparedness Plan](#)



**Cross References**

4119.41

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**Description**[Employees With Infectious Disease](#)[Employees With Infectious Disease](#)[Employees With Infectious Disease](#)[Concepts And Roles](#)[Parent Rights And Responsibilities](#)[Parent Rights And Responsibilities](#)[Open/Closed Campus](#)[Chronic Absence And Truancy](#)[Chronic Absence And Truancy](#)[Attendance Supervision](#)[Grades/Evaluation Of Student Achievement](#)[Conduct](#)[Administering Medication And Monitoring Health Conditions](#)[Administering Medication And Monitoring Health Conditions](#)[Infectious Diseases](#)[Infectious Diseases](#)[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[School Calendar](#)[School Day](#)[Recognition Of Religious Beliefs And Customs](#)[Recognition Of Religious Beliefs And Customs](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Homework/Makeup Work](#)[Guidance/Counseling Services](#)[Summer Learning Programs](#)

**Policy 5145.6: Parent/Guardian Notifications**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 09/07/2023 | Last Reviewed Date: 09/07/2023

The Governing Board desires to promote effective communication between the from the school and the home and to families to keep parents/guardians families informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental/familial understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the Eden Area Regional Occupational Program (Eden Area ROP) for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is not required. Any signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls at the Eden Area ROP during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format, and, to the extent practicable, in a language that parents/guardians can understand.

When necessary, the Eden Area ROP shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large front, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

Whenever 15 percent or more of the students enrolled at the Eden Area ROP speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the Eden Area ROP's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

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

**State References**

**Description**

17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services

**State References**

5 CCR 17783  
5 CCR 18066  
5 CCR 18094-18095  
5 CCR 18114  
5 CCR 18118-18119  
5 CCR 3052  
5 CCR 4622  
5 CCR 4631  
5 CCR 4917  
5 CCR 852  
5 CCR 863  
Civ. Code 1798.29  
Ed. Code 17288  
Ed. Code 17612  
Ed. Code 221.5  
Ed. Code 231.5  
Ed. Code 234.1  
Ed. Code 234.7  
Ed. Code 262.3  
Ed. Code 310  
Ed. Code 313  
Ed. Code 313.2  
Ed. Code 32221.5  
Ed. Code 32255-32255.6  
Ed. Code 32390  
Ed. Code 33479-33479.9  
Ed. Code 35160.5  
Ed. Code 35178.4  
Ed. Code 35182.5  
Ed. Code 35183  
Ed. Code 35186  
Ed. Code 35211  
Ed. Code 35256  
Ed. Code 35258  
Ed. Code 35291  
Ed. Code 35292.6  
Ed. Code 37616  
Ed. Code 39831.5  
Ed. Code 41329

**Description**

Notice of Action; recipient of services  
Child care policies regarding excused and unexcused absences  
Notice of Action; child care services  
Notice of delinquent fees; child care services  
Notice of Action; child care services  
Behavioral intervention  
Uniform complaint procedures  
Uniform complaint procedures; notification of decision and right to appeal  
Notification of sexual harassment policy  
Exemptions from state assessments  
Reports of state assessment results  
[District records; breach of security](#)  
[Building standards for university campuses](#)  
[Notification of pesticide use](#)  
[Equal opportunity](#)  
[Sexual harassment policy](#)  
[Student protections relating to discrimination, harassment, intimidation, and bullying](#)  
[Student protections relating to immigration and citizenship status](#)  
[Appeals for discrimination complaints; information regarding availability of civil remedies](#)  
[Language acquisition programs](#)  
[Reclassification of English learners; parental consultation](#)  
[Long-term English learner; notification](#)  
[Insurance for athletic team members](#)  
[Student's right to refrain from harmful or destructive use of animals](#)  
[Voluntary program for fingerprinting students](#)  
[The Eric Parades Sudden Cardiac Arrest Prevention Act](#)  
[Extracurricular and cocurricular activities](#)  
[Notice of accreditation status](#)  
[Advertising in the classroom](#)  
[School dress code; uniforms](#)  
[Complaints concerning deficiencies in instructional materials and facilities](#)  
[Driver training; district insurance, parent/guardian liability](#)  
[School Accountability Report Card](#)  
[School Accountability Report Card](#)  
[Rules for student discipline](#)  
School maintenance  
[Consultation regarding year-round schedule](#)  
[School bus rider rules and information](#)  
School closures and consolidation

## State References

	Description
Ed. Code 440	<a href="#">English language proficiency assessment; instruction in English language development</a>
Ed. Code 44050	<a href="#">Employee code of conduct; interaction with students</a>
Ed. Code 44808.5	<a href="#">Permission to leave school grounds</a>
Ed. Code 46010.1	<a href="#">Notice regarding excuse to obtain confidential medical services</a>
Ed. Code 46014	<a href="#">Regulations regarding absences for religious purposes</a>
Ed. Code 46015	Accommodations for pregnant and parenting pupils
Ed. Code 46162	<a href="#">Alternative schedule for junior high and high school; public hearing with notice</a>
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	<a href="#">Minimum age of admission</a>
Ed. Code 48070.5	<a href="#">Promotion and retention of students</a>
Ed. Code 48204	<a href="#">Residency requirements</a>
Ed. Code 48205	<a href="#">Absence for personal reasons</a>
Ed. Code 48206.3	<a href="#">Students with temporary disabilities; individual instruction; definitions</a>
Ed. Code 48207-48208	<a href="#">Students with temporary disabilities in hospitals</a>
Ed. Code 48213	<a href="#">Prior notice of exclusion from attendance</a>
Ed. Code 48216	<a href="#">Immunization and exclusion from attendance</a>
Ed. Code 48260.5	<a href="#">Notice regarding truancy</a>
Ed. Code 48262	<a href="#">Need for parent conference regarding truancy</a>
Ed. Code 48263	<a href="#">Referral to school attendance review board or probation department</a>
Ed. Code 48301	<a href="#">Interdistrict transfers</a>
Ed. Code 48412	<a href="#">Certificate of proficiency</a>
Ed. Code 48432.3	<a href="#">Voluntary enrollment in continuation education</a>
Ed. Code 48432.5	<a href="#">Involuntary transfers of students</a>
Ed. Code 48850-48859	<a href="#">Education of foster youth and homeless students</a>
Ed. Code 48900.1	<a href="#">Parental attendance required after suspension</a>
Ed. Code 48904	<a href="#">Liability of parent/guardian for willful student misconduct</a>
Ed. Code 48904-48904.3	<a href="#">Withholding grades, diplomas, or transcripts</a>
Ed. Code 48906	<a href="#">Notification of release of student to peace officer</a>
Ed. Code 48911	<a href="#">Notification in case of suspension</a>
Ed. Code 48911.1	<a href="#">Assignment to supervised suspension classroom</a>
Ed. Code 48912	<a href="#">Closed sessions; consideration of suspension</a>
Ed. Code 48915.1	<a href="#">Expelled students; enrollment in another district</a>
Ed. Code 48916	<a href="#">Readmission procedures</a>
Ed. Code 48918	<a href="#">Rules governing expulsion procedures</a>
Ed. Code 48929	<a href="#">Transfer of student convicted of violent felony or misdemeanor</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48980.3	<a href="#">Notification of pesticide use</a>
Ed. Code 48980.4	Notice regarding full human papillomavirus (HPV) immunization
Ed. Code 48981	<a href="#">Time and means of notification</a>

## State References

	Description
Ed. Code 48982	<a href="#">Parent signature acknowledging receipt of notice</a>
Ed. Code 48983	<a href="#">Contents of notice</a>
Ed. Code 48984	<a href="#">Activities prohibited unless notice given</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	<a href="#">Child abuse information</a>
Ed. Code 49013	<a href="#">Use of uniform complaint procedures for complaints regarding student fees</a>
Ed. Code 49063	<a href="#">Notification of parental rights</a>
Ed. Code 49067	<a href="#">Student evaluation; student in danger of failing course</a>
Ed. Code 49068	<a href="#">Transfer of permanent enrollment and scholarship record</a>
Ed. Code 49069.7	<a href="#">Absolute right to access</a>
Ed. Code 49070	<a href="#">Challenging content of student record</a>
Ed. Code 49073	<a href="#">Release of directory information</a>
Ed. Code 49073.6	<a href="#">Student records; social media</a>
Ed. Code 49076	<a href="#">Access to student records</a>
Ed. Code 49077	<a href="#">Access to information concerning a student in compliance with court order</a>
Ed. Code 49392	Threats of homicide at school
Ed. Code 49403	<a href="#">Cooperation in control of communicable disease and immunizations</a>
Ed. Code 49423	<a href="#">Administration of prescribed medication for student</a>
Ed. Code 49451	<a href="#">Physical examinations; parent's refusal to consent</a>
Ed. Code 49452.5	<a href="#">Screening for scoliosis</a>
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	<a href="#">Information on type 2 diabetes</a>
Ed. Code 49452.8	<a href="#">Oral health assessment</a>
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	<a href="#">Results of vision or hearing test</a>
Ed. Code 49471-49472	<a href="#">Insurance</a>
Ed. Code 49475	<a href="#">Student athletes; concussions and head injuries</a>
Ed. Code 49476	<a href="#">Student athletes; opioid fact sheet</a>
Ed. Code 49480	<a href="#">Continuing medication regimen for nonepisodic conditions</a>
Ed. Code 49510-49520	<a href="#">Duffy-Moscone Family Nutrition Education and Services Act of 1970</a>
Ed. Code 51225.1	<a href="#">Exemption from district graduation requirements</a>
Ed. Code 51225.2	<a href="#">Course credits</a>
Ed. Code 51225.3	<a href="#">High school graduation requirements</a>
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	<a href="#">Completion and submission of FAFSA and CADAA</a>
Ed. Code 51229	<a href="#">Course of study for grades 7-12</a>
Ed. Code 51513	<a href="#">Personal beliefs; privacy</a>

## State References

	Description
Ed. Code 51749.5	Independent study
Ed. Code 51938	<a href="#">HIV/AIDS and sexual health instruction</a>
Ed. Code 52062	Local control and accountability plans and the statewide system of support
Ed. Code 52164	<a href="#">Language census</a>
Ed. Code 52164.1	<a href="#">Census-taking methods; determination of primary language; assessment of language skills</a>
Ed. Code 52164.3	<a href="#">Reassessment of English learners; notification of results</a>
Ed. Code 52242	Advanced placement examination fees
Ed. Code 54444.2	<a href="#">Migrant education programs; parent involvement</a>
Ed. Code 56301	<a href="#">Child-find system; policies regarding written notification rights</a>
Ed. Code 56321	<a href="#">Special education; proposed assessment plan</a>
Ed. Code 56321.5-56321.6	<a href="#">Notice of parent rights pertaining to special education</a>
Ed. Code 56329	<a href="#">Written notice of right to findings; independent assessment</a>
Ed. Code 56341.1	<a href="#">Development of individualized education program; right to audio record meeting</a>
Ed. Code 56341.5	<a href="#">Individualized education program team meetings</a>
Ed. Code 56343.5	<a href="#">Individualized education program meetings</a>
Ed. Code 56366.45	Change in status of a nonpublic, nonsectarian school or agency
Ed. Code 56521.1	<a href="#">Behavioral intervention</a>
Ed. Code 58501	<a href="#">Alternative schools; notice required prior to establishment</a>
Ed. Code 60615	<a href="#">Exemption from state assessment</a>
Ed. Code 60641	<a href="#">California Assessment of Student Performance and Progress</a>
Ed. Code 60900.5	Use of CalPADS data
Ed. Code 69432.9	<a href="#">Submission of grade point average to Cal Grant program</a>
Ed. Code 8212	<a href="#">Complaints related to preschool health and safety issues</a>
Ed. Code 8483	<a href="#">Before/after school program; enrollment priorities</a>
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	<a href="#">Tobacco use prevention</a>
H&S Code 104855	<a href="#">Availability of topical fluoride treatment</a>
H&S Code 116277	Lead testing of potable water at schools and requirements to remedy
H&S Code 120365-120375	Immunizations
H&S Code 120440	<a href="#">Sharing immunization information</a>
H&S Code 124100-124105	<a href="#">Health screening and immunizations</a>
H&S Code 1596.8555	Administration of child day care licensing; posting license
H&S Code 1596.857	<a href="#">Right to enter child care facility</a>
H&S Code 1597.16	<a href="#">Licensed child care centers; lead testing</a>
Pen. Code 626.81	<a href="#">Notice of permission granted to sex offender to volunteer on campus</a>
Pen. Code 627.5	<a href="#">Hearing request following denial or revocation of registration</a>
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

**State References****Description****Federal References****Description**

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

**Management Resources References****Description**

U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Agriculture, Food and Nutrition Service</a>

**Cross References****Description**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0510	<a href="#">School Accountability Report Card</a>
0510	<a href="#">School Accountability Report Card</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3312	<a href="#">Contracts</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3514	<a href="#">Environmental Safety</a>
3514.2	<a href="#">Integrated Pest Management</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.2	<a href="#">Certification</a>
4112.2	<a href="#">Certification</a>
4219.21	<a href="#">Professional Standards</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
5000	<a href="#">Concepts And Roles</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5111	<a href="#">Admission</a>
5112.5	<a href="#">Open/Closed Campus</a>
5113	<a href="#">Absences And Excuses</a>
5113	<a href="#">Absences And Excuses</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>



**Cross References**

	<b>Description</b>
5125.3	<a href="#">Challenging Student Records</a>
5131.61	<a href="#">Drug Testing</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.3	<a href="#">Health Examinations</a>
5142.1	<a href="#">Identification And Reporting Of Missing Children</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.2	<a href="#">Suspension And Expulsion/Due Process (Students With Disabilities)</a>
5144.4	<a href="#">Required Parental Attendance</a>
5144.4	<a href="#">Required Parental Attendance</a>
5145.12	<a href="#">Search And Seizure</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.8	<a href="#">Refusal To Harm Or Destroy Animals</a>
6111	<a href="#">School Calendar</a>
6112	<a href="#">School Day</a>
6143	<a href="#">Courses Of Study</a>
6154	<a href="#">Homework/Makeup Work</a>
6162.8	<a href="#">Research</a>
6162.8	<a href="#">Research</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6190	<a href="#">Evaluation Of The Instructional Program</a>
9310	<a href="#">Board Policies</a>

**Exhibit 5145.6-E(1): Parent/Guardian Notifications**

Status: DRAFT

Original Adopted Date: 02/03/2022 | Last Revised Date: 06/16/2022 | Last Reviewed Date: 06/16/2022

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2023 (SB 101, Ch. 12, Statutes of 2023) extends the suspension of these requirements through the 2023-24 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to parents/guardians. Other notices may exist and be identified in the future.

**I. Annually**

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 222.5; 46015  
Board Policy/Administrative Regulation #: See BP 5146  
Subject: Rights and options for pregnant and parenting students

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 234.7  
Board Policy/Administrative Regulation #: See BP 0410  
Subject: Right to a free public education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 17611.5, 17612, 48980.3  
Board Policy/Administrative Regulation #: See AR 3514.2  
Subject: Use of pesticide products, active ingredients, internet address to access information, and, if district uses certain pesticides, integrated pest management plan

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 35291, 48980  
Board Policy/Administrative Regulation #: See AR 5144, AR 5144.1  
Subject: District and site discipline rules

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 44050  
Board Policy/Administrative Regulation #: See BP 4119.21, BP 4219.21, BP 4319.21  
Subject: Code of conduct addressing employee interactions with students

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 46010.1  
Board Policy/Administrative Regulation #: See AR 5113  
Subject: Absence for confidential medical services

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48980  
Board Policy/Administrative Regulation #: See BP 6111  
Subject: Schedule of minimum days and student-free staff development days

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8  
Board Policy/Administrative Regulation #: See AR 5145.7  
Subject: Copy of sexual harassment policy as related to students; contact information for Title IX coordinator

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48980, 35160.5, 46600-46611, 48204, 48301  
Board Policy/Administrative Regulation #: See BP 5111.1, AR 5116.1, AR 5117  
Subject: All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process

When to Notify: Beginning of each school year, if **Governing Board** allows such absence  
Education or Other Legal Code: Education Code 48980, 46014  
Board Policy/Administrative Regulation #: See AR 5113  
Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48980, 48205  
Board Policy/Administrative Regulation #: See AR 5113, BP 6154  
Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48980, 49423, 49480  
Board Policy/Administrative Regulation #: See AR 5141.21  
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48985.5  
Board Policy/Administrative Regulation #: Not currently in CSBA policy  
Subject: The dangers of using synthetic drugs not prescribed by a physician and possibility that such drugs can be found in counterfeit pills

When to Notify: Annually (not otherwise specified)  
Education or Other Legal Code: Education Code 49013; 5 CCR 4622  
Board Policy/Administrative Regulation #: See AR 1312.3, BP 0460, BP 3260  
Subject: Uniform complaint procedures, available appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49063  
Board Policy/Administrative Regulation #: See AR 5125, AR 5125.3  
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7  
Board Policy/Administrative Regulation #: See AR 5125  
Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria for defining school officials and to determine legitimate educational interest, categories defined as directory information, disclosures, right to file complaint with U.S. Department of Education, course prospectus availability

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37  
Board Policy/Administrative Regulation #: See AR 5125.1  
Subject: Release of directory information

When to Notify: Beginning of each school year  
Education or Other Legal Code: 34 CFR 104.8, 106.89  
Board Policy/Administrative Regulation #: See BP 0410, BP 6178  
Subject: Nondiscrimination

When to Notify: Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals  
Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93  
Board Policy/Administrative Regulation #: See AR 3514  
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

## II. At Specific Times During the Student's Academic Career

When to Notify: Upon a student's enrollment  
Education or Other Legal Code: Education Code 49063  
Board Policy/Administrative Regulation #: See AR 5125, AR 5125.3  
Subject: Specified rights related to student records

### III. When Special Circumstances Occur

When to Notify: In the event of a breach of security of district records  
Education or Other Legal Code: Civil Code 1798.29  
Board Policy/Administrative Regulation #: See BP 3580  
Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

When to Notify: Upon receipt of a complaint alleging discrimination  
Education or Other Legal Code: Education Code 262.3  
Board Policy/Administrative Regulation #: See AR 1312.3  
Subject: Civil law remedies available to complainants

When to Notify: Prior to implementing alternative schedule  
Education or Other Legal Code: Education Code 46162  
Board Policy/Administrative Regulation #: See BP 6112  
Subject: Public hearing on alternative schedule in secondary grades

When to Notify: At least 72 hours before use of pesticide product not included in annual list  
Education or Other Legal Code: Education Code 17612  
Board Policy/Administrative Regulation #: See AR 3514.2  
Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status  
Education or Other Legal Code: Education Code 35178.4  
Board Policy/Administrative Regulation #: See BP 6190  
Subject: Loss of status, potential consequences

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health  
Education or Other Legal Code: Education Code 48213  
Board Policy/Administrative Regulation #: See AR 5112.2  
Subject: Student has been excluded from school

When to Notify: When student is removed from class and teacher requires parental attendance at school  
Education or Other Legal Code: Education Code 48900.1  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Parental attendance required; timeline for attendance

When to Notify: When student is released to peace officer  
Education or Other Legal Code: Education Code 48906  
Board Policy/Administrative Regulation #: See BP 5145.11  
Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

When to Notify: At time of suspension  
Education or Other Legal Code: Education Code 48911  
Board Policy/Administrative Regulation #: See BP 5144.1, AR 5144.1  
Subject: Notice of suspension

When to Notify: One month before the scheduled minimum day  
Education or Other Legal Code: Education Code 48980  
Board Policy/Administrative Regulation #: See BP 6111  
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents/guardians request guidelines for filing complaint of child abuse at a school site

Education or Other Legal Code: Education Code 48987  
Board Policy/Administrative Regulation #: See AR 5141.4  
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course  
Education or Other Legal Code: Education Code 49067  
Board Policy/Administrative Regulation #: See AR 5121  
Subject: Student in danger of failing a course

When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals  
Education or Other Legal Code: Education Code 49070  
Board Policy/Administrative Regulation #: See AR 5125.3  
Subject: If board sustains allegations, the correction of destruction of record; if denied, right to submit written objection

When/Whom to Notify: When district is considering program to gather safety-related information from students' social media activity  
Education or Other Legal Code: Education Code 49073.6  
Board Policy/Administrative Regulation #: See BP 5125  
Subject: Opportunity for input on proposed program

When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter  
Education or Other Legal Code: Education Code 49073.6  
Board Policy/Administrative Regulation #: AR 5125  
Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records

When to Notify: Within 24 hours of release of information to a judge or probation officer  
Education or Other Legal Code: Education Code 49076  
Board Policy/Administrative Regulation #: See AR 5125  
Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena  
Education or Other Legal Code: Education Code 49077  
Board Policy/Administrative Regulation #: See AR 5125  
Subject: Release of information pursuant to court order or subpoena

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer  
Education or Other Legal Code: Penal Code 626.81  
Board Policy/Administrative Regulation #: See AR 1240, BP 1250  
Subject: Dates and times permission granted; obtaining information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises  
Education or Other Legal Code: Penal Code 627.5  
Board Policy/Administrative Regulation #: See AR 3515.2  
Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law  
Education or Other Legal Code: 5 CCR 4631  
Board Policy/Administrative Regulation #: See AR 1312.3  
Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When student complains of sexual harassment  
Education or Other Legal Code: 34 CFR 106.44, 106.45  
Board Policy/Administrative Regulation #: See AR 5145.7  
Subject: Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

#### **IV. Special Education Notices**

n/a

## V. Classroom Notices

Where to Post: In all district schools and offices, including staff lounges and student government meeting rooms

Education or Other Legal Code: Education Code 234.1

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Uniform complaint procedures board policy and administrative regulation

Where to Post: In any school serving any of grades 3-12, in a prominent and conspicuous location in every restroom required to stock menstrual products,

Education or Other Legal Code: Education Code 35292.6

Board Policy/Administrative Regulation #: See AR 3517

Subject: Requirement to stock and make available free of cost an adequate supply of menstrual products that includes email address and telephone number for a designated individual responsible for maintaining requisite supply of menstrual products

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

### State References

### Description

17 CCR 2950-2951

Hearing tests

17 CCR 6000-6075

School attendance immunization requirements

22 CCR 101218.1

Child care licensing; parent/guardian rights

5 CCR 11303

Reclassification of English learners

5 CCR 11511.5

English language proficiency assessment; test results

5 CCR 11523

Notice of proficiency examinations

5 CCR 17782

Notice of Action; application for services

5 CCR 17783

Notice of Action; recipient of services

5 CCR 18066

Child care policies regarding excused and unexcused absences

5 CCR 18094-18095

Notice of Action; child care services

5 CCR 18114

Notice of delinquent fees; child care services

5 CCR 18118-18119

Notice of Action; child care services

5 CCR 3052

Behavioral intervention

5 CCR 4622

Uniform complaint procedures

5 CCR 4631

Uniform complaint procedures; notification of decision and right to appeal

5 CCR 4917

Notification of sexual harassment policy

5 CCR 852

Exemptions from state assessments

5 CCR 863

Reports of state assessment results

Civ. Code 1798.29

[District records; breach of security](#)

Ed. Code 17288

[Building standards for university campuses](#)

Ed. Code 17612

[Notification of pesticide use](#)

Ed. Code 221.5

[Equal opportunity](#)

Ed. Code 231.5

[Sexual harassment policy](#)

Ed. Code 234.1

[Student protections relating to discrimination, harassment, intimidation, and bullying](#)

Ed. Code 234.7

[Student protections relating to immigration and citizenship status](#)

## State References

Ed. Code 262.3

Ed. Code 310

Ed. Code 313

Ed. Code 313.2

Ed. Code 32221.5

Ed. Code 32255-32255.6

Ed. Code 32390

Ed. Code 33479-33479.9

Ed. Code 35160.5

Ed. Code 35178.4

Ed. Code 35182.5

Ed. Code 35183

Ed. Code 35186

Ed. Code 35211

Ed. Code 35256

Ed. Code 35258

Ed. Code 35291

Ed. Code 35292.6

Ed. Code 37616

Ed. Code 39831.5

Ed. Code 41329

Ed. Code 440

Ed. Code 44050

Ed. Code 44808.5

Ed. Code 46010.1

Ed. Code 46014

Ed. Code 46015

Ed. Code 46162

Ed. Code 46600-46611

Ed. Code 48000

Ed. Code 48070.5

Ed. Code 48204

Ed. Code 48205

Ed. Code 48206.3

Ed. Code 48207-48208

Ed. Code 48213

Ed. Code 48216

Ed. Code 48260.5

## Description

[Appeals for discrimination complaints; information regarding availability of civil remedies](#)

[Language acquisition programs](#)

[Reclassification of English learners; parental consultation](#)

[Long-term English learner; notification](#)

[Insurance for athletic team members](#)

[Student's right to refrain from harmful or destructive use of animals](#)

[Voluntary program for fingerprinting students](#)

[The Eric Parades Sudden Cardiac Arrest Prevention Act](#)

[Extracurricular and cocurricular activities](#)

[Notice of accreditation status](#)

[Advertising in the classroom](#)

[School dress code; uniforms](#)

[Complaints concerning deficiencies in instructional materials and facilities](#)

[Driver training; district insurance, parent/guardian liability](#)

[School Accountability Report Card](#)

[School Accountability Report Card](#)

[Rules for student discipline](#)

School maintenance

[Consultation regarding year-round schedule](#)

[School bus rider rules and information](#)

School closures and consolidation

[English language proficiency assessment; instruction in English language development](#)

[Employee code of conduct; interaction with students](#)

[Permission to leave school grounds](#)

[Notice regarding excuse to obtain confidential medical services](#)

[Regulations regarding absences for religious purposes](#)

Accommodations for pregnant and parenting pupils

[Alternative schedule for junior high and high school; public hearing with notice](#)

Interdistrict attendance agreements

[Minimum age of admission](#)

[Promotion and retention of students](#)

[Residency requirements](#)

[Absence for personal reasons](#)

[Students with temporary disabilities; individual instruction; definitions](#)

[Students with temporary disabilities in hospitals](#)

[Prior notice of exclusion from attendance](#)

[Immunization and exclusion from attendance](#)

[Notice regarding truancy](#)

**State References**

Ed. Code 48262  
Ed. Code 48263  
Ed. Code 48301  
Ed. Code 48412  
Ed. Code 48432.3  
Ed. Code 48432.5  
Ed. Code 48850-48859  
Ed. Code 48900.1  
Ed. Code 48904  
Ed. Code 48904-48904.3  
Ed. Code 48906  
Ed. Code 48911  
Ed. Code 48911.1  
Ed. Code 48912  
Ed. Code 48915.1  
Ed. Code 48916  
Ed. Code 48918  
Ed. Code 48929  
Ed. Code 48980  
Ed. Code 48980.3  
Ed. Code 48980.4  
Ed. Code 48981  
Ed. Code 48982  
Ed. Code 48983  
Ed. Code 48984  
Ed. Code 48985  
Ed. Code 48985.5  
Ed. Code 48986  
Ed. Code 48987  
Ed. Code 49013  
Ed. Code 49063  
Ed. Code 49067  
Ed. Code 49068  
Ed. Code 49069.7  
Ed. Code 49070  
Ed. Code 49073  
Ed. Code 49073.6  
Ed. Code 49076  
Ed. Code 49077  
Ed. Code 49392

**Description**

[Need for parent conference regarding truancy](#)  
[Referral to school attendance review board or probation department](#)  
[Interdistrict transfers](#)  
[Certificate of proficiency](#)  
[Voluntary enrollment in continuation education](#)  
[Involuntary transfers of students](#)  
[Education of foster youth and homeless students](#)  
[Parental attendance required after suspension](#)  
[Liability of parent/guardian for willful student misconduct](#)  
[Withholding grades, diplomas, or transcripts](#)  
[Notification of release of student to peace officer](#)  
[Notification in case of suspension](#)  
[Assignment to supervised suspension classroom](#)  
[Closed sessions; consideration of suspension](#)  
[Expelled students; enrollment in another district](#)  
[Readmission procedures](#)  
[Rules governing expulsion procedures](#)  
[Transfer of student convicted of violent felony or misdemeanor](#)  
[Parent/Guardian notifications](#)  
[Notification of pesticide use](#)  
Notice regarding full human papillomavirus (HPV) immunization  
[Time and means of notification](#)  
[Parent signature acknowledging receipt of notice](#)  
[Contents of notice](#)  
[Activities prohibited unless notice given](#)  
[Notices to parents in language other than English](#)  
Synthetic drug use  
Safe storage of firearms  
[Child abuse information](#)  
[Use of uniform complaint procedures for complaints regarding student fees](#)  
[Notification of parental rights](#)  
[Student evaluation; student in danger of failing course](#)  
[Transfer of permanent enrollment and scholarship record](#)  
[Absolute right to access](#)  
[Challenging content of student record](#)  
[Release of directory information](#)  
[Student records; social media](#)  
[Access to student records](#)  
[Access to information concerning a student in compliance with court order](#)  
Threats of homicide at school



**State References**

	<b>Description</b>
Ed. Code 49403	<a href="#">Cooperation in control of communicable disease and immunizations</a>
Ed. Code 49423	<a href="#">Administration of prescribed medication for student</a>
Ed. Code 49451	<a href="#">Physical examinations: parent's refusal to consent</a>
Ed. Code 49452.5	<a href="#">Screening for scoliosis</a>
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	<a href="#">Information on type 2 diabetes</a>
Ed. Code 49452.8	<a href="#">Oral health assessment</a>
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	<a href="#">Results of vision or hearing test</a>
Ed. Code 49471-49472	<a href="#">Insurance</a>
Ed. Code 49475	<a href="#">Student athletes: concussions and head injuries</a>
Ed. Code 49476	<a href="#">Student athletes: opioid fact sheet</a>
Ed. Code 49480	<a href="#">Continuing medication regimen for nonepisodic conditions</a>
Ed. Code 49510-49520	<a href="#">Duffy-Moscone Family Nutrition Education and Services Act of 1970</a>
Ed. Code 51225.1	<a href="#">Exemption from district graduation requirements</a>
Ed. Code 51225.2	<a href="#">Course credits</a>
Ed. Code 51225.3	<a href="#">High school graduation requirements</a>
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	<a href="#">Completion and submission of FAFSA and CADAA</a>
Ed. Code 51229	<a href="#">Course of study for grades 7-12</a>
Ed. Code 51513	<a href="#">Personal beliefs; privacy</a>
Ed. Code 51749.5	Independent study
Ed. Code 51938	<a href="#">HIV/AIDS and sexual health instruction</a>
Ed. Code 52062	Local control and accountability plans and the statewide system of support
Ed. Code 52164	<a href="#">Language census</a>
Ed. Code 52164.1	<a href="#">Census-taking methods; determination of primary language; assessment of language skills</a>
Ed. Code 52164.3	<a href="#">Reassessment of English learners; notification of results</a>
Ed. Code 52242	Advanced placement examination fees
Ed. Code 54444.2	<a href="#">Migrant education programs; parent involvement</a>
Ed. Code 56301	<a href="#">Child-find system; policies regarding written notification rights</a>
Ed. Code 56321	<a href="#">Special education: proposed assessment plan</a>
Ed. Code 56321.5-56321.6	<a href="#">Notice of parent rights pertaining to special education</a>
Ed. Code 56329	<a href="#">Written notice of right to findings; independent assessment</a>
Ed. Code 56341.1	<a href="#">Development of individualized education program; right to audio record meeting</a>
Ed. Code 56341.5	<a href="#">Individualized education program team meetings</a>
Ed. Code 56343.5	<a href="#">Individualized education program meetings</a>
Ed. Code 56366.45	Change in status of a nonpublic, nonsectarian school or agency
Ed. Code 56521.1	<a href="#">Behavioral intervention</a>

**State References**

Ed. Code 58501  
 Ed. Code 60615  
 Ed. Code 60641  
 Ed. Code 60900.5  
 Ed. Code 69432.9  
 Ed. Code 8212  
 Ed. Code 8483  
 Ed. Code 8489  
 Ed. Code 8489.1  
 H&S Code 104420  
 H&S Code 104855  
 H&S Code 116277  
 H&S Code 120365-120375  
 H&S Code 120440  
 H&S Code 124100-124105  
 H&S Code 1596.8555  
 H&S Code 1596.857  
 H&S Code 1597.16  
 Pen. Code 626.81  
 Pen. Code 627.5  
 W&I Code 10228

**Federal References**

20 USC 1232g  
 20 USC 1232h  
 20 USC 1415  
 20 USC 6311  
 20 USC 6312  
 20 USC 6318  
 20 USC 7704  
 20 USC 7908  
 34 CFR 104.32  
 34 CFR 104.36  
 34 CFR 104.8  
 34 CFR 106.9  
 34 CFR 200.48  
 34 CFR 222.94  
 34 CFR 300.300  
 34 CFR 300.322

**Description**

[Alternative schools; notice required prior to establishment](#)  
[Exemption from state assessment](#)  
[California Assessment of Student Performance and Progress](#)  
 Use of CalPADS data  
[Submission of grade point average to Cal Grant program](#)  
[Complaints related to preschool health and safety issues](#)  
[Before/after school program; enrollment priorities](#)  
 Expulsion and suspension procedures in childcare and development services programs  
 Expulsion and suspension procedures in childcare and development services programs  
[Tobacco use prevention](#)  
[Availability of topical fluoride treatment](#)  
 Lead testing of potable water at schools and requirements to remedy  
 Immunizations  
[Sharing immunization information](#)  
[Health screening and immunizations](#)  
 Administration of child day care licensing; posting license  
[Right to enter child care facility](#)  
[Licensed child care centers; lead testing](#)  
[Notice of permission granted to sex offender to volunteer on campus](#)  
[Hearing request following denial or revocation of registration](#)  
 Child care providers; posting of rates, discounts, and scholarships

**Description**

Family Educational Rights and Privacy Act (FERPA) of 1974  
 Privacy rights  
 Procedural safeguards  
 State plan  
 Local educational agency plan  
 Parent and family engagement  
 Impact Aid; policies and procedures related to children residing on Indian lands  
 Armed forces recruiter access to students  
 District responsibility to provide free appropriate public education  
 Procedural safeguards  
 Nondiscrimination  
 Severability  
 Teacher qualifications  
 Impact Aid; district responsibilities  
 Parent consent for special education evaluation  
 Parent participation in IEP team meetings

**Federal References**

34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

**Management Resources References**

U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Agriculture, Food and Nutrition Service</a>

**Cross References**

	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0510	<a href="#">School Accountability Report Card</a>
0510	<a href="#">School Accountability Report Card</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3312	<a href="#">Contracts</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3514	<a href="#">Environmental Safety</a>
3514.2	<a href="#">Integrated Pest Management</a>
3580	<a href="#">District Records</a>

**Cross References**

3580  
4112.2  
4112.2  
4219.21  
4222  
4222  
4319.21  
4319.21-E PDF(1)  
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5020  
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5111  
5112.5  
5113  
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5125.3  
5131.61  
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5141.21  
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5141.3  
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**Description**

[District Records](#)  
[Certification](#)  
[Certification](#)  
[Professional Standards](#)  
[Teacher Aides/Paraprofessionals](#)  
[Teacher Aides/Paraprofessionals](#)  
[Professional Standards](#)  
[Professional Standards](#)  
[Concepts And Roles](#)  
[Parent Rights And Responsibilities](#)  
[Parent Rights And Responsibilities](#)  
[Admission](#)  
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[Absences And Excuses](#)  
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[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Student Records](#)  
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[Release Of Directory Information](#)  
[Release Of Directory Information](#)  
[Withholding Grades, Diploma Or Transcripts](#)  
[Challenging Student Records](#)  
[Drug Testing](#)  
[Dress And Grooming](#)  
[Dress And Grooming](#)  
[Administering Medication And Monitoring Health Conditions](#)  
[Administering Medication And Monitoring Health Conditions](#)  
[Health Examinations](#)  
[Identification And Reporting Of Missing Children](#)  
[Discipline](#)  
[Discipline](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)  
[Required Parental Attendance](#)  
[Required Parental Attendance](#)  
[Search And Seizure](#)  
[Nondiscrimination/Harassment](#)  
[Nondiscrimination/Harassment](#)

**Cross References**

5145.7

5145.7

5145.8

6111

6112

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6154

6162.8

6162.8

6164.2

6190

9310

**Description**[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Refusal To Harm Or Destroy Animals](#)[School Calendar](#)[School Day](#)[Courses Of Study](#)[Homework/Makeup Work](#)[Research](#)[Research](#)[Guidance/Counseling Services](#)[Evaluation Of The Instructional Program](#)[Board Policies](#)

**Policy 6000: Concepts And Roles**

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board ~~commits to providing~~ desires to provide a comprehensive, research-based curriculum in a supportive, positive, and engaging manner that motivates every student to succeed. The Eden Area Regional Occupational Program (Eden Area ROP) shall provide students with rigorous opportunities to attain the academic, social and emotional skills, knowledge, and abilities they need to be successful in school, postsecondary education and/or employment, and develop to their full potential.

(cf. 9000 – Role of the Board)

Strategies for improving the educational program shall take into consideration the needs of individual students, including, but not limited to, social, emotional, and behavioral needs.

The Eden Area ROP's goal of student success may be achieved through regional coordination, collaboration, and alignment between the school, parents/guardians, and the community, including Eden Area ROP support for innovative programs and practices that promote student engagement, growth, understanding, achievement, and career exploration.

The Governing Board shall:

To support the Eden Area ROP's educational program, the Board shall:

1. Adopt the Eden Area ROP curriculum and courses of study to be offered

(cf. 6143 – Courses of Study)

2. Adopt textbooks and other instructional materials

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 6161 – Equipment, Bodes, and Materials)

(cf. 6161.1 – Selection and Evaluation of Instructional Materials)

(cf. 6161.11 – Supplementary Instructional Materials)

3. Support the professional staff's implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, recognizing staff accomplishments, and including reasonable annual goals related to student learning in the Superintendent evaluation process

(cf. 2140 – Evaluation of the Superintendent)

(cf. 3100 – Budget)

(cf. 4143/4243 – Negotiations/Consultation)

(cf. 9310 – Board Policies)

4. Provide a continuing program of professional development to keep instructional staff, administrators, and Governing Board members updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment

(cf. 4131 – Staff Development)

(cf. 4222 – Teacher Aides/Paraprofessionals)

(cf. 4331 – Staff Development)

(cf. 9240 – Board Development)

The Superintendent or designee shall:

1. Review research related to curriculum issues
2. Select and/or develop curricula for recommendation to the Governing Board in accordance with the Eden Area ROP's curriculum development and review process
3. Ensure the articulation of the curriculum between grade levels and with postsecondary education and the workplace

(cf. 1700 – Relations between Private Industry and the Schools)

4. Determine the general methods of instruction to be used
5. Assign instructors and schedule classes for all curricular offerings

(cf. 4113 – Assignment)

(cf. 6112 – School Day)

(cf. 6117 – Year-Round Schedules)

6. Recommend instructional materials to the **Governing** Board and direct the purchase of approved materials and equipment

(cf. 3310 – Expenditures and Purchases)

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

#### State References

5 CCR 3940

5 CCR 4424

Ed. Code 51000-51009

#### Description

Maintenance of effort

Comparability of services

[Legislative intent; educational program](#)

#### Federal References

20 USC 6321

#### Description

Fiscal requirements/comparability of services

#### Management Resources References

California Department of Education Publication

Website

Website

Website

#### Description

[California State Plan for Career Technical Education: A Vision for Equity and Excellence in CTE, March 2023](#)

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

[California Department of Education](#)

[CSBA](#)

#### Cross References

0410

0500

0510

0510

1112

1312.2

1700

2140

3100

3100

3512

3512-E PDF(1)

4113

4113

#### Description

[Nondiscrimination In District Programs And Activities](#)

[Accountability](#)

[School Accountability Report Card](#)

[School Accountability Report Card](#)

[Media Relations](#)

[Complaints Concerning Instructional Materials](#)

[Relations Between Private Industry And The Schools](#)

[Evaluation Of The Superintendent](#)

[Budget](#)

[Budget](#)

[Equipment](#)

[Equipment](#)

[Assignment](#)

[Assignment](#)

**Cross References**

	<b>Description</b>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4331	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5131.9	<a href="#">Academic Honesty</a>
6011	<a href="#">Academic Standards</a>
6112	<a href="#">School Day</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6143	<a href="#">Courses Of Study</a>
6145.8	<a href="#">Assemblies And Special Events</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.11	<a href="#">Supplementary Instructional Materials</a>
6177	<a href="#">Summer Learning Programs</a>
6178.1	<a href="#">Work-Based Learning</a>
6178.1	<a href="#">Work-Based Learning</a>
6190	<a href="#">Evaluation Of The Instructional Program</a>
9000	<a href="#">Role Of The Board</a>
9310	<a href="#">Board Policies</a>



**Policy 6164.2: Guidance/Counseling Services**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 02/02/2023 | Last Reviewed Date: 02/02/2023

The Governing Board recognizes that a structured, coherent and comprehensive counseling program promotes academic achievement and growth, and serves the diverse needs of Eden Area Regional Occupational Program (Eden Area ROP) students. The Eden Area ROP, when possible, may provide an educational counseling program that offers students services and supports within a Multi-Tiered Systems of Support (MTSS) framework, in accordance with law. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning and well-being.

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

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

(cf. 4112.2 – Certification)

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

1. Engaging with, advocating for, and providing support for all students with respect to learning and achievement
2. Planning, implementing, and evaluating school counseling programs
3. Using multiple sources of information to monitor and improve student behavior and achievement
4. Promoting and maintaining a safe learning environment for all students by providing restorative practices, positive behavior interventions, and support services, and by developing and responding with a variety of intervention strategies, and using those strategies, to meet individual, group, and school community needs before, during, and after a crisis in collaboration with the resident high school

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5138 – Conflict Resolution/Peer Mediation)

(cf. 5144 – Discipline)

5. Intervening to ameliorate school-related problems, including problems those related to chronic absences and retention

(cf. 5113.1 - Chronic Absence and Truancy)

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

7. Improving school climate and student well-being

(cf. 5137 – Positive School Climate)

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

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

9. Providing counseling services for unduplicated students who are classified as English learners, or foster youth,

homeless children, and students eligible for free and reduced-priced meals, foster youth, and/or experiencing homelessness, including interventions and support services that enhance equity and access to appropriate education systems and public and private services in collaboration with the resident school

(cf. 6173 – Education for Homeless Children)  
(cf. 6173.1 – Education for Foster Youth)  
(cf. 6174 – Education for English Learners)

10. Engaging in continued development as a professional school counselor

(cf. 4131 – Staff Development)

### Educational And Career Counseling

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

1. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes
2. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to colleges and universities, standardized admissions tests, and financial aid
3. High-quality career programs at all grade levels in which students are assisted in doing all of the following:
  - a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition
  - b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success
  - c. Developing work self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the effects of work on quality of life
  - d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options
  - e. Understanding the value of participating in career technical education and work-based learning activities, pathways, and programs, including, but not limited to, those related to regional occupational centers and programs, partnership programs, job shadowing, and mentoring experiences, the federal program administered by the United States U.S. Department of Labor offering free education and vocational training to students, known as "Job Corps," the California Conservation Corps, work-based learning, industry certifications, college preparation and credit, and employment opportunities

(cf. 6178 – Career Technical Education)  
(cf. 6178.1 – Work-Based Learning)  
(cf. 6178.2 – Regional Occupational Center/Program)

- f. Understanding the need to develop essential employable skills and work habits
- g. Understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures
- h. Understanding entrance requirements to the Armed Forces of the United States, including the benefits of the Armed Services Vocational Aptitude Battery (ASVAB) test

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

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

{cf. 5145.3 – Nondiscrimination/Harassment}

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

For assessing or counseling students, the Eden Area ROP shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students, **unless such different materials cover the same occupations and interest areas and the use of such materials is essential to the elimination of bias and discrimination.** (5 CCR 4931)

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

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

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

**Additionally, the Eden Area ROP shall provide the notification to any community college district that has overlapping jurisdiction with the Eden Area ROP and an opportunity for the community college district to participate in the college or career fair. (Education Code 52770)**

### **Personal or Mental Health Counseling**

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

{cf. 5125.1 – Release of Directory Information}

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

{cf. 5113 – Absences and Excuses}

{cf. 5131.6 – Alcohol and Other Drugs}

{cf. 5141.4 – Child Abuse Prevention and Reporting}

{cf. 5141.6 – School Health Services}

{cf. 5145.9 – Hate-Motivated Behavior}

{cf. 5147 – Dropout Prevention}

{cf. 6164.5 – Student Success Teams}

A counselor shall consult with the Superintendent or designee and, as appropriate, with the Eden Area ROP's legal counsel whenever **unsure of there is uncertainty regarding** how to respond to a student's personal issue or when questions arise regarding the possible release of confidential information regarding a student.

### **Crisis Counseling**

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

(cf. 0450 – Comprehensive Safety Plan)

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

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

(cf. 5136 – Gangs)

(cf. 5141.52 – Suicide Prevention)

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

### State References

5 CCR 4930-4931

### Description

Counseling

5 CCR 80049-80049.1

Pupil Personnel Services credential

5 CCR 80632-80632.5

Preparation programs for Pupil Personnel Services

Ed. Code 221.5

[Equal opportunity](#)

Ed. Code 44266

[Pupil Personnel Services credential](#)

Ed. Code 48431

[Establishing and maintaining high school guidance and placement program](#)

Ed. Code 49600-49604

[Educational counseling](#)

Ed. Code 51250-51251

[Assistance to military dependents](#)

Ed. Code 51513

[Personal beliefs](#)

Ed. Code 52770

College and career fairs; community college districts

Ed. Code 54680-54685

Dream Resource Center Grant Program

Fam. Code 6920-6930

[Consent by minor for medical treatment](#)

Gov. Code 7927.700

[Exemption for personnel records if invasion of personal privacy](#)

H&S Code 124260

[Mental health services; consent by minors age 12 and older](#)

Lab. Code 3074.2

[College and career fairs; notice to apprenticeship programs](#)

Pen. Code 11166-11170

[Reporting known or suspected cases of child abuse](#)

W&I Code 5850-5883

[Mental Health Services Act](#)

### Federal References

10 USC 503

### Description

Military recruiter access to directory information

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 7908

Armed forces recruiter access to students and student recruiting information

34 CFR 99.1-99.67

Family Educational Rights and Privacy

### Management Resources References

California Department of Education Publication

### Description

California Results-Based School Counseling and Student Support Guidelines, 2007

U.S. Department of Education Publication

[Protecting Student Privacy: Frequently Asked Questions](#)

Website

[California Division of Apprenticeship Standards](#)

Website

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

Website

[California Association of School Counselors](#)

**Management Resources References**

Website  
Website  
Website  
Website  
Website

**Description**

[American School Counselor Association](#)  
U.S. Department of Education, access to military recruiters  
[Commission on Teacher Credentialing](#)  
[California Department of Education](#)  
[CSBA](#)

**Cross References**

0410  
0415  
0450  
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1312.3  
1312.3  
1312.3-E PDF(1)  
1313  
1400  
3515  
3516  
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4112.2  
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4119.23  
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5113  
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5113.11  
5125  
5125  
5125.1  
5125.1  
5131  
5131.2  
5131.2  
5131.6  
5131.6

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Equity](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Civility](#)  
[Relations Between Other Governmental Agencies And The Schools](#)  
[Campus Security](#)  
[Emergencies And Disaster Preparedness Plan](#)  
[Emergencies And Disaster Preparedness Plan](#)  
[Certification](#)  
[Certification](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
[Staff Development](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Absences And Excuses](#)  
[Absences And Excuses](#)  
[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Attendance Supervision](#)  
[Student Records](#)  
[Student Records](#)  
[Release Of Directory Information](#)  
[Release Of Directory Information](#)  
[Conduct](#)  
[Bullying](#)  
[Bullying](#)  
[Alcohol And Other Drugs](#)  
[Alcohol And Other Drugs](#)

**Cross References**

5137  
5141.22  
5141.22  
5141.4  
5141.4  
5141.4-E PDF(1)  
5141.52  
5141.52  
5144  
5144  
5145.3  
5145.3  
5145.6  
5145.6-E PDF(1)  
5145.9  
6143  
6200

**Description**

[Positive School Climate](#)  
[Infectious Diseases](#)  
[Infectious Diseases](#)  
[Child Abuse Prevention And Reporting](#)  
[Child Abuse Prevention And Reporting](#)  
[Child Abuse Prevention And Reporting](#)  
[Suicide Prevention](#)  
[Suicide Prevention](#)  
[Discipline](#)  
[Discipline](#)  
[Nondiscrimination/Harassment](#)  
[Nondiscrimination/Harassment](#)  
[Parent/Guardian Notifications](#)  
[Parent/Guardian Notifications](#)  
[Hate-Motivated Behavior](#)  
[Courses Of Study](#)  
[Adult Education](#)

**Policy 6177: Summer Learning Programs**

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes that summer school provides valuable opportunities for students to improve their skills and make career and academic progress, and focus on developing social, emotional, and physical needs and interests through hands-on engaging experiences. When the need is demonstrated and funds are available, the Superintendent or designee may establish summer school day and/or evening classes.

**Attendance**

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than excused absences or one unexcused absence may be dropped from the summer school program.

{cf. 0200 – Goals for the School District}

{cf. 0460 – Local Control and Accountability Plan}

{cf. 3552 – Summer Meal Program}

{cf. 5030 – Student Wellness}

{cf. 5141.6 – School Health Services}

{cf. 5148 – Child Care and Development Program}

{cf. 6011 – Academic Standards}

{cf. 6142.7 – Physical Education and Activity}

{cf. 6143 – Courses of Study}

**Summer School**

The Superintendent or designee, with Board approval, may establish summer school day and/or evening classes.

Course openings shall be offered to students on a first-come first-served basis, unless otherwise specified by their funding source for the program.

**Additional Summer Learning Opportunities**

Strategies to support summer learning may include, but are not limited to:

1. Career exploration
2. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component

{cf. 3260 – Fees and Charges}

{cf. 5113.2 – Work Permits}

{cf. 6178.1 – Work-Based Learning}

**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 11470-11472

5 CCR 3043

Ed. Code 37252-37254.1

**Description**

Summer school

Extended school year; special education students

Supplemental instruction

**State References**

Ed. Code 39837	<a href="#">Transportation to summer employment program</a>
Ed. Code 41422	Conditions Disqualifying School Districts from Apportionments
Ed. Code 41505-41508	Pupil Retention Block Grant
Ed. Code 41976.5	Summer school programs; substantially disabled persons or graduating high school seniors
Ed. Code 42238.01-42238.07	<a href="#">Local control funding formula</a>
Ed. Code 43520-43525	In-Person Instruction and Expanded Learning Opportunities Grants
Ed. Code 46120	<a href="#">Expanded Learning Opportunities Program</a>
Ed. Code 48070-48070.5	<a href="#">Promotion and retention</a>
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 51210	<a href="#">Course of study for grades 1-6</a>
Ed. Code 51220	<a href="#">Course of study for grades 7-12</a>
Ed. Code 51730-51732	<a href="#">Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors</a>
Ed. Code 52052	<a href="#">Accountability; numerically significant student subgroups</a>
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>
Ed. Code 54444.3	<a href="#">Summer program for migrant students</a>
Ed. Code 56345	<a href="#">Individualized education program contents</a>
Ed. Code 58700-58702	Credit towards summer school apportionments for tutoring and homework assistance
Ed. Code 58806	<a href="#">Summer school apportionments</a>
Ed. Code 8482-8484.6	<a href="#">After School Education and Safety Program</a>
Ed. Code 8484.7-8484.9	<a href="#">21st Century Community Learning Centers</a>

**Federal References**

20 USC 6311-6322	Improving basic programs for disadvantaged students
20 USC 7171-7176	21st Century Community Learning Centers

**Management Resources References**

CSBA Publication	<a href="#">Supporting the Summer Learning Strategy to Boost Student Achievement, Fact Sheet, December 2015</a>
CSBA Publication	<a href="#">Summer and STEAM Make an Ideal Match, Governance Brief, November 2016</a>
CSBA Publication	<a href="#">Summer Learning: As Easy as 1, 2, 3, January 2016</a>
CSBA Publication	<a href="#">Putting STEAM into Your District's Summer: A Guide to Regional Partners and Resources in California, February 2018</a>
CSBA Publication	<a href="#">Putting STEAM into Your District's Summer: A Planning Guide for School District Governance Teams, January 2018</a>
CSBA Publication	<a href="#">School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013</a>
National Summer Learning Association Publication	<a href="#">Every Summer Counts: A Longitudinal Analysis of Outcomes from the National Summer Learning Project, December 2020</a>
National Summer Learning Association Publication	<a href="#">2021 California Summer Learning Guide: Investing in Resilience and Relationships, March 2021</a>



**Management Resources References**

Partnership for Children &amp; Youth Publication

Rand Corporation Publication

Website

Website

Website

Website

Website

Website

Website

**Description**[Summer 2022: How California schools are making the most of new increased state investments, January 2023](#)[Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011](#)[CSBA District and County Office of Education Legal Services](#)[National Summer Learning Association](#)[RAND Corporation](#)[Summer Matters](#)[Partnership for Children and Youth](#)[California Department of Education](#)[CSBA](#)**Cross References**

0200

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3260

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6142.4

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6178.1

6178.1

**Description**[Goals For The School District](#)[Relations Between Other Governmental Agencies And The Schools](#)[Relations Between Private Industry And The Schools](#)[Fees And Charges](#)[Fees And Charges](#)[Absences And Excuses](#)[Absences And Excuses](#)[Concepts And Roles](#)[Academic Standards](#)[School Calendar](#)[Service Learning/Community Service Classes](#)[Service Learning/Community Service Classes](#)[Courses Of Study](#)[Homework/Makeup Work](#)[Work-Based Learning](#)[Work-Based Learning](#)

# ACTION ITEMS

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**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve Fiscal Year 2023-2024 Unaudited Actuals Income and Expenditure Report

## **BACKGROUND**

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Per Education Code 42100, it states that "On or before September 15, the governing board of each school district shall approve, in a format prescribed by the Superintendent of Public Instruction an annual statement of all receipts and expenditures of the district for the preceding fiscal year and shall file the statement ... with the county superintendent of schools."

## **CURRENT SITUATION**

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The Fiscal Year (FY) 2023-2024 Unaudited Actuals includes the documentation of all fiscal transactions of the Eden Area ROP and presents the Eden Area ROP's financial position for the period of July 1, 2023 – June 30, 2024. It includes detailed summary information for the General Fund, as well as the Eden Area ROP's Adult Education Fund, Special Reserve Fund for Postemployment Benefits, Capital Outlay Fund and Retiree Benefits Fund.

Unaudited Actuals for FY 2023-2024 documents the beginning fund balances of all funds, total of all revenues, total of all expenditures and the resulting ending fund balance of all funds. Ending fund balances of FY 2023-2024 then are forwarded onto FY 2024-2025.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve Fiscal Year 2023-2024 Unaudited Actuals Income and Expenditure Report.



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 4-24/25 Support of Proposition 2: Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024

## **BACKGROUND**

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Funding for California public schools moved from a local to state level in the 1970's with the implementation of the Serrano v. Priest ruling. The passage of Proposition 98 by California voters in 1988 created an annual minimum expenditure on K-14 public education. The Local Control Funding Formula (LCFF) passed in the 2013-2014 school year, changed how Proposition 98 funds were distributed among the K-12 public institutions.

The State of California has no sustainable funding source for school infrastructure needs, and there has not been a successful state bond for K-12 school facilities since 2016. Since 2013-2014, there has been no direct funding for Regional Occupational Programs. This has created challenges for long-term planning regarding funding. While this affects all aspects of ROP programming, it is a particularly acute issue for facilities planning and funding.

ROPs rely on opportunities such as statewide facilities bonds to secure funding for large scale facility's needs.

## **CURRENT SITUATION**

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Proposition 2 would provide \$8.5 billion to K-12 schools and \$1.5 billion to community colleges to renovate, fix and construct facilities. The money would be distributed through matching grants, with the state paying a greater share of costs for less affluent districts and those with higher numbers of English learners and foster youth.

*Thousands of California school buildings are in poor shape, with leaky roofs, broken air conditioning, peeling paint and other health and safety hazards. According to the Public Policy Institute of California, 38% of students attend schools that don't meet the state's minimum safety standards. Research has shown that students who attend school in sub-standard facilities tend to have lower attendance rates, lower morale and lower achievement.*

*Unlike many other states, California does not pay for school repairs through a permanent funding stream. Money comes entirely from*



*state and local bonds. The state's last school facilities bond, a \$15 billion proposal in 2020, failed, leaving the state's school repair account nearly empty.*

*Affluent school districts can raise more money for repairs through local bonds because local property values are higher, thereby generating more money through local property taxes. Smaller and lower-income districts struggle to raise enough bond money to pay for school repairs, and often can't pass local bonds at all. As a result, they rely entirely on state bond money. -from CalMatters' online voter guide.*

Proposition 2 is a bi-partisan effort to secure needed funding for school infrastructure. The Legislation directly names Regional Occupation Programs as eligible for an award. As part of our long-term facilities planning, funding from Proposition 2 would allow the Eden Area ROP to address critical facility needs.

The adoption of this resolution demonstrates Eden Area ROP Governing Board's endorsement of Proposition 2. Should the Board adopt the resolution, the Eden Area ROP will share the resolution with our advocacy groups to share the Board's support with the CA State Legislature and the Governor's Office.

#### Fiscal Implications

If passed, Proposition 2 would enable the Eden Area ROP to apply for the new funds to support needed infrastructure improvements.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the adoption of Resolution 4-24/25: Support of Proposition 2: Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024.

# EdenAreaROP

## RESOLUTION NO. 4-24/25

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### Support of Proposition 2: Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024

**WHEREAS**, the California Constitution finds public education is a State responsibility in Article IX Section 5; and

**WHEREAS**, the State is out of school facility program funds and cannot provide the State match for almost \$3.5 billion in projects which qualify for state aid; and

**WHEREAS**, the Eden Area ROP has an estimated \$10 million in facility need which may be partially funded by State bonds; and

**WHEREAS**, Proposition 2 the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024*, provides for renovation of aging schools, upgrade of existing classrooms, construction of new classrooms to accommodate growth, Career Technical Education facilities to provide job training to meet the workforce needs of California employers, testing and remediation of lead levels in water at school sites, disaster assistance, replacement of 75-year-old buildings, adding essential facilities like libraries and multipurpose rooms, mitigating the effects of higher average temperatures, and assistance for small and low-wealth school districts; and

**WHEREAS**, school districts need state financial support to implement new mandates and initiatives such as universal Transitional Kindergarten, Expanded Learning, on-site cooking and meal preparation, later secondary school start times, and solar power generation and storage; and

**WHEREAS**, quality 21st Century school facilities designed for today's and tomorrow's students enhance academic achievement and further the State's academic goals; and

**WHEREAS**, the California unemployment rate is greater than the national unemployment rate; and

**WHEREAS**, 13,000 middle class jobs are created for each \$1 billion in school facility infrastructure investment; and

**WHEREAS**, these jobs will be created throughout California and will include almost all building trades; and

**WHEREAS**, the Local Control Funding Formula provides funding for educational services for all students, but does not provide dedicated facilities funding; and

**WHEREAS**, Proposition 2, the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024* will not raise State taxes; and

**WHEREAS**, Proposition 2, the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024* enhances public accountability and transparency for the use of its proceeds; and

**WHEREAS**, Proposition 2, the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024* State matching funds will reduce the need for additional local property taxes for school facilities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Eden Area ROP supports Proposition 2, the *Kindergarten Through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024*.

**PASSED AND ADOPTED** by the following called vote this 5<sup>th</sup> day of September 2024.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Pathway Coordinator (Classified Exempt) Position and Job Description

## **BACKGROUND**

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The Pathway Coordinator position currently exists within our organization as a Teacher on Special Assignment (TOSA) certificated position. This role has been essential in supporting the implementation and management of our career pathway programs, ensuring that students receive the added value from articulation and dual enrollment agreements that provide Early College Credit. However, there is a need to create a Classified Exempt version of this position to provide additional flexibility in hiring and to align with the evolving needs of the Eden Area ROP.

## **CURRENT SITUATION**

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A Classified Exempt version of the Pathway Coordinator position will allow the Eden Area ROP to recruit from a broader pool of qualified candidates, including those who may not hold a teaching credential but possess extensive experience in managing educational programs and career pathways. By adding this position, the Eden Area ROP will be better equipped to support the growing demand for pathway programs, enhance program management, and improve coordination between schools, industry partners, and other stakeholders.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the Pathway Coordinator (Classified Exempt) position and job description.



## JOB DESCRIPTION

**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.

<b>Job Title:</b>	<b>Pathway Coordinator</b>	<b>Reports to:</b>	<b>Educational Services Administrator</b>
<b>Job Location:</b>	<b>Hayward Center</b>	<b>Department:</b>	<b>Educational Services</b>

**Position Overview**

**Purpose:**

The Pathway Coordinator supports the development, maintenance, and refinement of EAROP CTE Pathways. This includes curriculum development and alignment. The Pathway Coordinator oversees outcomes related to grant programs and initiatives with a specific focus on partner LEAs and Chabot College. The Pathway Coordinator supports the management of grant reporting, compliance, and partner LEA communication.

**Duties and Responsibilities:**

- Assist the Educational Services administration in the development of Career Technical Education (CTE) programs aligned to the 11 elements of a high quality CTE program
- Manage the Pathway Profiles for each of the Eden Area ROP CTE instructors in the Ed Services Sharepoint site
- Manage Articulation Agreements/Dual Enrollment processes, A-G approval support for courses, and Honors Designation applications
- Oversee and ensure that Career and Technical Education Management Application (CATEMA) is being used and updated
- Develop, facilitate, and participate in meetings, workshops, and seminars for the purpose of conveying and/or gathering information required to perform functions of Career Technical Education Incentive Grant (CTEIG), Strong WorkForce Program (SWP) and other grant funded programs
- Communicate on an ongoing basis with district partners to ensure timelines and due dates are met for Strong Workforce Program (SWP) invoice reporting
- Facilitate meetings with CTE LEAs and create monthly agendas and presentations for Dream Team Meetings
- Monitor deliverables and compliance in accordance with the Bay Area Community College Consortium (BACCC) and the Eden Area ROP Educational Services Department
- Coordinate and oversee CTEIG, SWP and other grant funded programs (e.g. evaluations, budget, finance, reports, etc.) for the purpose of ensuring compliance with guidelines
- Develop effective relationships with staff and district partners to ensure success of programs
- Represent the Eden Area ROP and partner districts interests at Bay Area Community College Consortium bi-weekly meetings
- Act as point of contact for community colleges
- Direct the preparation of various statistical reports including program enrollment, student information and pathway data
- Visit sites and classrooms related to grant goals and objectives
- Oversee and participate in the promotion of the Eden Area ROP with public entities and agencies
- Communicates regularly with educational services to discuss ways to most effectively assist curriculum, instruction and professional learning needs
- Monitor and review legal requirements and compliance related to programs and districts
- Establish and maintain clear communication and cooperative working relationships with staff, local school districts, regional and state administrators and other agencies through workshops, conferences, presentations, and site visitations
- Assist with the planning and directing of communication of program information to students, staff, district, and community partners

## JOB DESCRIPTION

- Ensure compliance of district information and CTE data submissions into CalPADS and CalPASS plus
- Present concepts, status, and information to a variety of groups (e.g. funding requests, grant applications etc.) for the purpose of gaining the required administrative approval
- Assist Educational Services administrators with all events
- Coordinate and facilitate district CTE curriculum meetings
- Oversee grant programs budgets
- Make presentations to the Governing Board as needed
- Other duties as assigned

<b>Employment Type:</b>	<b>Full Time</b>	<b>Employment Category:</b>	<b>Classified Exempt</b>
<b>Work Year:</b>	<b>11 month (223 days) *10 paid holidays</b>	<b>Days/Hours:</b>	<b>Monday-Friday 7:30am-4:00pm</b>

### Position Qualifications

#### Knowledge:

- Career Technical Education pathways and Eden Area ROP programs
- Public school curriculum
- Community organizations
- Public and private funding sources
- Eden Area ROP practices and procedures, Eden Area ROP mission, goals and policies
- Operational and instructional principles of CTE/adult programs including work-based learning

#### Abilities:

- Demonstrate positive leadership and management skills
- Effective communication with students, staff and community
- Collaborate and maintain effective working relationships with self-directed decision-making ability
- Provide strong leadership with high personal/professional integrity
- Network, build strong partnerships and coordinate with district administrators, state level organizations, local legislators, City Councils, service clubs and Chambers of Commerce

#### Soft Skills:

- Trustworthiness; maintain confidentiality of privileged and sensitive information
- Strong, consistent work ethic; must be punctual and reliable
- Strong, positive communication and interaction skills when dealing with co-workers, students, administrators, parents and/or the community
- Problem solver; able to resolve problems quickly and professionally
- Extremely organized and successfully meeting deadlines

#### Education:

Bachelor's degree preferred

#### Experience:

- Three (3) years experience in a public school environment
- Successful experience supporting educational programming, preferably in a ROP with similar structure and demographics

#### Certifications/Credentials:

- Basic Driver License

<b>Salary Schedule Placement:</b>	<b>A0</b>	<b>Annual Benefits:</b>	<b>\$11,621.16 *Mandatory Vision &amp; Dental deducted</b>
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## JOB DESCRIPTION

<b>Terms of Employment:</b>	<b>Year to year based on successful annual evaluation.</b>	<b>Governing Board Approved</b>	<b>Pending</b>
<p><b>CORE Values:</b> We believe in the Eden Area ROP.</p> <p><b>Equitable:</b> We believe in fostering belonging and creating a safe and inclusive environment that works to eradicate the impacts of racism, bias, discrimination, and privilege.</p> <p><b>Accessible:</b> We believe all students, families and staff should feel seen, heard, welcomed, included, respected, and have access to economic and educational mobility.</p> <p><b>Restorative:</b> We believe instruction should be culturally and historically responsive, restorative, trauma-informed, ethical, and prepare students for a path to self-fulfillment and self-actualization.</p> <p><b>Outcomes:</b> We believe our students will find a pathway with confidence and purpose that guides them towards a career, college, service to others, and life-affirming endeavors.</p> <p><b>Professional:</b> We believe excellence is the standard, as such, we will work with integrity, transparency, respect, and clear communication.</p>			



**DATE:** September 5, 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 3)

## **BACKGROUND**

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Over the years, the Eden Area ROP has demonstrated the need to remain agile and responsive to the ever-evolving landscape of funding and educational priorities. Since the elimination of direct state funding for ROPs and the introduction of the Career Pathways Trust, the delivery of Career Technical Education (CTE) has undergone significant changes. While these changes have positively impacted student outcomes, they also necessitate ongoing adjustments to our staffing structures, job duties, and job titles to align with the new demands and opportunities.

## **CURRENT SITUATION**

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The Pathway Coordinator position has been added as a classified exempt position, and this change is now reflected in the updated version of Salary Scale Chart 3. The revised salary schedule, which includes this addition, is being submitted for board approval. It is being requested that the updated salary schedule be approved with an effective date of August 9, 2024:

- Salary Scale Chart 3: Classified Exempt Employees

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the Revised Salary Schedule (Chart 3).

## Salary Scale Chart 3 CLASSIFIED EXEMPT EMPLOYEES

### 2024-2025

Effective: August 9, 2024

STEP	CLASSIFIED EXEMPT POSITION TITLES
A-0	Work-Based Learning Specialist (11 Months/223 Days)
A-0	Workforce Readiness Coordinator (11 Months/223 Days)
A-0	Pathway Coordinator (11 Months/223 Days)
A-2	Information Technology Specialist (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
A-0	H	\$52.50	\$55.05	\$57.70	\$60.50	\$61.95	\$63.46	\$64.99	\$66.58	\$68.19
	M	\$7,982.39	\$8,370.10	\$8,773.02	\$9,198.75	\$9,419.22	\$9,648.80	\$9,881.43	\$10,123.19	\$10,367.98
	A	\$87,806.25	\$92,071.13	\$96,503.25	\$101,186.25	\$103,611.38	\$106,136.85	\$108,695.78	\$111,355.05	\$114,047.78
A-2	H	\$43.78	\$45.46	\$47.21	\$49.03	\$50.94	\$53.20	\$55.58	\$58.06	\$60.67
	M	\$7,114.25	\$7,387.25	\$7,671.63	\$7,967.38	\$8,277.75	\$8,645.00	\$9,031.75	\$9,434.75	\$9,858.88
	A	\$85,371.00	\$88,647.00	\$92,059.50	\$95,608.50	\$99,333.00	\$103,740.00	\$108,381.00	\$113,217.00	\$118,306.50

### EDUCATIONAL STIPENDS

Associate's Degree	\$612 per year
Bachelor's Degree	\$867 per year
Master's Degree	\$1,122 per year

- **Employees receive an annual benefit package of \$11,621.16.**
- Longevity Columns 6, 7, 8, 9, reached at 10, 15, 20, 25 years respectively.
- 12 Month Classified Exempt employees accrue vacation at one step higher than their organization vacation accrual rate.
- Employee may elect to participate at his/her expense in one of the health plan packages offered by the EAROP to its employees.
- Numbers have been rounded.



**DATE:** September 5, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Agreement with the Hatch for Zero Emission Vehicle Training Program Development Consultancy Services for the 2024-2025 School Year

## **BACKGROUND**

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In September 2023, the Eden Area ROP applied for a grant through the California Air Resources Board (CARB) to develop a high school Zero Emission Vehicle Training Program. This program will create a Zero Emission Technology Pathway in the Transportation Sector. In partnership with Hatch, a consultancy and national leader in green transportation solutions, the Eden Area ROP will develop curriculum, modify existing infrastructure for instructional spaces, and recruit students into the Zero Emission Vehicle Training Program. AC Transit, the nation's leader in Zero Emission Bussing has been an excellent industry advisor, helping us develop the application and program concepts.

The agreement with the California Air Resources Board (CARB) will provide the Eden Area ROP \$1,402,524.95 to develop the Zero Emission Technology Training Program. The proposed start date is June 1, 2024, with all funds dispersed and reimbursed, and all reporting complete by June 30, 2026. The first cohort of students enrolled in the program will be in Fall 2025.

## **CURRENT SITUATION**

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Hatch will provide consultancy services to the Eden Area ROP in developing the curriculum learning modules, advise and support the procurement of equipment and instructional supplies, and assist in guiding the program's overall development.

The Hatch agreement is aligned with the CARB agreement and ensures that the services will be rendered and in a timely fashion in accordance with the milestones outlined in the CARB agreement.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the agreement with Hatch for Zero Emission Vehicle Training Program development consultancy services for the 2024-2025 school year.

## HATCH PROFESSIONAL SERVICES AGREEMENT

This **AGREEMENT** is made effective as of the 26 day of August, 2024.

by and between Hatch Associates Consultants, Inc. ("**Hatch**") and Eden Area ROP ("**Client**").

**WHEREAS**, Client requires the provision of the services described in Schedule 1 (the "**Services**"), and Hatch agrees to provide the Services on the terms and conditions set out in this Agreement.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained in this Agreement and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties agree as follows:

### **CLAUSE 1 AGREEMENT**

1.1 References herein to this "**Agreement**" means the main text of this Agreement and the schedules, being:

- Schedule 1 - Description of Services
- Schedule 2 - Hatch Budget/Schedule of Rates

In the event of any conflict or inconsistency between any terms of this Agreement, the main text of this Agreement prevails, followed by the schedules in the order in which they appear.

1.2 Each party will advise the other of the person appointed by it to act as its representative and its representative will have the authority to act on its behalf for all purposes in connection with this Agreement.

### **CLAUSE 2 HATCH SERVICES AND RESPONSIBILITIES**

2.1 Hatch will:

- (a) perform the Services with due care, skill and diligence in accordance with the standard of care normally exercised by professionals providing similar services under similar circumstances;
- (b) reperform at its cost any Services that fail to comply with this standard, provided that Hatch may instead opt to refund to Client all amounts paid in respect of such Services if it determines that reperformance is not practicable; and
- (c) act reasonably and in good faith.

2.2 Hatch will comply with all applicable laws and site policies and procedures, including those relating to safety and security; but, unless otherwise agreed, Hatch is not responsible for overall site safety or security at any Client premises or the project site.

- 2.3 Unless otherwise agreed, Hatch can rely without verification on all information provided by Client or by third parties on behalf of Client.
- 2.4 Hatch will have in effect for the duration of the Services:
- (a) workers compensation coverage in accordance with statutory requirements;
  - (b) commercial general (or public) liability insurance (\$2,000,000 per occurrence, \$5,000,000 aggregate); and
  - (c) automobile liability insurance (\$2,000,000 per occurrence/aggregate).

### **CLAUSE 3 CLIENT RESPONSIBILITIES**

Client will:

- (a) make available to Hatch all information, documents and assistance required in connection with the Services;
- (b) make decisions and provide approvals in a timely manner and obtain all necessary project authorisations and permits;
- (c) notify Hatch if it becomes aware of any matter that may change the scope, timing or complexity of the Services;
- (d) act reasonably and in good faith;
- (e) comply with applicable laws; and
- (f) maintain insurance to limits which are normal and customary in the circumstances and Client, on behalf of itself and its insurers, waives all rights of subrogation against Hatch for, and releases Hatch from any liability for damage to Client's property to the extent that Client is compensated for such damage under an insurance policy.

### **CLAUSE 4 INVOICING, PAYMENT AND TAXES**

- 4.1 Unless otherwise provided in the Proposal and subject to Clause 4.2:
- (a) Services (including any additional services provided at the request of Client or pursuant to Clause 4.5) and related costs incurred by Hatch in connection with the Services will be charged to Client in accordance with Hatch's schedule of rates or the amount agreed in the Change Order;
  - (b) amounts invoiced to Client by Hatch are due and payable within the period stated in Hatch's schedule of rates or, if not so stated, within 30 days of receipt of invoice by Client; and
  - (c) interest will be paid on past due amounts at the rate stated in Hatch's schedule of rates.
- 4.2 OMITTED



- 4.3 Hatch's rates are exclusive of all taxes, duties, royalties, levies and other governmental or regulatory charges, other than taxes on payroll and Hatch's net income in the Jurisdiction. If any such taxes, duties, royalties, levies or charges are levied on or applicable to amounts payable to Hatch, they will be borne by Client and:
- (a) if Hatch is required to pay any such taxes, duties, royalties, levies or charges, the amount of such payments will be reimbursed to Hatch by Client; and
  - (b) if they are required to be withheld or deducted from amounts payable to Hatch, the amounts payable will be grossed up so that Hatch receives the entire amount that is due pursuant to the terms of this Agreement.
- 4.4 If Client disputes any portion of an invoice, it will pay those amounts that are not in dispute and notify Hatch in writing of the reasons for the dispute within 14 days of receiving the invoice. Failure to notify Hatch of the dispute within the required time will be treated as acceptance of the invoice. If it is determined that any amounts in dispute should have been paid at the time it was invoiced, then Client will promptly pay such amount, together with interest at the rate set out in Clause 4.1.
- 4.5 Hatch shall be entitled to a Change Order in the event of any Scope Changes and shall not be required to proceed with any change to the Services in advance of the execution by both parties of the relevant Change Order.

## **CLAUSE 5 LIABILITY AND INDEMNITY**

- 5.1 To the maximum extent permitted by law and notwithstanding and superseding anything to the contrary in this Agreement:
- (a) Clause 2.1(a) sets out Hatch's sole warranty respecting the Services;
  - (b) the aggregate liability of Hatch arising in connection with this Agreement is limited to (i) the amount of the professional fees paid to Hatch pursuant to this Agreement up to \$100,000, plus (ii) 10% of such fees paid in excess of \$100,000; provided that in no event will Hatch's aggregate liability exceed \$1,000,000;
  - (c) Hatch has no liability to Client for any losses, damages or costs that can be construed as an indirect, special, punitive or consequential losses, damages or costs; and
  - (d) any claim, action or proceeding against Hatch in connection with this Agreement, including any warranty claims under Clause 2.1, must be made within 12 months of the earlier of completion of the Services and termination of this Agreement.
- 5.2 Hatch's liability for claims or losses covered by the insurance policies referred to in Clause 2.4 is limited to the proceeds of insurance up to the amounts specified in Clause 2.4.
- 5.3 Client indemnifies, defends and holds harmless Hatch for any claims, actions proceedings, liabilities, losses, damages or costs that Hatch suffers or incurs:
- (a) in connection with the Services and which result other than from a breach of this Agreement by Hatch;

- (b) OMITTED
- (c) as a result of site conditions that were unknown to Hatch at the time of entering into this Agreement; or
- (d) as a result of third party use of, or reliance on, any information or deliverable provided by Hatch to Client in connection with the Services.

## CLAUSE 6 USE AND OWNERSHIP OF INFORMATION

6.1 Each party retains title to all intellectual property (including all patents, trademarks, copyright, trade secrets and know how) owned or possessed by it or any of its affiliates and used by it in fulfilling its obligations under this Agreement, including any modifications or improvements made thereto (“**Background IP**”). All new and original intellectual property created by Hatch during the course of performing the Services (“**Project IP**”) is the property of Client. Hatch grants Client a non-exclusive, non-transferable and, unless otherwise agreed, royalty-free license to use:

- (a) any Hatch Background IP used in the performance of the Services but only to the extent required to use any deliverables provided by Hatch for the purpose for which they have been provided;

provided that Client has no right to receive or use proprietary information or coding that is embedded in Hatch’s project systems, software or electronic copies of deliverables and Client will not modify any Hatch deliverables unless it has first removed Hatch’s name and logo from the deliverable.

6.2 Upon receipt of full payment for the related Services and subject to the other provisions of this Clause 6, all reports, drawings and other deliverables provided to Client by Hatch will become the property of Client.

6.3 Any information or deliverable provided by Hatch to Client in connection with the Services is provided solely for Client’s use and for the specific purpose for which the Services were engaged. Unless otherwise agreed by Hatch in writing, in no case will:

- (a) any such information or deliverable be used in connection with any financing, sale or investment transactions; or
- (b) Hatch’s name be used in any of Client’s public disclosure or filings.

6.4 Each party will keep confidential all Confidential Information disclosed to it by the other party; provided that:

- (a) Hatch is able to disclose Client’s Confidential Information to those persons who need to know such information for purposes that relate to the performance of the Services;
- (b) Client is able to disclose Hatch’s Confidential Information to the extent required in connection with the purpose for which the information was disclosed; and

- (c) either party is able to disclose Confidential Information where it is required to be disclosed by law, provided that the receiving party immediately notified the disclosing party of the requirement to disclose and allowed the disclosing party to take reasonable steps to lawfully resist or narrow the requirement to disclose the Confidential Information.

Except as specifically provided herein, neither party will acquire any right, title or interest in or to the Confidential Information of the other party.

6.5 **“Confidential Information”** means any information in any form disclosed by or on behalf of one party to the other party at any time before or after the execution of this Agreement in connection with the Services; excluding only information which:

- (a) was at the time of disclosure or thereafter became part of the public domain through no act or omission of the receiving party,
- (b) became available to the receiving party from a third party who did not acquire such confidential information under an obligation of confidentiality either directly or indirectly to the disclosing party; or
- (c) was known to the receiving party at the time of disclosure by the disclosing party and such knowledge can be demonstrated by written records that were in existence at the time of disclosure.

## CLAUSE 7 TERMINATION AND SUSPENSION

- 7.1 Client may suspend the Services or terminate this Agreement for its convenience on 30 days prior written notice to Hatch; provided that, if the aggregate duration of all suspensions under this Agreement exceeds 60 days, Hatch will have the right to terminate this Agreement.
- 7.2 Either party may terminate this Agreement immediately if anything happens to the other party that reasonably indicates that there is a significant risk that the other party is or will become unable to pay its debts generally as they come due.
- 7.3 Either party is entitled to terminate this Agreement on 14 days prior written notice to the other party in the event that the other party is in substantial default under this Agreement and such default has not been corrected or reasonably commenced to be corrected within 14 days following notice of such default. Hatch may, by providing 5 days prior notice to Client, suspend Services if Client is in breach of Clauses 3 or 4.
- 7.4 In the case of any suspension or termination of this Agreement, Client will pay Hatch for all Services provided and costs incurred up to the effective date of suspension or termination, including all reasonable demobilization costs. Hatch will surrender all deliverables and return any and all property, including project IP to client. All deliverables submitted to Client pursuant to section 7.4 shall continue to be bound by section 6. Client will have sole liability for all damages arising from the use of incomplete deliverables.
- 7.5 Hatch makes no warranty and has no continuing obligations in respect of any deliverables that are incomplete as of the date of any termination or suspension.

## CLAUSE 8 GRANT AGREEMENT

To the extent the language in the General Provisions of the Grant Agreement does not conform to this Agreement, this Agreement shall be modified in so forth and to the extent as to conform to said language.

## CLAUSE 9 DEFINITIONS AND INTERPRETATION

### 9.1 Reference to:

- (a) **“affiliate”** means with respect to a party, one or more entities that control, are controlled by, or are under common control with, the party;
- (b) **“Change Order”** means a written agreement between the parties amending the terms of the Agreement, including price and schedule, to the extent fair and reasonable in the circumstances as a result of a Scope Change;
- (c) **“costs”** means any and all costs and expenses, including reasonable legal fees,
- (d) **“force majeure”** means acts of God, strikes, lockout, other industrial action, war or civil disturbance, terrorism, unusually inclement weather, storm, flood, earthquake, lightning, fire, explosion, nuclear or radioactive contamination, epidemics or pandemics, governmental action or inaction, extraordinary market conditions affecting the availability of labor, late or inadequate execution of work or supply of goods by third persons and any other event beyond the reasonable control of the affected party,
- (e) **“Hatch’s schedule of rates”** means Hatch’s standard hourly rates and reimbursable charges as notified by Hatch from time to time, provided that any changes to the schedule of rates will be communicated to Client before they take effect and will not occur more than once every six months,
- (f) **“liability”** includes any and all liability whatsoever, whether arising under the law of contract, tort (including negligence), equity, statute or otherwise, whether arising in connection with the performance or non-performance of the Services or otherwise in connection with this Agreement and whether to Client or other persons, and **“liable”** has a corresponding meaning,
- (g) **“Scope Changes”** means (i) any change to the Services, or (ii) any other event or circumstance that is outside of Hatch’s control and impacts the timing or sequencing of, or work effort required by Hatch to complete, the Services (typically by requiring rework or by preventing Hatch from performing Services in the manner or sequence originally planned),
- (h) **“site conditions”** means any conditions in, on, under or around the project site that affect the project or the performance of Services, including any plant and subsurface conditions, and any hazardous substances, waste or materials,
- (i) **“Jurisdiction”** means the State of California, County of Alameda, and
- (j) **“\$”** means US dollars.

- 9.2 If any provision of this Agreement is held to be void, illegal or unenforceable, then:
- (a) it is severed and the rest of this Agreement remains in force; and
  - (b) the parties will replace the provision with one that is in accordance with applicable law and as close as possible to the parties original intent.

Any rules of contract interpretation that result in this Agreement being construed contrary to the interests of either party do not apply in the interpretation of this Agreement.

## **CLAUSE 10 GENERAL**

- 10.1 This Agreement will be governed by and construed in accordance with the laws of the Jurisdiction, without giving effect to conflict of law considerations. All disputes will be submitted to senior management for discussion and settlement. If the parties are unable to resolve a dispute through such discussions, either party may submit the dispute to the International Chamber of Commerce ("**ICC**") for resolution in accordance with its rules then in force. The arbitration will be held in English and at the location of the Jurisdiction. The arbitration panel will consist of one arbitrator selected by the ICC in accordance with its rules. Any arbitration award will be final and binding on the parties without any right of appeal. The unsuccessful party will bear the costs of arbitration. No legal proceedings may be commenced by either party in connection with this Agreement or the Services other than in accordance with this Clause; provided that either party may apply to a court of competent jurisdiction for interlocutory relief during the course of such proceedings or to enforce any order or award obtained in accordance with this Clause.
- 10.2 This Agreement represents the entire agreement between the parties regarding the subject matter hereof and supersedes all prior representations, understandings or agreements; provided that, if the parties have previously entered into a confidentiality (or similar) agreement regarding the subject matter hereof, such agreement will survive and Clauses 6.4 and 6.5 will be of no force and effect. Amendments to this Agreement are effective only if executed in writing by authorized representatives of both parties.
- 10.3 Neither party may assign (other than to its affiliate) this Agreement or any interest therein, in whole or part, without the prior consent of the other party. Further assignments by Hatch will not be made to any third or subsequent tier subcontractor without additional advance written consent of CARB. This Agreement will enure to the benefit of and be binding upon the parties and their respective successors and permitted assigns.
- 10.4 Neither party will be considered to be in breach of its obligations under this Agreement, to the extent that performance is prevented or delayed by force majeure. Each party will use best efforts to overcome any force majeure as soon as possible.
- 10.5 The limitations and exclusions on liability expressed in this Agreement will apply even in the case of the fault, negligence or strict liability of the party who is the beneficiary of the clause, and will extend to the officers, directors, employees, agents, representatives, subconsultants and affiliates of such parties.

10.6 Any notice, consent or other communication given hereunder will only be deemed to have been given if it is in English, in writing and is sent to the recipient's authorized representative at the usual business address of the recipient by:

- (a) registered mail;
- (b) fax;
- (c) e-mail (but only when receipt is confirmed in writing by reply e-mail or otherwise) or
- (d) personal delivery for which a receipt is obtained.

Notice given by fax, personal delivery or e-mail will be deemed to have been given on the business day following delivery. Notice given by mail will be deemed to have been given on the fifth business day after mailing.

10.7 No waiver by either party of any breach of this Agreement will be binding unless made in writing and any such waiver will extend only to the specific breach waived and not to any future breach.

10.8 Hatch is an independent contractor in performing the Services. Nothing in this Agreement will create or will be construed so as to create the relationship of principal and agent between Client and Hatch.

10.9 The provisions of Clauses 1, 4, 5, 6, 7.4, 8 and 10 survive the termination of this Agreement.

**IN WITNESS WHEREOF**, this Agreement is signed and agreed to by duly authorised representatives of each of the parties as of the date first set out above.

**HATCH ASSOCIATES CONSULTANTS, INC.**

---

Title:

Name:

**EDEN AREA ROP**

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Title:

Name:

**SCHEDULE 1**  
**DESCRIPTION OF SERVICES**

Hatch will provide consulting services to client to develop a training program related to zero emissions vehicles, consistent with its submitted proposal.

## Schedule 1 – Description of Services

### Introduction

Hatch is supporting the Eden Area Regional Occupational Program (EAROP) to develop a new, innovative, and comprehensive workforce development training program applicable to light, medium, and heavy-duty zero-emission vehicles (ZEV). The program will provide underrepresented students with an innovative green workforce career pathway for technical skillsets on zero-emission vehicles, inclusive of hydrogen fuel-cell and battery electric vehicles, and its supporting infrastructure. The curriculum will encompass a broad range of material focused on vehicle technologies, maintenance and lifecycle implications, high voltage safety, and infrastructure. This program, will prepare EAROP high school students for adult apprenticeship programs at major transportation agencies and companies. Additionally, this program will help build an interest in zero-emission technology at a high school age with a plan for long-term career development for students.

Hatch will provide comprehensive support to EAROP from the start to the finish of this program, including support with hiring staff, curriculum development, outreach campaigns, facility modifications and integrations, and the development of a sustainability plan and a final status report.

#### A. Implementation Activities

Hatch will provide technical support during implementation activities including hiring support, timeline development, course description, and course outline. Details include assistance with the recruitment process and hiring of qualified personnel in alignment with the project's timeline and goals. Additionally, Hatch will support Eden Area ROP in the development of the A-G Timeline that will lead to a structured and efficient progression of the project. The support extends to the creation of thorough course descriptions and outlines, which will serve as foundational elements for the educational programs being developed. These outlines will detail the objectives, content, and structure of the courses, thereby facilitating a clear understanding and expectation for both instructors and participants.

#### B. Curriculum Development

Hatch team members will work alongside EAROP staff, including the newly hired course instructor, to develop the four-part curriculum for the program. The four modules for the program include Safety, Vehicle Technology, Vehicle Maintenance, and Infrastructure. Hatch will provide technical expertise for these modules based on subject matter experience gained by the Bus and Sustainable Transportation team. Expertise provided will include:

- Battery Electric Vehicle (BEV) specifications and applications
- Fuel Cell Electric Vehicle (FCEV) specifications and applications
- BEV maintenance overview
- FCEV maintenance overview
- BEV charging systems installation and maintenance
- Hydrogen fueling station systems overview and maintenance
- Electrical systems safety
- Hydrogen systems safety



Hatch will also review and verify the modules follow any Federal Transit Administration (FTA) and California Air Resources Board (CARB) guidelines and practices. As an academic institution, EAROP will be central to the development of the curriculum aspects involving educational requirements.

### **C. Outreach Campaign Support**

Hatch team members are highly involved in the zero-emissions transportation industry and so have many technical, operational, and supervisory contacts. This project will be highly regarded throughout the industry and so Hatch anticipates industry cooperation in outreach. Hatch will introduce EAROP to relevant and supportive industry contacts and work with both during the four outreach campaigns.

### **D. Procurement Support**

To properly demonstrate the concepts involved with zero emissions vehicles, having the proper hardware and materials available will be crucial. Hatch is experienced in selecting and procuring vehicles, chargers, and other materials currently being used in the industry. With this insight, Hatch will assist in identifying and procuring the equipment within the budget of the program. Additionally, Hatch will explore any options for coordinating material contributions from reputable suppliers.

### **E. Facility Modification**

As part of the program, EAROP has identified classroom and facility space available within the campus. Part of the planned curriculum includes working with associated vehicle hardware, and so this hardware will be purchased and installed in the facilities. Hatch is experienced in zero emission vehicle infrastructure siting and installation oversight and will use this experience to assist with the identification and installation of any hardware installed at EAROP. Hatch intends to help identify and work with an external contractor for the installation of purchased hardware.

### **F. Sustainability Plan**

Hatch will also support EAROP develop their sustainability plan which functions as a long-term plan to help financially support the continuation of the program through grants, apprenticeships, and other means.

### **G. Site Visit**

As part of the support effort Hatch will visit the EAROP site at the start of the program development and a secondary visit mid-program development. The purpose of the site visits is to enhance the collaborative experience and better understand the physical landscape of the area, as well as help facilitate the implementation of charging infrastructure.

### **Assumptions and Limitations**

While Hatch intends to provide all services described in this statement of work, unexpected circumstances outside of Hatch's control may prevent some aspects from being performed. These circumstances may include, but are not limited to, programmatic changes, economic increases, personnel substitutions, or market adaptations. The total cost of services rendered by Hatch shall not exceed the agreed-upon amount without prior written consent from EAROP. In the event of a need for modification, Hatch will work with EAROP on a satisfactory alternative path forward.

**SCHEDULE 2**  
**HATCH BUDGET/SCHEDULE OF RATES**

Attached is the sample budget. For the purposes of this Agreement, it is hereby incorporated in totality, unless mutually agreed otherwise in a separate document.

The Sample Proposed Budget may be copied or recreated as needed.

<b>Milestone 1 - Hire Staff</b>					
Direct Labor plus Expenses	Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units	Total CARB Cost
	Zero Emissions Specialist	Hatch	\$311.64	8	\$2,493.12
	Curriculum Development Lead	Hatch	\$252.28	8	\$2,018.24
	Training Development Support	Hatch	\$220.48	8	\$1,763.84
	Pathway Coordinator	Eden Area ROP	\$129.54	8	\$1,036.34
	Work Based Learning Specialist	Eden Area ROP	\$104.08	8	\$832.67
	Website and Marketing Specialist	Eden Area ROP	\$67.14	8	\$537.14
	Milestone 1 subtotal			48	\$8,681.35
<b>Milestone 2 - Develop A-G timeline, course description, course outline</b>					
Direct Labor plus Expenses	Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units	Total CARB Cost
	ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	180	\$19,139.40
	Zero Emissions Specialist	Hatch	\$311.64	8	\$2,493.12
	Curriculum Development Lead	Hatch	\$252.28	32	\$8,072.96
	Training Development Support	Hatch	\$220.48	32	\$7,055.36
	Pathway Coordinator	Eden Area ROP	\$129.54	180	\$23,317.20
	Work Based Learning Specialist	Eden Area ROP	\$104.08	80	\$8,326.40
	Travel				\$3,627.20
	Milestone 2 subtotal			512	\$72,031.64
<b>Milestone 3 - Develop Curriculum Module 1: Safety Training</b>					
Direct Labor plus Expenses	Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units	Total CARB Cost
	ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	160	\$17,012.80
	Pathway Coordinator	Eden Area ROP	\$129.54	160	\$20,726.40
	Work Based Learning Specialist	Eden Area ROP	\$129.54	80	\$10,363.20
	Zero Emissions Specialist	Hatch	\$311.64	24	\$7,479.36
	Curriculum Development Lead	Hatch	\$252.28	120	\$30,273.60
	Training Development Support	Hatch	\$220.48	120	\$26,457.60
	Milestone 3 subtotal			664	\$112,312.96
<b>Milestone 4 - Outreach campaign 1: back to school night and sophomore presentations</b>					
Direct Labor plus Expenses	Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units	Total CARB Cost
	ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	80	\$8,506.40
	Work Based Learning Specialist	Eden Area ROP	\$104.08	80	\$8,326.40
	Website and Marketing Specialist	Eden Area ROP	\$67.14	80	\$5,371.20
	Milestone 4 subtotal			240	\$22,204.00
<b>Milestone 5 - Develop Curriculum Module 2: Vehicle Technologies</b>					
Direct Labor plus Expenses	Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units	Total CARB Cost
	ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	160	\$17,012.80
	Pathway Coordinator	Eden Area ROP	\$129.54	160	\$20,726.40
	Work Based Learning Specialist	Eden Area ROP	\$104.08	80	\$8,326.40
	Zero Emissions Specialist	Hatch	\$311.64	40	\$12,465.60
	Curriculum Development Lead	Hatch	\$252.28	120	\$30,273.60
	Training Development Support	Hatch	\$220.48	100	\$22,048.00
	Travel				\$1,387.80

The Sample Proposed Budget may be copied or recreated as needed.

Milestone 5 subtotal			660		\$112,240.60
<b>Milestone 6 - Facility modifications</b>					
Direct Labor plus Expenses					
Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units		Total CARB Cost
ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	40		\$4,253.20
Training Development Support	Hatch	\$220.48	80		\$17,638.40
Direct Costs (non-labor)					
Installation of chargers, updates to space to support class		\$50,000.00	1		\$50,000.00
Milestone 6 subtotal			121		\$71,891.60

<b>Milestone 7 - Procure equipment</b>					
Direct Labor plus Expenses					
Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units		Total CARB Cost
ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	80		\$8,506.40
Training Development Support	Hatch	\$220.48	60		\$13,228.80
Direct Costs (non-labor)					
Electric Vehicle		\$40,000.00	2		\$80,000.00
Level 2 Charger		\$5,000.00	2		\$10,000.00
Tool Sets		\$3,100.00	50		\$155,000.00
Safety Kits		\$2,500.00	50		\$125,000.00
Fuel Cell		\$150,000.00	1		\$150,000.00
Milestone 7 subtotal			245		\$541,735.20

<b>Milestone 8 - Outreach campaign 2: class tours, field trip to AC Transit</b>					
Direct Labor plus Expenses					
Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units		Total CARB Cost
ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	40		\$4,253.20
Pathway Coordinator	Eden Area ROP	\$129.54	80		\$10,363.20
Work Based Learning Specialist	Eden Area ROP	\$104.08	80		\$8,326.40
Direct Costs (non-labor)					
Busses for ZEV tours		\$2,000.00	4		\$8,000.00
Milestone 8 subtotal			204		\$30,942.80

<b>Milestone 9 - Outreach campaign 3: student recruitment, EAROP showcase, sophomore tours</b>					
Direct Labor plus Expenses					
Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units		Total CARB Cost
ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	40		\$4,253.20
Pathway Coordinator	Eden Area ROP	\$129.54	80		\$10,363.20
Website and Marketing Specialist	Eden Area ROP	\$67.14	80		\$5,371.20
Milestone 9 subtotal			200		\$19,987.60

<b>Milestone 10 - Develop Curriculum Module 3: Vehicle Maintenance</b>					
Direct Labor plus Expenses					
Position/Classification	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours# of Units		Total CARB Cost
ZEV Instructor / Coordinator	Eden Area ROP	\$106.33	160		\$17,012.80
Pathway Coordinator	Eden Area ROP	\$129.54	160		\$20,726.40
Work Based Learning Specialist	Eden Area ROP	\$104.08	80		\$8,326.40
Zero Emissions Specialist	Hatch	\$311.64	40		\$12,465.60
Curriculum Development Lead	Hatch	\$252.28	100		\$25,228.00
Training Development Support	Hatch	\$220.48	120		\$26,457.60
Milestone 10 subtotal			660		\$110,216.80

The Sample Proposed Budget may be copied or recreated as needed.

<b>Milestone 11 - Pilot class begins</b>						
Direct Labor plus Expenses	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours/# of Units	Total CARB Cost		
Position/Classification	Eden Area ROP	\$106.33	900	\$95,697.00		
ZEV Instructor / Coordinator	Eden Area ROP	\$104.08	120	\$12,489.60		
Work Based Learning Specialist	Hatch	\$252.28	60	\$15,136.80		
Curriculum Development Lead			1080	\$123,323.40		
Milestone 11 subtotal						

**Milestone 12 - Outreach campaign 4: second class recruitment**

Direct Labor plus Expenses	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours/# of Units	Total CARB Cost		
Position/Classification	Eden Area ROP	\$106.33	40	\$4,253.20		
ZEV Instructor / Coordinator	Eden Area ROP	\$129.54	80	\$10,363.20		
Pathway Coordinator						
Website and Marketing Specialist	Eden Area ROP	\$67.14	80	\$5,371.20		
Milestone 12 subtotal			200	\$19,987.60		

**Milestone 13 - Develop Curriculum Module 4: Infrastructure**

Direct Labor plus Expenses	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours/# of Units	Total CARB Cost		
Position/Classification	Eden Area ROP	\$106.33	160	\$17,012.80		
ZEV Instructor / Coordinator	Eden Area ROP	\$129.54	160	\$20,726.40		
Pathway Coordinator	Eden Area ROP	\$104.08	80	\$8,326.40		
Work Based Learning Specialist	Hatch	\$311.64	40	\$12,465.60		
Zero Emissions Specialist	Curriculum Development Lead	\$252.28	100	\$25,228.00		
Training Development Support	Hatch	\$220.48	120	\$26,457.60		
Milestone 13 subtotal			660	\$110,216.80		

**Milestone 14 - Develop sustainability plan**

Direct Labor plus Expenses	EdenROP/Hatch Subcontractor	Hourly Rate/Unit Price	Hours/Unit Price	Total CARB Cost		
Position/Classification	Eden Area ROP	\$106.33	120	\$12,759.60		
ZEV Instructor / Coordinator	Hatch	\$252.28	60	\$15,136.80		
Curriculum Development Lead	Eden Area ROP	\$129.54	120	\$15,544.80		
Pathway Coordinator	Eden Area ROP	\$104.08	80	\$8,326.40		
Work Based Learning Specialist			380	\$51,767.60		
Milestone 14 subtotal	Total All Milestones		5874	\$1,407,539.95		
		...		% of total		
	Total Grant Request to CARB		\$1,407,539.95			
	Total Eden Area ROP		\$1,060,187.35	75.3%		
	Total Hatch - Not to Exceed		\$347,352.60	24.7%		

<sup>3</sup> Hourly rates must include direct labor plus overhead and fringe benefits. Any adjustments to hourly rates that may occur over the term of the project must be detailed in the project budget and explained in the application.

<sup>4</sup> Provide additional detail, as necessary, to show cost break down by task, subtask, and project partner.