



# Eden Area ROP

## GOVERNING BOARD MEETING AGENDA

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

---

**Friday, October 4, 2024**  
**5:45 pm**

### GOVERNING BOARD MEMBERS

---

James Aguilar, President	San Leandro Unified School District
Penny Peck, Vice-President	San Lorenzo Unified School District
Gary Howard, Member	Castro Valley Unified School District
Dr. April Oquenda, Member	Hayward Unified School District

### MISSION STATEMENT

---

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



## Regular Meeting of the ROP Governing Board

Date: Friday, October 4, 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 respects 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. **Student of the Month**

- A. Presentation of ROP Student of the Month Awards (page 5)

IX. **Consent Calendar**

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

- A. Request the Governing Board to approve the Minutes of the Regular Governing Board Meeting of September 5, 2024 (pages 6-11)
- B. Request the Governing Board to approve the Bill Warrants (pages 12-17)
- C. Request the Governing Board to approve the Personnel Action Items (pages 18-19)
- D. Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions (pages 20-21)

**X. Information Items**

- A. ROP Pathway Reviews-Education (pages 22-23)
- B. ROP Pathway Review-Information Support and Services (pages 24-25)
- C. Back to School Night (page 26)
- D. Principals' Breakfast (page 27)
- E. First Reading of Governing Board Policies, Administrative Regulations, and Exhibits (pages 28-229)

**XI. Action Items**

- A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Reading of Governing Board Policies, Administrative Regulations, and Exhibits (pages 230-307)
- B. Request the Governing Board to approve the Reclassification of the Adult Programs Administrative Staff (pages 308-309)
- C. Request the Governing Board to Approve the Revised Job Description for the Director of Adult Programs and Apprenticeships (pages 310-316)
- D. Request the Governing Board to Approve the Enrollment and Registration Coordinator and Program and Internship Coordinator Positions and Job Descriptions (pages 317-324)
- E. Request the Governing Board to approve the Revised Salary Schedules (Charts 2C and 4) (pages 325-329)
- F. Request the Governing Board to Approve the Proposed Salary and Health and Welfare Benefit Increases for all Employees (page 330)
- G. Request the Governing Board to approve the Public Disclosure of Eden Area ROP Employees' Agreement for the 2024-2025 Salary and Health & Wellness Benefit Package (H&W) Increases (page 331-342)
- H. Request the Governing Board to approve the Addition of a Fourth 1.0 FTE Medical Careers Instructor Position (page 343)
- I. Request the Governing Board to approve the Agreement with Donald Orlando for Welding Maintenance Services for the 2024-2025 School Year (pages 344-349)
- J. Request the Governing Board to approve the Agreement with Healthcare Career Advancement Program (H-CAP) for Curriculum and Equipment Improvement as it Relates to the Development of the Dental Assistant Apprenticeship Program for the 2024-2025 School Year (pages 350-358)

**XII. Communications**

- A. Letter from the Alameda County Office of Education regarding the Adopted Budget (page 359)

**XIII. Superintendent's Report**

**XIV. Governing Board Reports**

**XV. Recess to Closed Session**

- A. Conference with Legal Counsel-Anticipated Litigation  
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)
- B. Conference with Labor Negotiators, (Pursuant to Government Code Section 54957.6)  
Agency Representative: James Aguilar, Board President  
Unrepresented Employee: Blaine Torpey, Superintendent

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

- A. Conference with Legal Counsel-Anticipated Litigation  
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)
- B. Conference with Labor Negotiators, (Pursuant to Government Code Section 54957.6)  
Agency Representative: James Aguilar, Board President  
Unrepresented Employee: Blaine Torpey, Superintendent

**XVII. Adjournment**

# **STUDENT OF THE MONTH**

---



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Presentation of ROP Student of the Month Awards

## **BACKGROUND**

---

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

## **CURRENT SITUATION**

---

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

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

<b>STUDENT NAME</b>	<b>HIGH SCHOOL</b>	<b>ROP PROGRAM</b>	<b>INSTRUCTOR</b>
Enja Moore	DICE	Careers in Education	Emery
Sara Ma	Arroyo	Cybersecurity	Kang
Mia Chan	Arroyo	Marketing	Charlton
Evelin Rivera Flores	San Leandro	Medical Careers	Miller

## **RECOMMENDATION**

---

Information only

# CONSENT CALENDAR

---





**Minutes of the Regular Meeting of the ROP Governing Board  
September 5, 2024**

**I. Call to Order**

James Aguilar, Board President, called the meeting to order at 5:45 p.m. on Thursday, September 5, 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
Penny Peck, Vice President	San Lorenzo USD
Gary Howard, Member	Castro Valley USD
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
-----------------	---------------------

**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**

Blaine Torpey, Superintendent, pulled Closed Session Item A from the agenda.

Trustee Gary Howard moved to approve the agenda with the removal of Closed Session Item A. Trustee Penny Peck seconded the motion. By the following vote, the agenda was approved as amended:

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

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

None.

**VIII. Consent Calendar**

Trustee Penny Peck moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of August 8, 2024
- B. Bill Warrants
- C. Personnel Action Item
- D. Listed Donations-Car Show Sponsors
- E. Receipt of the Middle College and Early College Grant Program Funds
- F. DECA Overnight Field Trips for the 2024-2025 School Year
- G. SkillsUSA Overnight Field Trips for the 2024-2025 School Year
- H. Agreement with Deborah Maynard for Curriculum Development for the 2024-2025 School Year
- I. Agreement with Lozano Smith, LLP for Legal Services for the 2024-2025 School Year
- J. MOU with the Associated Builders and Contractors of Northern California (ABC NorCal) for the 2024-2025 School Year
- K. MOU with the California American Fire Sprinkler Association (CAFSA) for the 2024-2025 School Year
- L. MOU with the Hayward Unified School District for Student Transportation for 2024-2025 School Year
- M. MOU with the San Lorenzo Unified School District for Student Transportation for 2024-2025 School Year
- N. Contract with San Jose Charter for Student Transportation for 2024-2025 School Year

Trustee Gary Howard seconded the motion.

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

**IX. Information Items**

**A. Opening of School for the 2024-2025 School Year**

Manuschka Michaud, Principal, reported on the opening of school. Ms. Michaud shared that enrollment for the 2024-2025 school year reached 748 students at the Eden Area ROP, nearing full capacity after accounting for no-shows. Pre-pandemic enrollment was 749, demonstrating a strong recovery from the pandemic. Ms. Michaud emphasized that demand remains high, with waiting lists for multiple programs, including Medical Careers and Careers in Education. To accommodate this demand, a fourth full-time Medical Careers class was added, and a second section for Careers in Education was introduced.

Ms. Michaud also discussed transportation updates. San Lorenzo Unified is now transporting both its students and one route for San Leandro Unified, while San Jose Charters covers the second San Leandro route. The Eden Area ROP continues to contract with San Jose Charters for Castro Valley students, with approximately 100 students now coming from Castro Valley, reflecting increased enrollment from that district.

Lastly, Ms. Michaud shared that Eden Area ROP staff remain focused on equity building, school culture, restorative practices, and trauma-informed practices. A staff photo was taken at the start of the school year, and a slideshow capturing the first days of school was presented to give a sense of the excitement on campus.

**B. Eden Area ROP Service Awards**

Blaine Torpey, Superintendent, highlighted the employees that were recognized and honored for their commitment and service to the Eden Area ROP. He shared that annually service awards are presented to staff for their years of experience and dedication to the organization. Staff were recognized at the professional development meeting held on August 12, 2024. Service awards were given to Roy Samol (5 years), Laura Jagroop (10 years), Linden Keiffer (15 years), and David Espinoza (20 years).

**C. Dates for the Sophomore Tours and the Student Awards Ceremony**

Michelle Stephens, Assistant Principal-Educational Services, presented to the Governing Board the dates for the sophomore tours. She invited the Board members to attend their respective high school's sophomore tours dates. She also shared the student award ceremony will be held on Thursday, May 15, 2025, at San Leandro High School Arts Education Center. Ms. Stephens also extended an invitation to the Governing Board to attend the award ceremony.

**D. The Superintendent's Evaluation Timeline Revised**

Blaine Torpey, Superintendent, discussed the revised timeline for evaluating organizational goals, emphasizing the importance of establishing these goals prior to the summer. This adjustment will allow for better preparation for the upcoming year. Although the timeline is slightly different this year, the Superintendent noted that the organization has been ready for this process in the last two years. The goal is to complete the necessary work during the summer to ensure a smooth start for the following year.

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

Blaine Torpey, Superintendent, shared that 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 has reviewed these updates and brought relevant changes to the Board for their consideration.

Superintendent Torpey presented to the Governing Board the first reading of the following board policies, administrative regulations, and exhibits:

NUMBER	TYPE	TITLE	STATUS
1431	BP	Waivers	Revise
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

NUMBER	TYPE	TITLE	STATUS
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

The Governing Board agreed with the revisions of board policies, administrative regulations, and exhibits.

**X. Action Items**

**A. Request the Governing Board to approve Fiscal Year 2023-2024 Unaudited Actuals Income and Expenditure Report**

Upon review Gary Howard of and a motion by Trustee and a second by Trustee Penny Peck the Governing Board approved the Fiscal Year 2023-2024 Unaudited Actuals Income and Expenditure Report.

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

**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**

Upon review of and a motion by Trustee Penny Peck and a second by Trustee April Oquenda the Governing Board approved 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.

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

**C. Request the Governing Board to approve the Pathway Coordinator (Classified Exempt) Position and Job Description**

Upon review of and a motion by Trustee Penny Peck and a second by Trustee April Oquenda the Governing Board approved the Pathway Coordinator (Classified Exempt) position and job description.

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

**D. Request the Governing Board to approve the Revised Salary Schedule (Chart 3)**

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Penny Peck the Governing Board approved the revised Salary Schedule (Chart 3).

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

**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**

Upon review of and a motion by Trustee Penny Peck and a second by Trustee April Oquenda the Governing Board approved the Agreement with the Hatch for zero emission vehicle training program development consultancy services for the 2024-2025 school year.

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

**XI. Superintendent's Report**

Blaine Torpey, Superintendent, reported that the year has started off strong at the Eden Area ROP Center, with 750 available seats and 1,063 student requests for participation. Currently, there are 797 students enrolled, meaning over 200 students had to be turned away. While this highlights the success and demand for Eden Area ROP's transformational programs, it also underscores the challenge of limited access for some students. Superintendent Torpey emphasized the importance of Career Technical Education (CTE), noting that local, regional, state, and national data show CTE students demonstrate better attendance, grades, outcomes, and persistence rates, further proving the value of CTE in preparing students for the future.

He also shared his recent participation in the Assembly Select Committee on Higher Education's hearing on the California Master Plan for Career Education. The hearing included testimony from educators, business professionals, and advocates calling for the expansion of CTE and stronger connections between education and the workforce. Superintendent Torpey highlighted that CTE and ROPs were mentioned eleven times in a 44-page report from WestEd, which is working with the Governor's Office on the Master Plan. He also participated in the public comment portion of the hearing, which he described as a new and exciting experience.

Superintendent Torpey announced that the Eden Area ROP's Middle College Site visit is scheduled for Tuesday, September 10, and the first annual Car Show will take place on Saturday, September 28, signaling more exciting events in the near future.

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, announced that the first meeting of the Alameda County School Boards Association for the school year is scheduled for Thursday, October 24th, from 6:00 to 8:00 pm, at the Alameda County Office of Education (ACOE). The meeting will focus on cell phone use and related policies. Trustee Peck encouraged fellow board members to attend or, if unavailable, to pass the invitation along to another member. She also extended the invitation to Superintendent Blaine Torpey, noting that while cell phone use may not impact ROP students as much as those in traditional high schools, it is still an important topic for all to understand. Formal invitations will be sent, and she asked everyone to mark their calendars.

Trustee James Aguilar, San Leandro USD representative, extended a warm welcome to Dr. April Oquenda from Hayward USD. He also commended the entire Eden Area ROP staff for their impressive work, stating that it is a privilege to be a part of the organization and that serving on the Eden Area ROP board is one of his favorite assignments.

**XIII. Recess to Closed Session**

The meeting was called into closed session at 6:31 pm.

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

Closed session Item A was pulled.

**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 any Action taken in Closed Session**

The meeting resumed to open session at 6:47 pm.

**B. Conference with Labor Negotiators, (Pursuant to Government Code Section 54957.6)**

**Agency Representative: James Aguilar, Board President  
Unrepresented Employee: Blaine Torpey, Superintendent**

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

**XV. Adjournment**

The meeting was adjourned at 6:47 pm.

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

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



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Sabrina Ubhoff, Accounting Technician  
**SUBJECT:** Request the Governing Board to approve the Bill Warrants

## **CURRENT SITUATION**

---

The bill warrants submitted for approval are for the period of August 27, 2024 through September 17, 2024 and include test warrant numbers and voided warrants.

## **CONSENT CALENDAR**

---



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Personnel Action Items

## **CURRENT SITUATION**

---

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

## **CONSENT CALENDAR**

---





**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions

## **BACKGROUND**

---

Education Code 35186 (d) requires the following:

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

## **CURRENT SITUATION**

---

Attached is a report for the complaints and resolutions through October 1, 2024 as specified by Education Code 35186 (d).

## **CONSENT CALENDAR**

---



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

# QUARTERLY REPORT ON WILLIAMS ACT COMPLAINTS

[Education Code 35186 (d)]

Report through: October 1, 2024

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

Quarterly Report Submission (check one) →  
 Date: October 1, 2024

January  
 April  
 July  
 October

Date for information to be reported publicly at the Governing Board meeting: October 4, 2024

Please check the box that applies:

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

General Subject Area	Number of Complaints	Number of Resolved Complaints	Number of Unresolved Complaints
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Mis-assignment	0	0	0
Facilities Conditions	0	0	0
<b>TOTALS</b>	0	0	0

Publicly reported at the Governing Board meeting on: October 4, 2024

\_\_\_\_\_  
Blaine Torpey, Superintendent

# INFORMATION ITEMS

---



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** ROP Pathway Review- Education

## **BACKGROUND**

---

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

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

## **CURRENT SITUATION**

---

The Education pathway is under the Education, Child Development, and Family Services sector. The Education pathway is designed to prepare students for professional or learning support positions in education, prekindergarten through grade twelve. Students study human development; standards, regulations, and codes; positive guidance and counseling techniques; age-appropriate and grade-appropriate learning strategies; learning theories; and standards-based curriculum and instructional design. Students can apply and practice their knowledge and skills at a variety of elementary and secondary education sites.

The attached pathway review is for the following program(s): Careers in Education IP/IIP.

## **RECOMMENDATION**

---

Information only

<b>SCHOOL DISTRICT:</b>		<b>EDEN AREA ROP</b>		<b>LOCATION:</b>		<b>Eden Area ROP</b>		
<b>PATHWAY:</b>		Education				<b>INSTRUCTORS:</b>		Dr. Erika Emery
Course Name		Enrollment as of 23-24 Year to Date		Enrollment as of 22-23 Year to Date		Enrollment as of 21-22 Year to Date		
Careers in Education IP		21		10		12		
Careers in Education IIP		2		3		6		
<b>Comments:</b>								
<ul style="list-style-type: none"> <li>Required enrollment: Class enrollment maintained to sustain agreed master schedule for onsite and staffing.  <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO</li> <li>Retention rate (Active Enrollment divided by Year-to-date Enrollment):</li> </ul>								
<b>Text Book:</b> Working with Young Children						<b>Edition:</b> 9 <sup>th</sup>		
<b>NO.</b>	<b>YES</b>	<b>NO</b>						
1.	X		<b>ENROLLMENT</b> – Course meets current or future labor market needs.					
			<b>CLASS SCHEDULE:</b> AM/PM	<b>SECTIONS PER YEAR:</b>	<b>MINS PER SECTION:</b>	<b>EXPECTED MINIMUM STUDENTS PER SECTION:</b>		
			1 (Center)	1 (Center)	3hrs Center	25+		
2.	X		<b>AVAILABILITY OF QUALIFIED INSTRUCTOR</b> – Qualified/ Credentialed Instructor teaching course.					
3.	X		<b>LEADERSHIP</b> – Instructional leaders have sufficient time and resources to implement system improvements and work with their counterparts in other programs.					
4.	X		<b>CURRICULUM and INSTRUCTION</b> – Students are provided with a strong experience in and understanding of all aspects of industry.					
5.	X		<b>SCHOOL-TO-CAREER AND CAREER PATHWAY DEVELOPMENT</b> – Course is designed as part of a sequence of courses, career pathways, etc.					
6.	X		<b>ADVISORY COMMITTEE</b> – The course has been reviewed and recommended by a pre-established committee. <input checked="" type="checkbox"/> Yes, instructor was present at advisory meeting and minutes are on file at ROP <input type="checkbox"/> No, instructor was not present at advisory. Program was represented, at a joint industrial, by ROP personnel. Instructor MUST attend next advisory for program to meet compliance.					
7.	X		<b>LABOR MARKET NEEDS</b> – Course meets current or future labor market needs.					
8.	X		<b>WORK-BASED LEARNING</b> – Course incorporates Work-Based learning opportunities (i.e. guest speakers, field trips, mock interviews, or student organizations)					
9.	X		<b>COMMUNITY CLASSROOM AND COOPERATIVE VOCATIONAL EDUCATION</b> – Course incorporates community classroom and cooperative vocational education (i.e., job training, internships, or job shadowing)					
10.	X		<b>JOB PLACEMENT/FURTHER EDUCATION OPTIONS</b> – Course has potential for student job placement in entry-level positions or course prepares students for further training opportunities within the designed career pathway.					
11.	X		<b>FACILITIES AND EQUIPMENT ACCOMMODATION</b> <input type="checkbox"/> District will provide a facility which adequately accommodates the program. <input checked="" type="checkbox"/> EAROP will provide a facility which adequately accommodates the program. <input type="checkbox"/> District shares cost of equipment if program is cross utilized.					
<b>OTHER CONSIDERATIONS:</b>								
<input checked="" type="checkbox"/> A-G Credit for UC				<input type="checkbox"/> State and National Licensing or Certification				
<input checked="" type="checkbox"/> Community College Articulation				<input checked="" type="checkbox"/> Strong Business or Industry Partnership				
<input type="checkbox"/> Dual Enrollment				<input type="checkbox"/> Emerging Technologies				
<b>COMPLIANCE CATEGORIES</b>								
<input checked="" type="checkbox"/> <b>R – Retain Program:</b> Program meets all criteria.		<input type="checkbox"/> <b>W - Watch Program:</b> All criteria not met. See areas that need to be complied with.		<input type="checkbox"/> <b>P - Probation:</b> Criteria is not being met. Program in danger of suspension.		<input type="checkbox"/> <b>R – Reduce Program:</b> Downsizing program.		
						<input type="checkbox"/> <b>S/T - Suspend/ Terminate program.</b>		



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** ROP Pathway Review-Information Support and Services

## **BACKGROUND**

---

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

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

## **CURRENT SITUATION**

---

The Information and Support and Services pathway is under the information and Communication Technologies sector. Students in the Information Support and Services pathway prepare for careers that involve the implementation of computer services and software, support of multimedia products and services, provision of technical assistance, creation of technical documentation, and the administration and management of information and communication systems. Mastery of information and communication technologies is the foundation for all successful business organizations today. Persons with expertise in information and communication technologies support and services are in high demand for a variety of positions in business and industry.

The attached pathway review is for the following program(s): Cybersecurity IP/IIP.

## **RECOMMENDATION**

---

Information only

<b>SCHOOL DISTRICT:</b>		<b>EDEN AREA ROP</b>		<b>LOCATION:</b>		<b>Eden Area ROP</b>	
<b>PATHWAY:</b>		Information Support and Services			<b>INSTRUCTORS:</b>		Edwin Kang
Course Name		Enrollment as of 23-24 Year to Date		Enrollment as of 22-23 Year to Date		Enrollment as of 21-22 Year to Date	
Cybersecurity IP		33		21		20	
Cybersecurity IIP		3		1		7	
<b>Comments:</b>							
<ul style="list-style-type: none"> <li>Required enrollment: Class enrollment maintained to sustain agreed master schedule for onsite and staffing.  <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO</li> <li>Retention rate (Active Enrollment divided by Year-to-date Enrollment):</li> </ul>							
<b>Textbook:</b> Google IT platform, CISCO Network Academy						<b>Edition:</b> Yearly	
<b>NO.</b>	<b>YES</b>	<b>NO</b>					
1.	X		<b>ENROLLMENT</b> – Course meets current or future labor market needs.				
			<b>CLASS SCHEDULE:</b> AM/PM	<b>SECTIONS PER YEAR:</b>	<b>MINS PER SECTION:</b>	<b>EXPECTED MINIMUM STUDENTS PER SECTION:</b>	
			2 (Center)	2 (Center)	3hrs Center	25+	
2.	X		<b>AVAILABILITY OF QUALIFIED INSTRUCTOR</b> – Qualified/ Credentialed Instructor teaching course.				
3.	X		<b>LEADERSHIP</b> – Instructional leaders have sufficient time and resources to implement system improvements and work with their counterparts in other programs.				
4.	X		<b>CURRICULUM and INSTRUCTION</b> – Students are provided with a strong experience in and understanding of all aspects of industry.				
5.	X		<b>SCHOOL-TO-CAREER AND CAREER PATHWAY DEVELOPMENT</b> – Course is designed as part of a sequence of courses, career pathways, etc.				
6.	X		<b>ADVISORY COMMITTEE</b> – The course has been reviewed and recommended by a pre-established committee. <input checked="" type="checkbox"/> Yes, instructor was present at advisory meeting and minutes are on file at ROP <input type="checkbox"/> No, instructor was not present at advisory. Program was represented, at a joint industrial, by ROP personnel. Instructor MUST attend next advisory for program to meet compliance.				
7.	X		<b>LABOR MARKET NEEDS</b> – Course meets current or future labor market needs.				
8.	X		<b>WORK-BASED LEARNING</b> – Course incorporates Work-Based learning opportunities (i.e. guest speakers, field trips, mock interviews, or student organizations)				
9.	X		<b>COMMUNITY CLASSROOM AND COOPERATIVE VOCATIONAL EDUCATION</b> – Course incorporates community classroom and cooperative vocational education (i.e., job training, internships, or job shadowing)				
10.	X		<b>JOB PLACEMENT/FURTHER EDUCATION OPTIONS</b> – Course has potential for student job placement in entry-level positions or course prepares students for further training opportunities within the designed career pathway.				
11.	X		<b>FACILITIES AND EQUIPMENT ACCOMMODATION</b> <input type="checkbox"/> District will provide a facility which adequately accommodates the program. <input checked="" type="checkbox"/> EAROP will provide a facility which adequately accommodates the program. <input type="checkbox"/> District shares cost of equipment if program is cross utilized.				
<b>OTHER CONSIDERATIONS:</b>							
<input checked="" type="checkbox"/> A-G Credit for UC				<input checked="" type="checkbox"/> State and National Licensing or Certification			
<input type="checkbox"/> Community College Articulation				<input checked="" type="checkbox"/> Strong Business or Industry Partnership			
<input type="checkbox"/> Dual Enrollment				<input checked="" type="checkbox"/> Emerging Technologies			
<b>COMPLIANCE CATEGORIES</b>							
<input checked="" type="checkbox"/> <b>R – Retain Program:</b> Program meets all criteria.		<input type="checkbox"/> <b>W - Watch Program:</b> All criteria not met. See areas that need to be complied with.		<input type="checkbox"/> <b>P - Probation:</b> Criteria is not being met. Program in danger of suspension.		<input type="checkbox"/> <b>R – Reduce Program:</b> Downsizing program.	
<input type="checkbox"/> <b>S/T - Suspend/ Terminate program.</b>							



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Back to School Night

## **BACKGROUND**

---

The Eden Area ROP holds an annual back to school night for parents, family and friends to explore our programs at the Hayward Center campus. Instructors have students demonstrate and explain what they are learning in their program.

## **CURRENT SITUATION**

---

Back to School Night was on September 24, 2024.

## **RECOMMENDATION**

---

Information only





**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Principals' Breakfast

## **BACKGROUND**

---

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

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

## **CURRENT SITUATION**

---

As part of our ongoing efforts to build and maintain strong relationships with our partnering school sites, we hosted the annual Principals' Breakfast on Friday, September 27, 2024. Principals from all our 13 high schools were invited to meet in-person to connect, discuss enrollment, review grants/funding, and learn about work-based learning opportunities.

## **RECOMMENDATION**

---

Information only



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** First Reading of Governing Board Policies, Administrative Regulations, and Exhibits

## **BACKGROUND**

---

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

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

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

## **CURRENT SITUATION**

---

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

<b>NUMBER</b>	<b>TYPE</b>	<b>TITLE</b>	<b>STATUS</b>
0410	BP	Nondiscrimination in District Programs and Activities	Revise
1312.3	BP	Uniform Complaint Procedures	Revise
1312.3	AR	Uniform Complaint Procedures	Revise
4030	BP	Nondiscrimination in Employment	Revise
4030	AR	Nondiscrimination in Employment	Revise
4033	BP	Lactation Accommodation	Revise
4119.11 4219.11 4319.11	BP	Sex Discrimination and Sex-Based Harassment (Previously Titled: Sexual Harassment)	Revise
4119.11 4219.11 4319.11	AR	Sex Discrimination and Sex-Based Harassment (Previously Titled: Sexual Harassment)	Revise

<b>NUMBER</b>	<b>TYPE</b>	<b>TITLE</b>	<b>STATUS</b>
4119.1 4219.12 4319.12	AR	Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures (Previously Titled: Title IX Sexual Harassment Complaint Procedures)	Revise
4119.12 4219.12 4319.12	E(1)	Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures (Previously Titled: Title IX Sexual Harassment Complaint Procedures)	Revise
4161 4261 4361	AR	Leaves	Revise
5145.3	BP	Nondiscrimination/Harassment	Revise
5145.3	AR	Nondiscrimination/Harassment	Revise
5145.7	BP	Sex Discrimination and Sex-Based Harassment (Previously Titled: Sexual Harassment)	Revise
5145.7	AR	Sex Discrimination and Sex-Based Harassment (Previously Titled: Sexual Harassment)	Revise
5145.71	AR	Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures (Previously Titled: Title IX Sexual Harassment Complaint Procedures)	Revise
5145.71	E(1)	Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures (Previously Titled: Title IX Sexual Harassment Complaint Procedures)	Revise
5146	BP	Married/Pregnant/Parenting Students	New

## **RECOMMENDATION**

---

Information only



# EdenAreaROP SUPERINTENDENT'S MEMO

**To:** Eden Area ROP Governing Board  
**From:** Blaine Torpey, Superintendent  
**Date:** October 4, 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
0410	BP	Nondiscrimination in District Programs and Activities	Policy updated to reflect NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474) which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, and (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect NEW LAW (SB 153, 2024) which prohibits the Governing Board from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination in accordance with specified state law. In addition, policy updated to reflect NEW FEDERAL REGULATIONS (89 Fed. Reg. 31320) which include specified technical standards to ensure that content available through a district's web and mobile applications are accessible to individuals with disabilities.	Revise
1312.3	BP	Uniform Complaint Procedures	Policy updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, and (2) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Additionally, policy updated to reflect <b>NEW LAW (SB 153, 2024)</b> which prohibits the Governing Board from adopting or approving the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would	Revise

Number	Type	Title	Explanation of Change	Status
			subject a student to unlawful discrimination in accordance with specified state law. In addition, policy updated to clarify that the uniform complaint procedures should not be used to investigate and resolve employment discrimination complaints, and reflect <b>NEW LAW (AB 714, 2023)</b> which exempts "newcomer students" from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program.	
1312.3	AR	Uniform Complaint Procedures	Regulation updated to reflect <b>NEW LAW (AB 714, 2023)</b> which exempts "newcomer students" from district adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program. Additionally, regulation updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, (2) require the Title IX notice of nondiscrimination on the basis of sex to be posted on the district's website and published in district handbooks, catalogs, announcements, bulletins, and application forms, and (3) provide that a complaint alleging sex discrimination, including sex-based harassment, may be oral or written.	Revise
4030	BP	Nondiscrimination in Employment	Policy updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, and (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect <b>NEW LAW (SB 700, 2023)</b> which prohibits the district from discriminating against an employee in termination, or any term or condition of employment, or otherwise penalizing a person, based on the person's use of cannabis when off the job or away from the workplace. In addition, policy updated to move material related to sex discrimination to Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-	Revise

Number	Type	Title	Explanation of Change	Status
			Based Harassment in order to keep material related to sex discrimination and sex-based harassment together. Policy also updated to provide that employees are required to report incidents of prohibited discrimination within one workday, which may be modified to reflect the district's timeline, in order to maintain consistency of such reporting requirements across the policy manual.	
4030	AR	Nondiscrimination in Employment	Regulation updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, (2) require districts to provide a notice of nondiscrimination on the basis of sex, and (3) require specified training related to sex discrimination for all district employees, as well as additional training for investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and the Title IX Coordinator(s) and designees. Additionally, regulation updated to reflect remedies available for violation of the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, the Pregnant Workers Fairness Act, and other provisions of state law.	Revise
4033	BP	Lactation Accommodation	Policy updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) require districts to provide reasonable break time for employees to express breast milk or breastfeed, and to ensure that employees have access to a lactation space, as specified, (2) provide that "sex" for purposes of sex discrimination under Title IX includes lactation and related medical conditions or recovery, and (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect the Providing Urgent Maternal Protections (PUMP) for Nursing Mother Act which (1) requires employers to provide reasonable break time for nursing employees to express breast milk for one year after the child's birth, and to ensure that employees have access to a lactation space, as specified, and (2) authorizes an employee to file a complaint with the Wage and Hour Division of the U.S. Department of Labor for violation of such act. In addition, policy updated to reflect the Pregnant Workers Fairness Act which (1) requires employers to provide reasonable accommodation to employees due to pregnancy, childbirth, or related medical conditions, including lactation, as specified, and (2) authorizes an	Revise

Number	Type	Title	Explanation of Change	Status
			employee to file a complaint with the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the act.	
4119.11 4219.11 4319.11	BP	Sex Discrimination and Sex-Based Harassment  (Previously Titled: Sexual Harassment)	Policy updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, policy updated to reflect <b>NEW LAW (AB 1955, 2024)</b> which prohibits a district, including a Governing Board member, from retaliating or otherwise taking adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in certain Education Code provisions, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law. In addition, policy updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) require districts to provide a notice of nondiscrimination on the basis of sex, (2) require employees with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in a district education program or activity to notify the Title IX Coordinator, (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, and (4) require the Title IX Coordinator to offer and coordinate supportive measures when notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment.	Revise
4119.11 4219.11 4319.11	AR	Sex Discrimination and Sex-Based Harassment  (Previously Titled: Sexual Harassment)	Regulation updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, regulation updated to emphasize that the district does not discriminate on the basis of sex in any of its programs or activities, prohibits such conduct, and complies with Title IX. In addition, regulation updated to include definitions of sex discrimination and sex-based harassment, and reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, (2) require specified training related to sex discrimination for all district employees, as well as additional training for investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution	Revise

Number	Type	Title	Explanation of Change	Status
			<p>process; and the Title IX Coordinator(s) and designees, (3) require the district to retain for at least seven years the materials used to provide training required by Title IX and make the materials available to members of the public upon request, (4) require districts to provide a notice of nondiscrimination on the basis of sex, (5) require districts to take specified actions to prevent sex discrimination and sex-based harassment, and (6) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct.</p>	
<p>4119.1 4219.12 4319.12</p>	<p>AR</p>	<p>Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures  (Previously Titled: Title IX Sexual Harassment Complaint Procedures)</p>	<p>Regulation updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which make extensive and significant changes to the title IX grievance procedures including that they (1) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, (2) require district's to follow "basic requirements" when implementing the Title IX grievance procedures, (3) modify the definition of a "complaint" and who may bring a complaint, (4) modify the Title IX Coordinator's responsibilities related to the initiation of a complaint when the alleged victim chooses to not bring a complaint, (5) modify the requirements related to the offering and coordination of supportive measures, (6) expand the requirements related to the dismissal of complaints, including the appeal of dismissals, (7) expand the requirements related to the informal resolution process, (8) amend requirements related to notice of allegations when a formal investigation is initiated by the district, (9) expand requirements related to the investigation procedures, (10) modify requirements related to the written decision, (11) alter the process for the appeal of the decision, (12) provide for extension of timelines, and (13) amend requirements for remedies, disciplinary actions, and record-keeping. Additionally, regulation updated to delete material defining sex-based harassment as the definitions for sex discrimination and sex-based harassment are contained within Administrative Regulation 4119.11 – Sex Discrimination and Sex-Based Harassment, and to delete material in regard to reporting of sex-based harassment as such material is contained within other related policies. Regulation also updated to add a section on Consolidation of Complaints, and material related to record-keeping requirements for complaints containing allegations of childhood sexual assault.</p>	<p>Revise</p>



Number	Type	Title	Explanation of Change	Status
4119.12 4219.12 4319.12	E(1)	Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures  (Previously Titled: Title IX Sexual Harassment Complaint Procedures)	Exhibit updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which amend the Title IX notice of nondiscrimination on the basis of sex.	Revise
4161 4261 4361	AR	Leaves	Regulation updated to clarify that one of the conditions for the district to terminate the employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, is for the employee to continue to be absent from work for 20 consecutive working days beginning from the date the employee was to report to work.	Revise
5145.3	BP	Nondiscrimination/Harassment	Policy updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, and (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. Additionally, policy updated to reflect <b>NEW LAW (AB 1165, 2023)</b> which encourages districts to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator.	Revise
5145.3	AR	Nondiscrimination/Harassment	Regulation updated to provide that the individual identified as the Compliance Officer for coordinating the district's efforts to comply with applicable state and federal laws and to answer inquiries regarding the district's nondiscrimination policies be the same as the Compliance Officer specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 – Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment.	Revise

Number	Type	Title	Explanation of Change	Status
			<p>Additionally, regulation updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, (2) require the Title IX notice of nondiscrimination on the basis of sex to be posted on the district's website and published in district handbooks, catalogs, announcements, bulletins, and application forms, and (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. In addition, regulation updated to reflect <b>NEW LAW (AB 1327, 2023)</b> which requires a district that participates in the California Interscholastic Federation to post on its website the California Department of Education's (CDE) standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district. Regulation also updated to reflect <b>NEW LAW (SB 153, 2024)</b> which requires a district that serves students in any of grades 7-12 to provide certificated school employees information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying, and <b>NEW LAW (AB 5, 2023)</b> which requires a district that serves students in any of grades 7-12, starting in the 2025-26 school year, to provide at least one hour of training annually to all teachers and certificated employees which incorporates CDE's online training curriculum to support LGBTQ+ cultural competency. Additionally, regulation updated to provide that employees are required to report incidents of prohibited discrimination within one workday, which may be modified to reflect the district's timeline, in order to maintain consistency of such reporting requirements across the policy manual, and to move the section "Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students," to Administrative Regulation 5145.7 – Sex Discrimination and Sex-Based Harassment in order to keep related material together.</p>	
5145.7	BP	<p>Sex Discrimination and Sex-Based Harassment  (Previously Titled: Sexual Harassment)</p>	<p>Policy updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, policy updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual</p>	Revise

Number	Type	Title	Explanation of Change	Status
			<p>orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, (2) require employees with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment in a district education program or activity to notify the Title IX Coordinator, (3) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, (4) require the Title IX Coordinator to offer and coordinate supportive measures when notified of conduct that reasonably may constitute sex discrimination, including sex-based harassment (5) require specified training related to sex discrimination for all district employees, as well as additional training for investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and the Title IX Coordinator(s) and designees, and (6) require specified records to be maintained for seven years. In addition, policy updated to reflect <b>NEW LAW (AB 1955, 2024)</b> which prohibits a district, including a Governing Board member from retaliating or otherwise taking adverse action against an employee, including by placing the employee on administrative leave, on the basis that the employee supported a student exercising rights specified in certain Education Code provisions, performed work in a manner consistent with the district's legal obligations related to educational equity, or provided instruction to students consistent with current content standards, curriculum frameworks, instructional materials adopted by the state board, and state law. Policy also updated to (1) provide that employees are required to report incidents of prohibited discrimination within one workday, which may be modified to reflect the district's timeline, in order to maintain consistency of such reporting requirements across the policy manual, and (2) delete material related to requirements for posting and publishing the district's sexual harassment policy which are located in Administrative Regulation 5145.3 – Nondiscrimination/Harassment, and the accompanying administrative regulation by reference.</p>	
5145.7	AR	<p>Sex Discrimination and Sex-Based Harassment (Previously Titled: Sexual Harassment)</p>	<p>Regulation updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, regulation updated to emphasize that the district does not discriminate on the basis of sex in any of its programs or activities, prohibits such conduct, and complies with Title IX. In addition, regulation updated to include definitions of sex discrimination and sex-based harassment, and reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) clarify that discrimination on</p>	Revise

Number	Type	Title	Explanation of Change	Status
			<p>the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, (2) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, and (3) provide that a district (a) may not exclude a student from participation in, deny a student the benefits of, or otherwise subject a student to discrimination on the basis of sex in any education program or activity, (b) that in the limited circumstances in which different treatment or separation on the basis of sex is permitted, a district may not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a student to more than de minimis harm, and (c) that preventing a student from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex. Regulation also updated to provide that employees are required to report incidents of prohibited discrimination within one workday, which may be modified to reflect the district's timeline, in order to maintain consistency of such reporting requirements across the policy manual. Additionally, regulation updated to (1) include material formerly in Administrative Regulation 5145.3 - Nondiscrimination/Harassment related to issues that are unique to intersex, nonbinary, transgender, and gender nonconforming students, (2) reflect <b>NEW LAW (AB 1955, 2024)</b> which clarifies that under existing law a district, including a Governing Board member, may not require an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person, or enact or enforce any policy, rule, or administrative regulation that would require the same, without the student's consent unless otherwise required by state or federal law, and (3) reflect <b>NEW LAW (SB 760, 2023)</b> which requires, beginning July 1, 2026, each school with more than one female student restroom and more than one male student restroom to provide and maintain at least one all-gender restroom for student use that meets the requirements of law.</p>	
5145.71	AR	Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures	Regulation updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which make extensive and significant changes to the title IX grievance procedures including that they (1) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based	Revise

Number	Type	Title	Explanation of Change	Status
		(Previously Titled: Title IX Sexual Harassment Complaint Procedures)	harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct, (2) require district's to follow "basic requirements" when implementing the Title IX grievance procedures, (3) modify the definition of a "complaint" and who may bring a complaint, (4) modify the Title IX Coordinator's responsibilities related to the initiation of a complaint when the alleged victim chooses to not bring a complaint, (5) modify the requirements related to the offering and coordination of supportive measures, (6) expand the requirements related to the dismissal of complaints, including the appeal of dismissals, (7) expand the requirements related to the informal resolution process, (8) amend requirements related to notice of allegations when a formal investigation is initiated by the district, (9) expand requirements related to the investigation procedures, (10) modify requirements related to the written decision, (11) alter the process for the appeal of the decision, (12) provide for extension of timelines, and (13) amend requirements for remedies, disciplinary actions, and record-keeping. Additionally, regulation updated to delete material defining sex-based harassment as the definitions for sex discrimination and sex-based harassment are contained within Administrative Regulation 5145.7 – Sex Discrimination and Sex-Based Harassment, and to delete material in regard to reporting of sex-based harassment as such material is contained within other related policies. Regulation also updated to add a section on Consolidation of Complaints, and material related to record-keeping requirements for complaints containing allegations of childhood sexual assault.	
5145.71	E(1)	Title IX Sex Discrimination and Sex- Based Harassment Complaint Procedures  (Previously Titled: Title IX Sexual Harassment Complaint Procedures)	Exhibit updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which amend the Title IX notice of nondiscrimination on the basis of sex.	Revise
5146	BP	Married/Pregnant/P arenting Students	Policy updated to reflect <b>NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)</b> which (1) provide that a student's current, potential, or past pregnancy, childbirth, termination of pregnancy or lactation, and related medical conditions and recovery, as well as a student's current, potential, or past parental, family, or marital status are protected from discrimination pursuant to Title IX and its implementing regulations, (2) require an employee, when a student or a person who has a legal right to act on behalf of a student informs any employee of the student's pregnancy or related conditions, to provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX	New

Number	Type	Title	Explanation of Change	Status
			<p>Coordinator can coordinate specific actions to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the district's education program or activity, (3) require the district to provide the district's notice of nondiscrimination on the basis of sex and take specified actions once notified of a student's pregnancy or related conditions, (4) prohibit the district from requiring a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is (a) necessary for participation in the class, program, or extracurricular activity, (b) the district requires such certification of all participating students, and (c) the information obtained is not used as a basis for sex discrimination, (5) require the district to allow a student who is pregnant or who has related conditions to voluntarily take a leave of absence to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider, and, if the district has a leave policy that allows for a greater period of time than the medically necessary period and the student qualifies for leave under such policy, to permit the student to take leave under that policy, (6) require the district to reinstate a student who has returned to school after taking parental leave to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began, (7) require the district to provide reasonable accommodations for students who are pregnant or parenting, or have related conditions, as specified, (8) require the district to provide a student who is lactating with access to a lactation space, as specified, and (9) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct.</p>	

**Policy 0410: Nondiscrimination In District Programs And Activities**

Status: DRAFT

Original Adopted Date: 03/05/2020 | Last Revised Date: 12/07/2023 | Last Reviewed Date: 12/07/2023

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.

This policy shall apply to all acts related to a school an Eden Area ROP activity or school Eden Area ROP attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the Eden Area Regional Occupational Program (Eden Area ROP).

The Board is committed to providing equal opportunity for all individuals in programs and activities. The Eden Area ROP programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery, parental, family, or marital status, reproductive health decisionmaking, physical or mental disability, medical condition, sex, sex stereotypes, sex characteristics, sexual orientation, gender, gender identity, gender expression, veteran or military status, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

All individuals shall be treated equitably in the receipt of the Eden Area ROP and school services. Personally identifiable information collected in the implementation of any Eden Area ROP program, including, but not limited to, student and family information for transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the Eden Area ROP shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category any of the categories identified above.

Eden Area ROP programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

The Superintendent or designee shall annually review Eden Area ROP programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing Eden Area ROP programs and activities. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

All Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in district Eden Area ROP programs and activities shall be brought, investigated, and resolved in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures, for students, and Administrative Regulation 4030 - Nondiscrimination in Employment, for employees. Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for students, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, for employees.

Pursuant to 34 CFR 104.8 and 34 CFR 106.8, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the Eden Area ROP's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the Eden Area ROP. The notification shall also be posted on the Eden Area ROP's website and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public

education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The Eden Area ROP's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of Eden Area ROP's a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

### Access for Individuals with Disabilities

Eden Area ROP programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing Eden Area ROP facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

The Superintendent or designee shall ensure that the Eden Area ROP's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of Eden Area ROP services, programs, or activities. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to Eden Area ROP websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a Eden Area ROP-sponsored function, program, or meeting.

The individual identified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the Eden Area ROP's response to complaints and for complying with state federal civil rights laws is hereby designated as the Eden Area ROP's ADA coordinator. The compliance officer shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to Eden Area ROP programs, services, activities, or facilities.

Director of Educational Services Principal  
26316 Hesperian Blvd., Hayward, CA 94545  
(510) 293-2903 (510) 293-2904  
mmichaud@edenrop.org

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

### State References

5 CCR 4600-4670

### Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 48980

[Parent/Guardian notifications](#)

Ed. Code 48985

[Notices to parents in language other than English](#)

Ed. Code 51007

[Legislative intent: state policy](#)

Ed. Code 51204.5

[Social sciences instruction; contributions of specified groups](#)

Ed. Code 51501

[Nondiscriminatory subject matter](#)

Ed. Code 60010

[Instructional materials; definition](#)

Ed. Code 60040-60052

[Requirements for instructional materials](#)

Gov. Code 11000

[Definitions](#)

Gov. Code 11135

[Prohibition of discrimination](#)

Gov. Code 12900-12996

[Fair Employment and Housing Act](#)



**State References**

Gov. Code 54953  
 Gov. Code 54953.2  
 Gov. Code 8310.3  
 Pen. Code 422.55  
 Pen. Code 422.6

**Federal References**

20 USC 1400-1482  
 20 USC 1681-1688  
 20 USC 2301-2414  
 20 USC 6311  
 20 USC 6312  
 28 CFR 35.101-35.190  
 28 CFR 36.303  
 29 USC 794  
 34 CFR 100.1-100.13  
 34 CFR 104.1-104.39  
 34 CFR 106.1-106.82  
 42 USC 12101-12213  
 42 USC 2000d-2000d-7  
 42 USC 2000e-2000e-17

**Management Resources References**

CA Civil Rights Department Publication  
 CA Department of Health Care Services Publication  
 CA Department of Health Care Services Publication  
 CA Office of the Attorney General Publication  
 CA Office of the Attorney General Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication

**Description**

Meetings; Americans with Disabilities Act accessibility  
[Brown Act compliance with Americans with Disabilities Act](#)  
[California Religious Freedom Act](#)  
[Definition of hate crime](#)  
[Crimes; harassment](#)

**Description**

Individuals with Disabilities Education Act  
 Title IX of the Education Amendments of 1972; discrimination based on sex  
[Strengthening Career and Technical Education for the 21st Century Act](#)  
 State plan  
 Local educational agency plan  
 Americans with Disabilities Act  
 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services  
 Rehabilitation Act of 1973; Section 504  
 Nondiscrimination in federal programs; effectuating Title VI  
 Section 504 of the Rehabilitation Act of 1973  
 Discrimination on the basis of sex; effectuating Title IX  
 Americans with Disabilities Act  
 Title VI, Civil Rights Act of 1964  
 Title VII, Civil Rights Act of 1964, as amended

**Description**

[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)  
[Policy and Procedures Letter No. 21-017R, December 2021](#)  
[Policy and Procedures Letter No. 23-004, February 2023](#)  
[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)  
[Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018](#)  
[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)  
[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)  
[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)  
[Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023](#)  
[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)

**Management Resources References****Description**

Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
U.S. DOE & U.S. DOJ Civil Rights Divisions Pub	<a href="#">Resource on Confronting Racial Discrimination in Student Discipline, May 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Supporting Transgender Youth in School, June 2021</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Nondiscrimination in Employment Practices in Education, August 1991</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Race and School Programming, August 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Electronic Book Readers, June 29, 2010</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Harassment and Bullying, October 2010</a>
U.S. DOJ, Civil Rights Division Publication	<a href="#">Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments, April 2024</a>
U.S. DOJ, Civil Rights Division Publication	<a href="#">Guidance on Web Accessibility and the ADA, March 2022</a>
U.S. DOJ, Civil Rights Division Publication	<a href="#">Accessibility of State and Local Government Websites to People with Disabilities, February 2020</a>
U.S. DOJ, Civil Rights Division Publication	<a href="#">2010 ADA Standards for Accessible Design, September 2010</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">World Wide Web Consortium, Web Accessibility Initiative</a>
Website	<a href="#">Pacific ADA Center</a>
Website	<a href="#">U.S. Department of Justice, Civil Rights Division, Disability Rights Section</a>
Website	<a href="#">California Safe Schools Coalition</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">Equal Employment Opportunity Commission</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Department of Health Care Services</a>
World Wide Web Consortium Publication	<a href="#">Web Content Accessibility Guidelines, September 2023</a>

**Cross References****Description**

0100	<a href="#">Philosophy</a>
0415	<a href="#">Equity</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>

**Cross References****Description**

1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.2	<a href="#">Complaints Concerning Instructional Materials</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>
1312.4	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(1)	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(2)	<a href="#">Williams Uniform Complaint Procedures</a>
1325	<a href="#">Advertising And Promotion</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3270	<a href="#">Sale And Disposal Of Books, Equipment And Supplies</a>
3270	<a href="#">Sale And Disposal Of Books, Equipment And Supplies</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3600	<a href="#">Consultants</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4032	<a href="#">Reasonable Accommodation</a>
4033	<a href="#">Lactation Accommodation</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>
4111	<a href="#">Recruitment And Selection</a>
4111.2	<a href="#">Legal Status Requirement</a>
4111.2	<a href="#">Legal Status Requirement</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>

**Cross References****Description**

4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.22	<a href="#">Dress And Grooming</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4144	<a href="#">Complaints</a>
4144	<a href="#">Complaints</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4211	<a href="#">Recruitment And Selection</a>
4211.2	<a href="#">Legal Status Requirement</a>
4211.2	<a href="#">Legal Status Requirement</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</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>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.21	<a href="#">Professional Standards</a>
4219.22	<a href="#">Dress And Grooming</a>
4244	<a href="#">Complaints</a>
4244	<a href="#">Complaints</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4311	<a href="#">Recruitment And Selection</a>
4311.2	<a href="#">Legal Status Requirement</a>
4311.2	<a href="#">Legal Status Requirement</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</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>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>

**Cross References****Description**

4319.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4319.22	<a href="#">Dress And Grooming</a>
4331	<a href="#">Staff Development</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5145.12	<a href="#">Search And Seizure</a>
5145.13	<a href="#">Response To Immigration Enforcement</a>
5145.13	<a href="#">Response To Immigration Enforcement</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
6000	<a href="#">Concepts And Roles</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6141	<a href="#">Curriculum Development And Evaluation</a>
6141.2	<a href="#">Recognition Of Religious Beliefs And Customs</a>
6141.2	<a href="#">Recognition Of Religious Beliefs And Customs</a>
6143	<a href="#">Courses Of Study</a>
6144	<a href="#">Controversial Issues</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>

**Cross References**

6161.1

6161.11

6163.2

6163.2

6164.2

6200

7111

9320

9322

**Description**[Selection And Evaluation Of Instructional Materials](#)[Supplementary Instructional Materials](#)[Animals At School](#)[Animals At School](#)[Guidance/Counseling Services](#)[Adult Education](#)[Evaluating Existing Buildings](#)[Meetings And Notices](#)[Agenda/Meeting Materials](#)

**Policy 1312.3: Uniform Complaint Procedures**

Status: DRAFT

Original Adopted Date: 03/05/2020 | Last Revised Date: 12/07/2023 | Last Reviewed Date: 12/07/2023

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

**Complaints Subject to UCP**

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

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
4. Discrimination, harassment, intimidation, or bullying in Eden Area ROP programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the Eden Area ROP, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

5. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
6. Student fees (Education Code 49010-49013)
7. Reasonable accommodations to a lactating student (Education Code 222)
8. Regional occupational centers and programs (Education Code 52300-52334.7)
9. School safety plans (Education Code 32280-32289)
10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
11. Any other state or federal educational program the SPI or designee deems appropriate

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

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

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

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

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

### Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the Eden Area ROP exercises substantial control over the context and respondent, was subjected to sexual conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.302

Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures.(34 CFR 106.2, 106.10, 106.11, 106.44)

4. Any Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the Eden Area ROP in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.

Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), or failure or refusal to implement or a due process hearing order to which the Eden Area ROP is subject, or a physical safety concern that interferes with the Eden Area ROP's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)



6. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

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

**State References**

**Description**

2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	<a href="#">School libraries</a>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 35186	<a href="#">Williams uniform complaint procedures</a>
Ed. Code 46015	<a href="#">Parental leave for students</a>
Ed. Code 48645.7	<a href="#">Juvenile court schools</a>
Ed. Code 48853-48853.5	<a href="#">Foster youth</a>
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 49010-49013	<a href="#">Student fees</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49069.5	<a href="#">Records of foster youth</a>
Ed. Code 49490-49590	<a href="#">Child nutrition programs</a>
Ed. Code 49701	<a href="#">Provisions of the Interstate Compact on Educational Opportunities for Military Children</a>
Ed. Code 51204.5	<a href="#">Social sciences instruction; contributions of specified groups</a>
Ed. Code 51210	<a href="#">Course of study for grades 1-6</a>
Ed. Code 51222	<a href="#">Physical education</a>
Ed. Code 51223	<a href="#">Physical education; elementary schools</a>
Ed. Code 51225.1-51225.2	<a href="#">Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements</a>
Ed. Code 51226-51226.1	<a href="#">Career technical education</a>
Ed. Code 51228.1-51228.3	<a href="#">Course periods without educational content</a>
Ed. Code 51501	<a href="#">Nondiscriminatory subject matter</a>
Ed. Code 52059.5	<a href="#">Statewide system of support</a>
Ed. Code 52059.5-52077	<a href="#">Local control and accountability plan</a>

**State References**

Ed. Code 52075  
 Ed. Code 52300-52462  
 Ed. Code 52500-52617  
 Ed. Code 54400-54425  
 Ed. Code 54440-54445  
 Ed. Code 54460-54529  
 Ed. Code 59000-59300  
 Ed. Code 60010  
 Ed. Code 60040-60052  
 Ed. Code 64000-64001  
 Ed. Code 65000-65001  
 Ed. Code 8200-8488  
 Ed. Code 8500-8538  
 Gov. Code 11135  
 Gov. Code 12900-12996  
 H&S Code 1596.792  
 H&S Code 1596.7925  
 Pen. Code 422.55  
 Pen. Code 422.6

**Federal References**

20 USC 1221  
 20 USC 1232g  
 20 USC 1681-1688  
 20 USC 6301-6576  
 20 USC 6801-7014  
 28 CFR 35.107  
 29 USC 794  
 34 CFR 100.3  
 34 CFR 104.7  
 34 CFR 106.1-106.82  
 34 CFR 106.30  
 34 CFR 106.44  
 34 CFR 106.45  
 34 CFR 106.8  
 34 CFR 110.25  
 34 CFR 99.1-99.67

**Description**

[Complaint for lack of compliance with local control and accountability plan requirements](#)  
[Career technical education](#)  
[Adult schools](#)  
[Compensatory education programs](#)  
[Migrant education](#)  
[Compensatory education programs](#)  
[Special schools and centers](#)  
[Instructional materials; definition](#)  
[Requirements for instructional materials](#)  
[Consolidated application process; school plan for student achievement](#)  
[School site councils](#)  
[Child care and development programs](#)  
[Adult basic education](#)  
[Prohibition of discrimination](#)  
[Fair Employment and Housing Act](#)  
[California Child Day Care Act; general provisions and definitions](#)  
[California Child Day Care Act; health and safety regulations](#)  
[Definition of hate crime](#)  
[Crimes; harassment](#)

**Description**

Application of laws  
 Family Educational Rights and Privacy Act (FERPA) of 1974  
 Title IX of the Education Amendments of 1972; discrimination based on sex  
 Title I Improving the Academic Achievement of the Disadvantaged  
 Title III language instruction for limited English proficient and immigrant students  
 Nondiscrimination on basis of disability; complaints  
 Rehabilitation Act of 1973; Section 504  
 Prohibition of discrimination on basis of race, color or national origin  
 Section 504; Designation of responsible employee and adoption of grievances procedures  
 Nondiscrimination on the basis of sex in education programs  
 Discrimination on the basis of sex in education programs and activities; definitions  
 Recipient's response to sexual harassment  
 Grievance process for formal complaints of sexual harassment  
 Designation of coordinator; dissemination of policy, and adoption of grievance procedures  
 Notification of nondiscrimination on the basis of age  
 Family Educational Rights and Privacy

**Federal References**

42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

**Description****Management Resources References**

California Department of Education Publication	Uniform Complaint Procedure 2021-22 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
California Department of Justice Publication	<a href="#">Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024</a>
CSBA Publication	<a href="#">Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024</a>
CSBA Publication	<a href="#">Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024</a>
CSBA Publication	<a href="#">Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Student Privacy Policy Office</a>
Website	<a href="#">U.S. Department of Agriculture</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">U.S. Department of Justice</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Civil Rights Department</a>

**Description****Cross References**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>

**Description**

**Cross References****Description**

1220	<a href="#">Citizen Advisory Committees</a>
1220-E PDF(1)	<a href="#">Citizen Advisory Committees</a>
1250	<a href="#">Visitors/Outsiders</a>
1250	<a href="#">Visitors/Outsiders</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.2	<a href="#">Complaints Concerning Instructional Materials</a>
1312.4	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(1)	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(2)	<a href="#">Williams Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</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>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.1	<a href="#">Civil And Legal Rights</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>
4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.1	<a href="#">Civil And Legal Rights</a>

**Cross References****Description**

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>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4244	<a href="#">Complaints</a>
4244	<a href="#">Complaints</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4319.1	<a href="#">Civil And Legal Rights</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>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4331	<a href="#">Staff Development</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.62	<a href="#">Tobacco</a>
5137	<a href="#">Positive School Climate</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4-E PDF(1)	<a href="#">Child Abuse Prevention And Reporting</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>

**Cross References****Description**

5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</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>
6164.2	<a href="#">Guidance/Counseling Services</a>
6178.1	<a href="#">Work-Based Learning</a>
6178.1	<a href="#">Work-Based Learning</a>
6200	<a href="#">Adult Education</a>
9000	<a href="#">Role Of The Board</a>
9011	<a href="#">Disclosure Of Confidential/Privileged Information</a>
9012	<a href="#">Board Member Electronic Communications</a>
9124	<a href="#">Attorney</a>
9200	<a href="#">Limits Of Board Member Authority</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>
9322	<a href="#">Agenda/Meeting Materials</a>

**Regulation 1312.3: Uniform Complaint Procedures**

Status: DRAFT

Original Adopted Date: 06/07/2012 | Last Revised Date: 12/07/2023 | Last Reviewed Date: 12/07/2023

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

**Compliance Officers**

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

PrincipalDirector of Educational Services \_\_\_\_\_  
(title or position)

Educational Services Department \_\_\_\_\_  
(unit or office)

26316 Hesperian Blvd. Hayward, CA 94545  
(address)

(510) 293-2903 \_\_\_\_\_  
(telephone number)

mmichaud@edenrop.org \_\_\_\_\_  
(email)

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

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

**Notifications**

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

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

The notice shall include:

1. A statement that the Eden Area ROP is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the Eden Area ROP's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the Eden Area ROP will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the Eden Area ROP, students who are migratory, and students participating in a newcomer program as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the Eden Area ROP's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the Eden Area ROP's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the Eden Area ROP's decision, within 30 calendar days of receiving the Eden Area ROP's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the Eden Area ROP's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the Eden Area ROP website: published in handbooks, catalogs, announcements, bulletins, and application forms.

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

If 15 percent or more of students enrolled speak a single primary language other than English, the Eden Area ROP's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code



234.1 and 48985. In all other instances, the Eden Area ROP shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

### Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints, **except for those that allege sex discrimination, including sex-based harassment**, shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, Eden Area ROP staff shall assist in the filing of the complaint. (5 CCR 4600; 34 CFR 106.2)

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

1. A complaint alleging Eden Area ROP violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance.

A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the Superintendent or designee.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. (5 CCR 4630)

The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the Eden Area ROP's ability to investigate the conduct or take other necessary action.

When honoring a request for confidentiality, the Eden Area ROP shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### Mediation

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

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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

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

### **Investigation of Complaint**

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

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

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

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

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

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

### **Timeline for Investigation Report**

~~Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the Eden Area ROP's receipt of the complaint.~~

~~Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.~~

~~The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.~~

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

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

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

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

### Investigation Report

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

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

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

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

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

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

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

### Corrective Actions

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

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

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

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

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

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

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

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

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

For complaints alleging noncompliance with the law regarding student fees, the Eden Area ROP, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

### Appeals to the California Department of Education

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

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

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

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

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

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

---

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

#### State References

2 CCR 11023  
5 CCR 15580-15584  
5 CCR 3200-3205  
5 CCR 4600-4670  
5 CCR 4680-4687

#### Description

Harassment and discrimination prevention and correction  
Child nutrition programs complaint procedures  
Special education compliance complaints  
Uniform complaint procedures  
Williams uniform complaint procedures

## State References

5 CCR 4690-4694

5 CCR 4900-4965

Ed. Code 18100-18203

Ed. Code 200-270

Ed. Code 32280-32289.5

Ed. Code 35186

Ed. Code 46015

Ed. Code 48645.7

Ed. Code 48853-48853.5

Ed. Code 48900.5

Ed. Code 48985

Ed. Code 49010-49013

Ed. Code 49060-49079

Ed. Code 49069.5

Ed. Code 49490-49590

Ed. Code 49701

Ed. Code 51204.5

Ed. Code 51210

Ed. Code 51222

Ed. Code 51223

Ed. Code 51225.1-51225.2

Ed. Code 51226-51226.1

Ed. Code 51228.1-51228.3

Ed. Code 51501

Ed. Code 52059.5

Ed. Code 52059.5-52077

Ed. Code 52075

Ed. Code 52300-52462

Ed. Code 52500-52617

Ed. Code 54400-54425

Ed. Code 54440-54445

Ed. Code 54460-54529

Ed. Code 59000-59300

Ed. Code 60010

Ed. Code 60040-60052

Ed. Code 64000-64001

Ed. Code 65000-65001

## Description

Complaints regarding health and safety issues in license-exempt preschool programs

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

[School libraries](#)

[Prohibition of discrimination](#)

[School safety plans](#)

[Williams uniform complaint procedures](#)

[Parental leave for students](#)

[Juvenile court schools](#)

[Foster youth](#)

Suspension; other means of correction

[Notices to parents in language other than English](#)

[Student fees](#)

[Student records](#)

[Records of foster youth](#)

[Child nutrition programs](#)

[Provisions of the Interstate Compact on Educational Opportunities for Military Children](#)

[Social sciences instruction; contributions of specified groups](#)

[Course of study for grades 1-6](#)

[Physical education](#)

[Physical education; elementary schools](#)

[Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements](#)

[Career technical education](#)

[Course periods without educational content](#)

[Nondiscriminatory subject matter](#)

[Statewide system of support](#)

[Local control and accountability plan](#)

[Complaint for lack of compliance with local control and accountability plan requirements](#)

[Career technical education](#)

[Adult schools](#)

[Compensatory education programs](#)

[Migrant education](#)

[Compensatory education programs](#)

[Special schools and centers](#)

[Instructional materials; definition](#)

[Requirements for instructional materials](#)

[Consolidated application process; school plan for student achievement](#)

[School site councils](#)

**State References**

Ed. Code 8200-8488  
 Ed. Code 8500-8538  
 Gov. Code 11135  
 Gov. Code 12900-12996  
 H&S Code 1596.792  
 H&S Code 1596.7925  
 Pen. Code 422.55  
 Pen. Code 422.6

**Description**

[Child care and development programs](#)  
[Adult basic education](#)  
[Prohibition of discrimination](#)  
[Fair Employment and Housing Act](#)  
[California Child Day Care Act; general provisions and definitions](#)  
[California Child Day Care Act; health and safety regulations](#)  
[Definition of hate crime](#)  
[Crimes; harassment](#)

**Federal References**

20 USC 1221  
 20 USC 1232g  
 20 USC 1681-1688  
 20 USC 6301-6576  
 20 USC 6801-7014  
 28 CFR 35.107  
 29 USC 794  
 34 CFR 100.3  
 34 CFR 104.7  
 34 CFR 106.1-106.82  
 34 CFR 106.30  
 34 CFR 106.44  
 34 CFR 106.45  
 34 CFR 106.8  
 34 CFR 110.25  
 34 CFR 99.1-99.67  
 42 USC 11431-11435  
 42 USC 12101-12213  
 42 USC 2000d-2000d-7  
 42 USC 2000h-2-2000h-6  
 42 USC 6101-6107

**Description**

Application of laws  
 Family Educational Rights and Privacy Act (FERPA) of 1974  
 Title IX of the Education Amendments of 1972; discrimination based on sex  
 Title I Improving the Academic Achievement of the Disadvantaged  
 Title III language instruction for limited English proficient and immigrant students  
 Nondiscrimination on basis of disability; complaints  
 Rehabilitation Act of 1973; Section 504  
 Prohibition of discrimination on basis of race, color or national origin  
 Section 504; Designation of responsible employee and adoption of grievances procedures  
 Nondiscrimination on the basis of sex in education programs  
 Discrimination on the basis of sex in education programs and activities; definitions  
 Recipient's response to sexual harassment  
 Grievance process for formal complaints of sexual harassment  
 Designation of coordinator; dissemination of policy, and adoption of grievance procedures  
 Notification of nondiscrimination on the basis of age  
 Family Educational Rights and Privacy  
 McKinney-Vento Homeless Assistance Act  
 Americans with Disabilities Act  
 Title VI, Civil Rights Act of 1964  
 Title IX of the Civil Rights Act of 1964  
 Age Discrimination Act of 1975

**Management Resources References**

California Department of Education Publication  
 California Department of Education Publication  
 California Department of Justice Publication  
 CSBA Publication

**Description**

Uniform Complaint Procedure 2021-22 Program Instrument  
 Sample UCP Board Policies and Procedures  
[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)  
[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)

**Management Resources References**

	<b>Description</b>
CSBA Publication	<a href="#">Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024</a>
CSBA Publication	<a href="#">Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Student Privacy Policy Office</a>
Website	<a href="#">U.S. Department of Agriculture</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">U.S. Department of Justice</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Civil Rights Department</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>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220-E PDF(1)	<a href="#">Citizen Advisory Committees</a>
1250	<a href="#">Visitors/Outsiders</a>
1250	<a href="#">Visitors/Outsiders</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.2	<a href="#">Complaints Concerning Instructional Materials</a>
1312.4	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(1)	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(2)	<a href="#">Williams Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
1340	<a href="#">Access To District Records</a>



**Cross References****Description**

1340	<a href="#">Access To District Records</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</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>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.1	<a href="#">Civil And Legal Rights</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>
4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.1	<a href="#">Civil And Legal Rights</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>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4244	<a href="#">Complaints</a>
4244	<a href="#">Complaints</a>
4312.9	<a href="#">Employee Notifications</a>

**Cross References****Description**

4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4319.1	<a href="#">Civil And Legal Rights</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>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4331	<a href="#">Staff Development</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.62	<a href="#">Tobacco</a>
5137	<a href="#">Positive School Climate</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4-E PDF(1)	<a href="#">Child Abuse Prevention And Reporting</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>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>

**Cross References****Description**

6145	<a href="#">Extracurricular And Cocurricular Activities</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>
6164.2	<a href="#">Guidance/Counseling Services</a>
6178.1	<a href="#">Work-Based Learning</a>
6178.1	<a href="#">Work-Based Learning</a>
6200	<a href="#">Adult Education</a>
9000	<a href="#">Role Of The Board</a>
9011	<a href="#">Disclosure Of Confidential/Privileged Information</a>
9012	<a href="#">Board Member Electronic Communications</a>
9124	<a href="#">Attorney</a>
9200	<a href="#">Limits Of Board Member Authority</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>
9322	<a href="#">Agenda/Meeting Materials</a>

**Policy 4030: Nondiscrimination In Employment**

Status: DRAFT

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

The Governing Board is determined to provide a safe, positive environment where all Eden Area Regional Occupational Program (Eden Area ROP) employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the Eden Area ROP to provide services, as applicable.

No Eden Area ROP employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status, pregnancy; physical or mental disability; medical condition; genetic information; veteran or military status; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking decision-making, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The Eden Area ROP shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the Eden Area ROP such inquiry is required to do so in order necessary to comply with federal immigration law. (2 CCR 11028)

Unless otherwise provided for in law, the Eden Area ROP may not discriminate against an employee, including an applicant for employment, in any term or condition of employment, or otherwise penalize a person, including termination, based on the person's use of cannabis off the job and away from the workplace, or on a drug screening which finds that the person has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. However, the Eden Area ROP retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions, such as termination or the denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is offensive and so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. ~~Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status~~ Sex discrimination as specified in Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment
  - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the Eden Area ROP's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
  - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such

disability or condition, without the showing of a job-related need or business necessity

d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health ~~decisionmaking~~ decision-making

The Board also prohibits retaliation against any Eden Area ROP employee who opposes any discriminatory employment practice by the Eden Area ROP or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the Eden Area ROP's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign release of the employee's claim or right to file a claim against the Eden Area ROP or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated Eden Area ROP Superintendent or designee as soon as practical after the incident within one workday. All other employees are encouraged to shall report such incidents to their supervisor immediately or designated district coordinator within one workday.

The Superintendent or designee shall use all appropriate means to reinforce the Eden Area ROP's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the Eden Area ROP's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the Eden Area ROP's employment practices and, as necessary, shall take action to ensure Eden Area ROP compliance with the nondiscrimination laws.

Any Eden Area ROP employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The Eden Area ROP shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the Eden Area ROP is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

---

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

#### State References

2 CCR 11006-11086

2 CCR 11023

#### Description

Discrimination in employment

Harassment and discrimination prevention and correction

## State References

2 CCR 11024  
2 CCR 11027-11028  
5 CCR 4900-4965  
CA Constitution Article 1, Section 1  
Civ. Code 51.7  
Ed. Code 200-270  
Gov. Code 11135  
Gov. Code 12900-12996  
Gov. Code 12940-12954  
Gov. Code 12960-12976  
Lab. Code 1030-1034  
Lab. Code 1197.5  
Lab. Code 79-107  
Pen. Code 422.56

## Federal References

20 USC 1681-1688  
28 CFR 35.101-35.190  
29 CFR 1636  
29 USC 218d  
29 USC 621-634  
29 USC 794  
34 CFR 100.6  
34 CFR 104.7  
34 CFR 104.8  
34 CFR 106.1-106.82  
34 CFR 110.1-110.39  
42 USC 12101-12213  
42 USC 2000d-2000d-7  
42 USC 2000e-2000e-17  
42 USC 2000ff-2000ff-11  
42 USC 2000gg-2000gg-6  
42 USC 2000h-2-2000h-6  
42 USC 6101-6107  
Executive Order 11246  
U.S. Constitution, First Amendment

## Description

Required training and education on harassment based on sex, gender identity and expression, and sexual orientation  
National origin and ancestry discrimination  
Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance  
[Inalienable rights](#)  
[Freedom from violence or intimidation](#)  
[Prohibition of discrimination](#)  
[Prohibition of discrimination](#)  
[Fair Employment and Housing Act](#)  
Unlawful employment practices  
[Unlawful employment practices; complaints](#)  
Lactation accommodation  
Wages, hours and working conditions  
Division of Labor Standards Enforcement  
[Definitions; hate crimes](#)

## Description

Title IX of the Education Amendments of 1972; discrimination based on sex  
Americans with Disabilities Act  
Implementation of the Pregnant Workers Fairness Act  
Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act  
Age Discrimination in Employment Act  
Rehabilitation Act of 1973; Section 504  
Title VI; Compliance information  
Section 504; Designation of responsible employee and adoption of grievances procedures  
Notice of Nondiscrimination on the Basis of Handicap  
Discrimination on the basis of sex; effectuating Title IX  
Nondiscrimination on the basis of age  
Americans with Disabilities Act  
Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended  
Genetic Information Nondiscrimination Act of 2008  
Pregnant Workers Fairness Act  
Title IX of the Civil Rights Act of 1964  
Age discrimination in federally assisted programs  
[Equal Employment Opportunity](#)  
[Free exercise, free speech, and establishment clauses](#)

**Management Resources References**

CA Civil Rights Department Publication

**Description**

[Sexual Harassment, January 2023](#)

CA Civil Rights Department Publication

[Family Care and Medical Leave and Pregnancy Disability Leave, January 2023](#)

CA Civil Rights Department Publication

[California Law Prohibits Workplace Discrimination and Harassment, January 2024](#)

CA Civil Rights Department Publication

[The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022](#)

CA Civil Rights Department Publication

[Harassment Prevention Guide for California Employers, 2017](#)

CA Civil Rights Department Publication

[Your Rights and Obligations as a Pregnant Employee, January 2023](#)

Court Decision

Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742

Court Decision

Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775

Court Decision

Groff v. DeJoy (2023) 600 U.S. 447

Court Decision

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Court Decision

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

Court Decision

Thomson v. North American Stainless LP (2011) 62 U.S. 170

Federal Register

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)

U.S. Department of Education Publication

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

U.S. Equal Employment Opportunity Comm Publication

[Know Your Rights: Workplace Discrimination is Illegal, June 2023](#)

U.S. Equal Employment Opportunity Comm Publication

[Enforcement Guidance on Harassment in the Workplace, April 2024](#)

U.S. Equal Employment Opportunity Comm Publication

[EEOC Compliance Manual](#)

Website

[U.S. Department of Labor, Office of Federal Contract Compliance Program](#)

Website

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

Website

[California Department of Industrial Relations](#)

Website

[California Civil Rights Department](#)

Website

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

Website

[Equal Employment Opportunity Commission](#)

**Cross References**

**Description**

0410

[Nondiscrimination In District Programs And Activities](#)

1113

[District And School Websites](#)

1113

[District And School Websites](#)

1113-E(1)

[District And School Websites](#)

1114

[District-Sponsored Social Media](#)

1114

[District-Sponsored Social Media](#)

1240

[Volunteer Assistance](#)

1240

[Volunteer Assistance](#)

1312.1

[Complaints Concerning District Employees](#)

1312.1

[Complaints Concerning District Employees](#)

**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>
1313	<a href="#">Civility</a>
3312	<a href="#">Contracts</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
3600	<a href="#">Consultants</a>
4000	<a href="#">Concepts And Roles</a>
4032	<a href="#">Reasonable Accommodation</a>
4033	<a href="#">Lactation Accommodation</a>
4111	<a href="#">Recruitment And Selection</a>
4111.2	<a href="#">Legal Status Requirement</a>
4111.2	<a href="#">Legal Status Requirement</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>
4112.6	<a href="#">Personnel Files</a>
4112.8	<a href="#">Employment Of Relatives</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.1	<a href="#">Civil And Legal Rights</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>
4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.22	<a href="#">Dress And Grooming</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4119.41	<a href="#">Employees With Infectious Disease</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4144	<a href="#">Complaints</a>
4144	<a href="#">Complaints</a>



**Cross References****Description**

4151	<a href="#">Employee Compensation</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4161.5	<a href="#">Military Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4211	<a href="#">Recruitment And Selection</a>
4211.2	<a href="#">Legal Status Requirement</a>
4211.2	<a href="#">Legal Status Requirement</a>
4212.4	<a href="#">Health Examinations</a>
4212.6	<a href="#">Personnel Files</a>
4212.8	<a href="#">Employment Of Relatives</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.1	<a href="#">Civil And Legal Rights</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>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.22	<a href="#">Dress And Grooming</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4219.41	<a href="#">Employees With Infectious Disease</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4244	<a href="#">Complaints</a>
4244	<a href="#">Complaints</a>
4251	<a href="#">Employee Compensation</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4311	<a href="#">Recruitment And Selection</a>
4311.2	<a href="#">Legal Status Requirement</a>
4311.2	<a href="#">Legal Status Requirement</a>
4312.4	<a href="#">Health Examinations</a>
4312.6	<a href="#">Personnel Files</a>

**Cross References****Description**

4312.8	<a href="#">Employment Of Relatives</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4319.1	<a href="#">Civil And Legal Rights</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>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.22	<a href="#">Dress And Grooming</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4319.41	<a href="#">Employees With Infectious Disease</a>
4331	<a href="#">Staff Development</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</a>
4351	<a href="#">Employee Compensation</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4361.5	<a href="#">Military Leave</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
9000	<a href="#">Role Of The Board</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>

**Regulation 4030: Nondiscrimination In Employment**

Status: DRAFT

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

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or person contracted to provide services to the Eden Area Regional Occupational Program (Eden Area ROP) shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

{cf. 0410 – Nondiscrimination in District Programs and Activities}

{cf. 1240 – Volunteer Assistance}

{cf. 3312 – Contracts}

{cf. 3600 – Consultants}

{cf. 4032 – Reasonable Accommodation}

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

Human Resources Administrator

26316 Hesperian Blvd

Hayward, CA 94545

(510) 293-2916

mhenderson@edenrop.org

**Measures to Prevent Discrimination**

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

1. Display in a prominent and accessible location at every work site where the Eden Area ROP has employees and post electronically on computers in a conspicuous location, the California Department of Fair Employment and Housing (DFEH) posters in regard to workplace discrimination and harassment, including sex-based harassment, and the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

{cf. 4119.11/4219.11/4319.11 – Sexual Harassment}

2. Publicize the Eden Area ROP's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.98)
  - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - b. Posting them in staff lounges and other prominent locations
  - c. Posting them on the Eden Area ROP's website

{cf. 1113 – District and School Web Sites}

{cf. 1114 – District-Sponsored Social Media}

{cf. 4111/4211/4311 – Recruitment and Selection}

3. Disseminate the Eden Area ROP's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
  - a. Providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
  - b. Sending the policy via email with an acknowledgment return form
  - c. Posting the policy on the Eden Area ROP intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - d. Discussing the policy with employees upon hire and/or during a new hire orientation session
  - e. Any other way that ensures employees receive and understand the policy

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

4. Post in a prominent location on the Eden Area ROP's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
  - a. The Eden Area ROP does not discriminate on the basis of sex in any education program or activity that it operates
  - b. Inquiries about the application of Title IX may be referred to the Eden Area ROP's Title IX Coordinator and/or the U.S. Department of Education Office for Civil Rights
  - c. The name or title, office and email address, and telephone number of the Eden Area ROP's Title IX Coordinator
  - d. How to locate the Eden Area ROP's nondiscrimination policy and the Eden Area ROP's grievance procedures for Title IX complaints
  - e. How to report conduct that may constitute sex discrimination under Title IX
  - f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the Eden Area ROP may include only the statement that the Eden Area ROP prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the Eden Area ROP's website.

The Eden Area ROP shall not distribute a publication stating that the Eden Area ROP treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

5. Provide to employees a handbook which contains information that clearly describes the Eden Area ROP's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
6. Provide training to employees, volunteers, and interns regarding the Eden Area ROP's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made, as well as any additional training as specified in 34 CFR 106.8 related to the prohibition of Title IX sex discrimination

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

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

7. Periodically review the Eden Area ROP's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure Eden Area ROP compliance with law and Board Policy 4111 – Recruitment and Selection
8. For any Eden Area ROP facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

## Complaint Procedure

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

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

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

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

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

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

{cf. 0410 – Nondiscrimination in District Programs and Activities}

{cf. 4030 – Nondiscrimination in Employment}

{cf. 4032 – Reasonable Accommodation}

{cf. 4119.11/4219.11/4319.11 – Sexual Harassment}

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

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

{cf. 3580 – District Records}

{cf. 4112.6/4212.6/4312.6 – Personnel Files}

{cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information}

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

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

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or

leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The coordinator shall ensure that such interim measures do not constitute retaliation.

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

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

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

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

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 9321 – Closed Session Purposes and Agendas)

## Other Remedies

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

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either CRD or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960) For filing a complaint with CRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. To file a valid For filing complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid For filing complaint with EEOC after first filing a complaint with CRD DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD DFEH, whichever is earlier (42 USC 2000e-5)

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2)

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

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

**State References**

2 CCR 11006-11086  
 2 CCR 11023  
 2 CCR 11024  
 2 CCR 11027-11028  
 5 CCR 4900-4965  
 CA Constitution Article 1, Section 1  
 Civ. Code 51.7  
 Ed. Code 200-270  
 Gov. Code 11135  
 Gov. Code 12900-12996  
 Gov. Code 12940-12954  
 Gov. Code 12960-12976  
 Lab. Code 1030-1034  
 Lab. Code 1197.5  
 Lab. Code 79-107  
 Pen. Code 422.56

**Federal References**

20 USC 1681-1688  
 28 CFR 35.101-35.190  
 29 CFR 1636  
 29 USC 218d  
 29 USC 621-634  
 29 USC 794  
 34 CFR 100.6  
 34 CFR 104.7  
 34 CFR 104.8  
 34 CFR 106.1-106.82  
 34 CFR 110.1-110.39  
 42 USC 12101-12213  
 42 USC 2000d-2000d-7  
 42 USC 2000e-2000e-17  
 42 USC 2000ff-2000ff-11  
 42 USC 2000gg-2000gg-6  
 42 USC 2000h-2-2000h-6  
 42 USC 6101-6107  
 Executive Order 11246  
 U.S. Constitution, First Amendment

**Description**

Discrimination in employment  
 Harassment and discrimination prevention and correction  
 Required training and education on harassment based on sex, gender identity and expression, and sexual orientation  
 National origin and ancestry discrimination  
 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance  
[Inalienable rights](#)  
[Freedom from violence or intimidation](#)  
[Prohibition of discrimination](#)  
[Prohibition of discrimination](#)  
[Fair Employment and Housing Act](#)  
 Unlawful employment practices  
[Unlawful employment practices; complaints](#)  
 Lactation accommodation  
 Wages, hours and working conditions  
 Division of Labor Standards Enforcement  
[Definitions; hate crimes](#)

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Americans with Disabilities Act  
 Implementation of the Pregnant Workers Fairness Act  
 Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act  
 Age Discrimination in Employment Act  
 Rehabilitation Act of 1973; Section 504  
 Title VI; Compliance information  
 Section 504; Designation of responsible employee and adoption of grievances procedures  
 Notice of Nondiscrimination on the Basis of Handicap  
 Discrimination on the basis of sex; effectuating Title IX  
 Nondiscrimination on the basis of age  
 Americans with Disabilities Act  
 Title VI, Civil Rights Act of 1964  
 Title VII, Civil Rights Act of 1964, as amended  
 Genetic Information Nondiscrimination Act of 2008  
 Pregnant Workers Fairness Act  
 Title IX of the Civil Rights Act of 1964  
 Age discrimination in federally assisted programs  
[Equal Employment Opportunity](#)  
[Free exercise, free speech, and establishment clauses](#)

**Management Resources References**

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Federal Register

U.S. Department of Education Publication

U.S. Equal Employment Opportunity Comm  
PublicationU.S. Equal Employment Opportunity Comm  
PublicationU.S. Equal Employment Opportunity Comm  
Publication

Website

Website

Website

Website

Website

Website

**Cross References**

0410

1113

1113

1113-E(1)

1114

1114

1240

1240

1312.1

1312.1

**Description**[Sexual Harassment, January 2023](#)[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](#)[Harassment Prevention Guide for California Employers, 2017](#)[Your Rights and Obligations as a Pregnant Employee, January 2023](#)

Burlington Industries, Inc v. Ellerth (1998) 524 U.S. 742

Faragher-Ellerth v. City of Boca Raton (1998) 524 U.S. 775

Groff v. DeJoy (2023) 600 U.S. 447

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Shepard v. Loyola Marymount (2002) 102 Cal.App. 4th 837

Thomson v. North American Stainless LP (2011) 62 U.S. 170

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)[Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023](#)[Know Your Rights: Workplace Discrimination is Illegal, June 2023](#)[Enforcement Guidance on Harassment in the Workplace, April 2024](#)[EEOC Compliance Manual](#)[U.S. Department of Labor, Office of Federal Contract Compliance Program](#)[CSBA District and County Office of Education Legal Services](#)[California Department of Industrial Relations](#)[California Civil Rights Department](#)[U.S. Department of Education, Office for Civil Rights](#)[Equal Employment Opportunity Commission](#)**Description**[Nondiscrimination In District Programs And Activities](#)[District And School Websites](#)[District And School Websites](#)[District And School Websites](#)[District-Sponsored Social Media](#)[District-Sponsored Social Media](#)[Volunteer Assistance](#)[Volunteer Assistance](#)[Complaints Concerning District Employees](#)[Complaints Concerning District Employees](#)



**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>
1313	<a href="#">Civility</a>
3312	<a href="#">Contracts</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
3600	<a href="#">Consultants</a>
4000	<a href="#">Concepts And Roles</a>
4032	<a href="#">Reasonable Accommodation</a>
4033	<a href="#">Lactation Accommodation</a>
4111	<a href="#">Recruitment And Selection</a>
4111.2	<a href="#">Legal Status Requirement</a>
4111.2	<a href="#">Legal Status Requirement</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>
4112.6	<a href="#">Personnel Files</a>
4112.8	<a href="#">Employment Of Relatives</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.1	<a href="#">Civil And Legal Rights</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>
4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.22	<a href="#">Dress And Grooming</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4119.41	<a href="#">Employees With Infectious Disease</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4144	<a href="#">Complaints</a>
4144	<a href="#">Complaints</a>

**Cross References****Description**

4151	<a href="#">Employee Compensation</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4161.5	<a href="#">Military Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4211	<a href="#">Recruitment And Selection</a>
4211.2	<a href="#">Legal Status Requirement</a>
4211.2	<a href="#">Legal Status Requirement</a>
4212.4	<a href="#">Health Examinations</a>
4212.6	<a href="#">Personnel Files</a>
4212.8	<a href="#">Employment Of Relatives</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.1	<a href="#">Civil And Legal Rights</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>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.22	<a href="#">Dress And Grooming</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4219.41	<a href="#">Employees With Infectious Disease</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4244	<a href="#">Complaints</a>
4244	<a href="#">Complaints</a>
4251	<a href="#">Employee Compensation</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4311	<a href="#">Recruitment And Selection</a>
4311.2	<a href="#">Legal Status Requirement</a>
4311.2	<a href="#">Legal Status Requirement</a>
4312.4	<a href="#">Health Examinations</a>
4312.6	<a href="#">Personnel Files</a>

**Cross References****Description**

4312.8	<a href="#">Employment Of Relatives</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4319.1	<a href="#">Civil And Legal Rights</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>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.22	<a href="#">Dress And Grooming</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4319.41	<a href="#">Employees With Infectious Disease</a>
4331	<a href="#">Staff Development</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</a>
4351	<a href="#">Employee Compensation</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4361.5	<a href="#">Military Leave</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
9000	<a href="#">Role Of The Board</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>

**Policy 4033: Lactation Accommodation**

Status: DRAFT

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

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

(cf. 4030 – Nondiscrimination in Employment)

As an employee shall notify the employee's supervisor or other appropriate personnel/Eden Area ROP administrator in advance of the intent to request an accommodation. The supervisor or appropriate Eden Area ROP administrator shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor or appropriate Eden Area ROP administrator shall address scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Lactation accommodations shall be granted unless circumstances exist as specified by law. (Labor Code 1031, 1032; 29 USC 207218d, 42 USC 2000gg-1)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

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

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

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

**Break Time and Location Requirements**

The Eden Area ROP shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030; 42 USC 2000gg-1; 34 CFR 106.57)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207218d)

The employee shall be provided a lactation space which may be used by the use of employee for expressing breast milk or breastfeeding as needed. The lactation space shall be a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided and shall meet the following requirements: (Labor Code 1031; 29 USC 207218d; 34 CFR 106.57)

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

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

**Dispute Resolution**

Any Complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

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

(cf. 4144/4244/4344 - Complaints)

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

<b>State References</b>	<b>Description</b>
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
29 USC 218c	Fair Labor Standards Act; protections for employees
Civ. Code 43.3	<a href="#">Right of mothers to breastfeed in any public or private location</a>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Gov. Code 12925-12954	Unlawful discriminatory employment practices
Gov. Code 12945	<a href="#">Unlawful discrimination based on pregnancy, childbirth, or related medical conditions</a>

**State References**

Lab. Code 1030-1034  
 Lab. Code 6382

**Federal References**

20 USC 1681-1688  
 29 CFR 1636  
 29 USC 218d  
 34 CFR 106.1-106.82  
 42 USC 2000gg-2000gg-6

**Management Resources References**

CA Department of Industrial Relations Publication  
 California Civil Rights Department Decision  
 California Department of Public Health Publication  
 Federal Register  
 Federal Register  
 Office of the Surgeon General Publication  
 U.S. DoL, Wage and Hour Div., Publication  
 U.S. DoL, Wage and Hour Div., Publication  
 U.S. DoL, Wage and Hour Div., Publication  
 U.S. HHS Office on Women's Health Publication  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website

**Cross References**

0410  
 4030  
 4030  
 4032  
 4112.9  
 4112.9  
 4112.9-E(1)  
 4113.4  
 4119.11  
 4119.11  
 4119.11-E PDF(1)  
 4119.12  
 4119.12-E PDF(1)  
 4144  
 4144  
 4161.8  
 4212.9  
 4212.9  
 4212.9-E(1)  
 4213.4  
 4219.11  
 4219.11  
 4219.11-E PDF(1)  
 4219.12

**Description**

[Lactation Accommodation](#)  
[Procedure for listing hazardous substances](#)

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Implementation of the Pregnant Workers Fairness Act  
 Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act  
 Discrimination on the basis of sex; effectuating Title IX  
 Pregnant Workers Fairness Act

**Description**

[Rest Periods/Lactation Accommodation, Frequently Asked Questions](#)  
 Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009  
[Lactation Accommodation for Employers](#)  
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)  
[Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 78, No. 244, pages 80073-80079](#)  
[The Surgeon General's Call to Action to Support Breastfeeding, 2011](#)  
[Education FAQs](#)  
[Frequently Asked Questions - Pumping Breast Milk at Work](#)  
[Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work, rev. January 2023](#)  
[The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008](#)  
[CSBA District and County Office of Education Legal Services](#)  
[Equal Employment Opportunity Commission](#)  
[California Department of Industrial Relations, Division of Labor and Standards Enforcement](#)  
[California Department of Public Health](#)  
[California Women, Infants and Children Program](#)  
[Centers for Disease Control and Prevention](#)  
[Health Resources and Services Administration](#)  
[Office of the Surgeon General](#)  
[U.S. Department of Labor, Wage and Hour Division, FLSA Protections to Pump at Work](#)

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Nondiscrimination In Employment](#)  
[Nondiscrimination In Employment](#)  
[Reasonable Accommodation](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Temporary Modified/Light-Duty Assignment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Complaints](#)  
[Complaints](#)  
[Family Care And Medical Leave](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Temporary Modified/Light-Duty Assignment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

**Cross References**

4219.12-E PDF(1)  
4244  
4244  
4261.8  
4312.9  
4312.9  
4312.9-E(1)  
4313.4  
4319.11  
4319.11  
4319.11-E PDF(1)  
4319.12  
4319.12-E PDF(1)  
4344  
4344  
4361.8

**Description**

[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Complaints](#)  
[Complaints](#)  
[Family Care And Medical Leave](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Temporary Modified/Light-Duty Assignment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Complaints](#)  
[Complaints](#)  
[Family Care And Medical Leave](#)

**NOTE: The Board Policies titled "Sex Discrimination and Sex-Based Harassment" are triple coded, indicating that the language is identical across all three board policies being presented for review.**

**Policy 4119.11: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

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

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

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sexual sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against Eden Area ROP employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

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

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the Eden Area ROP's sexual sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply
3. Publicizing, in accordance with 34 CFR 106.8 and as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees, applicants for employment  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
4. Ensuring prompt, thorough, and fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

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

#### Sexual Harassment Reports and Complaints

Eden Area ROP's employee who feels that they have been sexually harassed in the performance of their Any Eden Area ROP responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, an Eden Area ROP administrator, or the Eden Area ROP's who has experienced sex discrimination or sex-based harassment in the Eden Area ROP's education program or activity may file a complaint with the Eden Area ROP's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.(34 CFR 106.2, 106.44)

Any employee with knowledge of conduct that reasonably may constitute sex discrimination or sex-based



harassment by or against another Eden Area ROP employee, a student, or a third party in a Eden Area ROP education program or activity shall notify the Title IX Coordinator within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 CFR 106.44)

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

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

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the Eden Area ROP has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.44)

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

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

#### State References

2 CCR 11006-11086

#### Description

Discrimination in employment

2 CCR 11009

Employment discrimination

2 CCR 11021

Discrimination in employment - retaliation

2 CCR 11023

Harassment and discrimination prevention and correction

2 CCR 11024

Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

2 CCR 11034

Terms, conditions, and privileges of employment

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 220.1

Prohibition of retaliation related to educational equity

Ed. Code 220.3

Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression

Ed. Code 220.5

Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression

Gov. Code 12900-12996

[Fair Employment and Housing Act](#)

Gov. Code 12940

[Unlawful discriminatory employment practices](#)

Gov. Code 12950

[Sexual harassment](#)

Gov. Code 12950.1

[Sexual harassment training](#)

Lab. Code 1101

[Political activities of employees](#)

Lab. Code 1102.1

Discrimination: sexual orientation

Lab. Code 1197.5

Wages, hours, and working conditions

**Federal References**

20 USC 1681-1688  
 29 CFR 1636  
 34 CFR 106.1-106.82  
 42 USC 2000e-2000e-17  
 42 USC 2000gg-2000gg-6

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Implementation of the Pregnant Workers Fairness Act  
 Nondiscrimination on the basis of sex in education programs  
 Title VII, Civil Rights Act of 1964, as amended  
 Pregnant Workers Fairness Act

**Management Resources References**

Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Federal Register  
 U.S. Equal Employment Opportunity Com.  
 Publication  
 Website  
 Website  
 Website  
 Website  
 Website

**Description**

Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257  
 Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026  
 Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275  
 Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989  
 Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57  
 Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998  
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)  
 Promising Practices for Preventing Harassment, November 2017  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education](#)  
[California Civil Rights Department](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[Equal Employment Opportunity Commission](#)

**Cross References**

0410  
 0450  
 0450  
 1312.3  
 1312.3  
 1312.3-E PDF(1)  
 1313  
 3530  
 3530  
 3600  
 4030  
 4030  
 4033  
 4040  
 4040-E(1)  
 4040-E(2)

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Civility](#)  
[Risk Management/Insurance](#)  
[Risk Management/Insurance](#)  
[Consultants](#)  
[Nondiscrimination In Employment](#)  
[Nondiscrimination In Employment](#)  
[Lactation Accommodation](#)  
[Employee Use Of Technology](#)  
[Employee Use Of Technology](#)  
[Employee Use Of Technology](#)

**Cross References****Description**

4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</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>
4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.22	<a href="#">Dress And Grooming</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4144	<a href="#">Complaints</a>
4144	<a href="#">Complaints</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.21	<a href="#">Professional Standards</a>
4219.22	<a href="#">Dress And Grooming</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4244	<a href="#">Complaints</a>
4244	<a href="#">Complaints</a>
4300	<a href="#">Administrative And Supervisory Personnel</a>
4300	<a href="#">Administrative And Supervisory Personnel</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4317.7	<a href="#">Employment Status Reports</a>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>

**Cross References**

4319.22

4344

4344

5145.3

5145.3

5145.7

5145.7

5145.71

5145.71-E(1)

**Description**[Dress And Grooming](#)[Complaints](#)[Complaints](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

**Policy 4219.11: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

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

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

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sexual sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against Eden Area ROP employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

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

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the Eden Area ROP's sexual sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply
3. Publicizing, in accordance with 34 CFR 106.8 and as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees, applicants for employment  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
4. Ensuring prompt, thorough, and fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

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

### Sexual Harassment Reports and Complaints

Eden Area ROP's employee who feels that they have been sexually harassed in the performance of their Any Eden Area ROP responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, an Eden Area ROP administrator, or the Eden Area ROP's who has experienced sex discrimination or sex-based harassment in the Eden Area ROP's education program or activity may file a complaint with the Eden Area ROP's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.(34 CFR 106.2, 106.44)

Any employee with knowledge of conduct that reasonably may constitute sex discrimination or sex-based

harassment by or against another Eden Area ROP employee, a student, or a third party in a Eden Area ROP education program or activity shall notify the Title IX Coordinator within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 CFR 106.44)

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

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

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the Eden Area ROP has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.44)

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

---

**Policy 4319.11: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

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

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

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sexual sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against Eden Area ROP employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

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

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the Eden Area ROP's sexual sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply
3. Publicizing, in accordance with 34 CFR 106.8 and as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees, applicants for employment  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
4. Ensuring prompt, thorough, and fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

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

### Sexual Harassment Reports and Complaints

Eden Area ROP's employee who feels that they have been sexually harassed in the performance of their Any Eden Area ROP responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, an Eden Area ROP administrator, or the Eden Area ROP's who has experienced sex discrimination or sex-based harassment in the Eden Area ROP's education program or activity may file a complaint with the Eden Area ROP's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.(34 CFR 106.2, 106.44)

Any employee with knowledge of conduct that reasonably may constitute sex discrimination or sex-based

harassment by or against another Eden Area ROP employee, a student, or a third party in a Eden Area ROP education program or activity shall notify the Title IX Coordinator within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 CFR 106.44)

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

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

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the Eden Area ROP has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.44)

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

---



**NOTE: The Administrative Regulations titled "Sex Discrimination and Sex-Based Harassment" are triple coded, indicating that the language is identical across all three regulations being presented for review.**

**Regulation 4119.11: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

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

The Eden Area ROP does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in Eden Area ROP education programs and activities.

The following administrative regulation shall apply to all allegations of sexual sex discrimination and sex-based harassment involving by and against Eden Area ROP employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

**Definitions**

*Sex discrimination* includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

*Sex discrimination*, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

*Sex-based harassment* is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. **Quid pro quo harassment:** An Eden Area ROP employee, agent, or other individual authorized by the Eden Area ROP to provide an aid, benefit, or service in the Eden Area ROP's education program or activity conditioning the provision of Eden Area ROP aid, benefit, or service on a student's participation in unwelcome sexual conduct
2. **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Eden Area ROP's education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of Eden Area ROP policy if it has a continuing effect on a student's ability to participate in or benefit from Eden Area ROP educational programs or activities.

3. **Sexual assault, dating violence, domestic violence, or stalking,** as defined in 34 CFR 106.2

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

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual

regarding benefits, services, honors, programs, or activities available at or through the Eden Area Regional Occupational Program (Eden Area ROP).

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

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

### Examples of Sexual Sex Discrimination and Sex-Based Harassment

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

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

### Title IX Coordinator/Compliance Officer

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

Human Resources Administrator  
Principal

26316 Hesperian Blvd., Hayward, CA 94545

(510) 293-2916 (510) 293-2904

mhenderson@edenrop.org mmichaud@edenrop.org

### Training

The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based harassment in accordance with state and federal law.

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

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

(cf. 4300 – Administrative and Supervisory Personnel)

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

The Eden Area ROP's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
  2. The types of conduct that constitute sexual harassment
  3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
  4. Strategies to prevent harassment in the workplace
  5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
  6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
  7. The limited confidentiality of the complaint process
  8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
  9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the Eden Area ROP's obligation to conduct an effective workplace investigation of a harassment complaint
  10. What to do if the supervisor is personally accused of harassment
  11. The essential elements of the Eden Area ROP's anti-harassment policy, and how to use the policy if a harassment complaint is filed
- Employees shall receive a copy of the Eden Area ROP's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
  13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

The Eden Area ROP's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

1. The Eden Area ROP's obligation to address sex-based discrimination, including sex-based harassment, in its

education program or activity

2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
3. The notification and information requirements specified in 34 CFR 106.40 and 106.44

The Eden Area ROP's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

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

#### Notifications

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

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

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

#### Notifications

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in Eden Area ROP programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.

In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 – Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:

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

1. Be displayed in a prominent location in the main administrative building, Eden Area ROP office, or other area of the school where notices of Eden Area ROP rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every Eden Area ROP employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any Eden Area ROP publication that sets forth the Eden Area ROP's comprehensive rules, regulations, procedures, and standards of
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the Eden Area ROP's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) Civil Rights Department (CRD) or the Eden Area ROP that contains, at a minimum,

components on: (Government Code 12950)

1. ~~1.~~ The illegality of ~~sexual~~ sex-based harassment
2. ~~2.~~ The definition of ~~sexual~~ sex-based harassment under applicable state and federal law
3. ~~3.~~ A description of ~~sexual~~ sex-based harassment, with examples
4. ~~4.~~ The Eden Area ROP's complaint process available to the employee
5. ~~5.~~ The legal remedies and complaint process available through ~~DFEH~~ CRD and the Equal Employment Opportunity Commission (EEOC)
6. ~~6.~~ Directions on how to contact ~~DFEH~~ CRD and the EEOC
7. ~~7.~~ The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

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

## Complaint Procedures

All complaints and allegations of ~~sexual~~ sex discrimination and sex-based harassment by and against employees shall be investigated and resolved ~~in accordance with law and Eden Area ROP procedures.~~ The Title IX Coordinator shall ~~review the allegations to determine the applicable procedure for responding to the complaint.~~ All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures. ~~Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 – Nondiscrimination in Employment as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

If ~~sexual~~ sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the ~~sexual~~ sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.

---

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

### State References

2 CCR 11006-11086

### Description

Discrimination in employment

2 CCR 11009

Employment discrimination

2 CCR 11021

Discrimination in employment - retaliation

2 CCR 11023

Harassment and discrimination prevention and correction

2 CCR 11024

Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

2 CCR 11034

Terms, conditions, and privileges of employment

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 220.1

Prohibition of retaliation related to educational equity

Ed. Code 220.3

Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression

**State References**

Ed. Code 220.5  
 Gov. Code 12900-12996  
 Gov. Code 12940  
 Gov. Code 12950  
 Gov. Code 12950.1  
 Lab. Code 1101  
 Lab. Code 1102.1  
 Lab. Code 1197.5

**Federal References**

20 USC 1681-1688  
 29 CFR 1636  
 34 CFR 106.1-106.82  
 42 USC 2000e-2000e-17  
 42 USC 2000gg-2000gg-6

**Management Resources References**

Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Federal Register  
 U.S. Equal Employment Opportunity Com. Publication  
 Website  
 Website  
 Website  
 Website  
 Website

**Cross References**

0410  
 0450  
 0450  
 1312.3  
 1312.3  
 1312.3-E PDF(1)

**Description**

Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression  
[Fair Employment and Housing Act](#)  
[Unlawful discriminatory employment practices](#)  
[Sexual harassment](#)  
[Sexual harassment training](#)  
[Political activities of employees](#)  
 Discrimination: sexual orientation  
 Wages, hours, and working conditions

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Implementation of the Pregnant Workers Fairness Act  
 Nondiscrimination on the basis of sex in education programs  
 Title VII, Civil Rights Act of 1964, as amended  
 Pregnant Workers Fairness Act

**Description**

Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257  
 Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026  
 Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275  
 Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989  
 Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57  
 Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998  
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)  
 Promising Practices for Preventing Harassment, November 2017  
[CSBA District and County Office of Education Legal Services](#)  
[California Department of Education](#)  
[California Civil Rights Department](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[Equal Employment Opportunity Commission](#)

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)

**Cross References****Description**

1313	<a href="#">Civility</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3600	<a href="#">Consultants</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4033	<a href="#">Lactation Accommodation</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(1)	<a href="#">Employee Notifications</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>
4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.22	<a href="#">Dress And Grooming</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4144	<a href="#">Complaints</a>
4144	<a href="#">Complaints</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.21	<a href="#">Professional Standards</a>
4219.22	<a href="#">Dress And Grooming</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4244	<a href="#">Complaints</a>
4244	<a href="#">Complaints</a>
4300	<a href="#">Administrative And Supervisory Personnel</a>
4300	<a href="#">Administrative And Supervisory Personnel</a>



**Cross References****Description**

4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4317.7	<a href="#">Employment Status Reports</a>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4319.22	<a href="#">Dress And Grooming</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</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>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>

**Regulation 4219.11: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

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

The Eden Area ROP does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in Eden Area ROP education programs and activities.

The following administrative regulation shall apply to all allegations of sexual sex discrimination and sex-based harassment involving by and against Eden Area ROP employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

**Definitions**

*Sex discrimination* includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

*Sex discrimination*, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

*Sex-based harassment* is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. **Quid pro quo harassment:** An Eden Area ROP employee, agent, or other individual authorized by the Eden Area ROP to provide an aid, benefit, or service in the Eden Area ROP's education program or activity conditioning the provision of Eden Area ROP aid, benefit, or service on a student's participation in unwelcome sexual conduct
2. **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Eden Area ROP's education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of Eden Area ROP policy if it has a continuing effect on a student's ability to participate in or benefit from Eden Area ROP educational programs or activities.

3. **Sexual assault, dating violence, domestic violence, or stalking,** as defined in 34 CFR 106.2

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

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual

regarding benefits, services, honors, programs, or activities available at or through the Eden Area Regional Occupational Program (Eden Area ROP).

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

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

### Examples of SexualSex Discrimination and Sex-Based Harassment

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

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

### Title IX Coordinator/Compliance Officer

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

Human Resources Administrator  
Principal

26316 Hesperian Blvd., Hayward, CA 94545

(510) 293-2916(510) 293-2904

mhenderson@edenrop.orgmmichaud@edenrop.org

### Training

The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based harassment in accordance with state and federal law.

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

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

(cf. 4300 – Administrative and Supervisory Personnel)

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

The Eden Area ROP's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
  2. The types of conduct that constitute sexual harassment
  3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
  4. Strategies to prevent harassment in the workplace
  5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
  6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
  7. The limited confidentiality of the complaint process
  8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
  9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the Eden Area ROP's obligation to conduct an effective workplace investigation of a harassment complaint
  10. What to do if the supervisor is personally accused of harassment
  11. The essential elements of the Eden Area ROP's anti-harassment policy, and how to use the policy if a harassment complaint is filed
- Employees shall receive a copy of the Eden Area ROP's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
  13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

The Eden Area ROP's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

1. The Eden Area ROP's obligation to address sex-based discrimination, including sex-based harassment, in its

education program or activity

2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
3. The notification and information requirements specified in 34 CFR 106.40 and 106.44

The Eden Area ROP's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

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

#### Notifications

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

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

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

#### Notifications

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in Eden Area ROP programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.

In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 – Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:

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

1. Be displayed in a prominent location in the main administrative building, Eden Area ROP office, or other area of the school where notices of Eden Area ROP rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every Eden Area ROP employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any Eden Area ROP publication that sets forth the Eden Area ROP's comprehensive rules, regulations, procedures, and standards of
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the Eden Area ROP's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) Civil Rights Department (CRD) or the Eden Area ROP that contains, at a minimum,

components on: (Government Code 12950)

1. ~~1.~~ The illegality of ~~sexual~~ sex-based harassment
2. ~~2.~~ The definition of ~~sexual~~ sex-based harassment under applicable state and federal law
3. ~~3.~~ A description of ~~sexual~~ sex-based harassment, with examples
4. ~~4.~~ The Eden Area ROP's complaint process available to the employee
5. ~~5.~~ The legal remedies and complaint process available through ~~DFEH~~ CRD and the Equal Employment Opportunity Commission (EEOC)
6. ~~6.~~ Directions on how to contact ~~DFEH~~ CRD and the EEOC
7. ~~7.~~ The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

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

### Complaint Procedures

All complaints and allegations of ~~sexual~~ sex discrimination and sex-based harassment by and against employees shall be investigated and resolved ~~in accordance with law and Eden Area ROP procedures.~~ The Title IX Coordinator shall ~~review the allegations to determine the applicable procedure for responding to the complaint.~~ All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 – Nondiscrimination in Employment, as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

If ~~sexual~~ sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the ~~sexual~~ sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.

---

**Regulation 4319.11: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

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

The Eden Area ROP does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in Eden Area ROP education programs and activities.

The following administrative regulation shall apply to all allegations of sexual sex discrimination and sex-based harassment involving by and against Eden Area ROP employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

**Definitions**

*Sex discrimination* includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

*Sex discrimination*, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

*Sex-based harassment* is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. **Quid pro quo harassment:** An Eden Area ROP employee, agent, or other individual authorized by the Eden Area ROP to provide an aid, benefit, or service in the Eden Area ROP's education program or activity conditioning the provision of Eden Area ROP aid, benefit, or service on a student's participation in unwelcome sexual conduct
2. **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Eden Area ROP's education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of Eden Area ROP policy if it has a continuing effect on a student's ability to participate in or benefit from Eden Area ROP educational programs or activities.

3. **Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2**

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

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual

regarding benefits, services, honors, programs, or activities available at or through the Eden Area Regional Occupational Program (Eden Area ROP).

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

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

### Examples of SexualSex Discrimination and Sex-Based Harassment

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

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

### Title IX Coordinator/Compliance Officer

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

Human Resources Administrator  
Principal

26316 Hesperian Blvd., Hayward, CA 94545

(510) 293-2916(510) 293-2904

mhenderson@edenrop.orgmmichaud@edenrop.org

### Training

The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based harassment in accordance with state and federal law.

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



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

(cf. 4300 – Administrative and Supervisory Personnel)

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

The Eden Area ROP's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
  2. The types of conduct that constitute sexual harassment
  3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
  4. Strategies to prevent harassment in the workplace
  5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
  6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
  7. The limited confidentiality of the complaint process
  8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
  9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the Eden Area ROP's obligation to conduct an effective workplace investigation of a harassment complaint
  10. What to do if the supervisor is personally accused of harassment
  11. The essential elements of the Eden Area ROP's anti-harassment policy, and how to use the policy if a harassment complaint is filed
- Employees shall receive a copy of the Eden Area ROP's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
  13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Superintendent or designee shall ensure that all employees receive annual training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

The Eden Area ROP's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)

1. The Eden Area ROP's obligation to address sex-based discrimination, including sex-based harassment, in its

education program or activity

2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
3. The notification and information requirements specified in 34 CFR 106.40 and 106.44

The Eden Area ROP's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

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

#### Notifications

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

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

Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified in 34 CFR 106.8, and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

#### Notifications

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in Eden Area ROP programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.

In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 – Nondiscrimination in Employment, the Superintendent or designee shall ensure that a copy of the Board policy and this administrative regulation:

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

1. Be displayed in a prominent location in the main administrative building, Eden Area ROP office, or other area of the school where notices of Eden Area ROP rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every Eden Area ROP employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any Eden Area ROP publication that sets forth the Eden Area ROP's comprehensive rules, regulations, procedures, and standards of
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the Eden Area ROP's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) Civil Rights Department (CRD) or the Eden Area ROP that contains, at a minimum,

components on: (Government Code 12950)

1. ~~1.~~ The illegality of ~~sexual~~ sex-based harassment
2. ~~2.~~ The definition of ~~sexual~~ sex-based harassment under applicable state and federal law
3. ~~3.~~ A description of ~~sexual~~ sex-based harassment, with examples
4. ~~4.~~ The Eden Area ROP's complaint process available to the employee
5. ~~5.~~ The legal remedies and complaint process available through ~~DFEH~~ CRD and the Equal Employment Opportunity Commission (EEOC)
6. ~~6.~~ Directions on how to contact ~~DFEH~~ CRD and the EEOC
7. ~~7.~~ The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

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

### Complaint Procedures

All complaints and allegations of ~~sexual~~ sex discrimination and sex-based harassment by and against employees shall be investigated and resolved ~~in accordance with law and Eden Area ROP procedures.~~ The Title IX Coordinator shall ~~review the allegations to determine the applicable procedure for responding to the complaint.~~ All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 – Nondiscrimination in Employment, as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

If ~~sexual~~ sex discrimination or sex-based harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the ~~sexual~~ sex discrimination or sex-based harassment, prevent recurrence, and address any continuing effects.

---

**NOTE: The Administrative Regulation titled "Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures" are triple coded, indicating that the language is identical across all three Administrative Regulation being presented for review.**

**Regulation 4119.12: Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 03/03/2022

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that an Eden Area Regional Occupational Program (Eden Area ROP) employee, while in an education program or activity in which an Eden Area ROP school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44), was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the Eden Area ROP, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the Eden Area ROP should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

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

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

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

**Reporting Allegations/Filing a Formal Complaint**

Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.

**Basic Requirements**

When implementing Title IX grievance procedures, the Eden Area ROP shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably
2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent  
The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.
3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any
5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay

Additionally, the Eden Area ROP shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the Eden Area ROP has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the Eden Area ROP's education program or activity; as required by

federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

### **Filing a Complaint**

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the Eden Area ROP to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the Eden Area ROP's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

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

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint
2. The victim's reasonable safety concerns regarding initiation of a complaint
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the Eden Area ROP
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the Eden Area ROP could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

~~Upon receiving such a report, if, after considering these factors, the Title IX Coordinator shall inform determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant of the right to file a formal complaint and the process for filing a formal complaint. A formal complaint, with the complainant's physical or digital signature, may be filed with or another person, or that the conduct as alleged prevents the Eden Area ROP from ensuring equal access to a Eden Area ROP program or activity on the basis of sex, the Title IX Coordinator in-person, may initiate a complaint. by mail, by email, or by any other method authorized by the Eden~~

## Area ROP. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the Eden Area ROP's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator, The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decision-maker, other person who is responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.458. (34 CFR 106.44.45)

## Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider monitor the complainant's wishes with respect to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45) supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the Eden Area ROP's educational environment or to deter sexual harassment.

## Supportive Measures

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the Eden Area ROP determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the Eden Area ROP's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The Eden Area ROP shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines; and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules, mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; and; monitoring of certain areas of the campus. (34 CFR 106.30, 106.44) The Eden Area ROP shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the Eden Area ROP's ability to provide the supportive measures. (34 CFR 106.30); and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

Unless there is an allegation of sex-based harassment or retaliation, the Eden Area ROP may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the Eden Area ROP may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The Eden Area ROP shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the Eden Area ROP's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances

materially change. (34 CFR 106.44)

The Eden Area ROP shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the Eden Area ROP's education program or activity. (34 CFR 106.44)

### Emergency Removal

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

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

### Dismissal of Complaint

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

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

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 – Nondiscrimination in Employment as applicable.

### Informal Resolution Process

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

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

### Dismissal of Complaint

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The Eden Area ROP is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the Eden Area ROP's education program or activity and is not employed by the Eden Area ROP
3. The Eden Area ROP determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.



4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 15 days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the Eden Area ROP shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
2. Implement appeal procedures equally for the parties
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the Eden Area ROP determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the Eden Area ROP determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.

### **Informal Resolution Process**

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the Eden Area ROP may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a

complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the Eden Area ROP shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The Eden Area ROP shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The Eden Area ROP may decline to offer an informal resolution process including, but not limited to, when the Eden Area ROP determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The Eden Area ROP may facilitate an informal resolution process provided that the Eden Area ROP, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; and any consequences resulting; the inability to initiate or resume complaint procedures arising from participating in the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that records the agreement would only be binding on the parties; and the information that the Eden Area ROP will be maintained or maintain and whether and how the Eden Area ROP could be shared. disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
2. Obtains the parties' voluntary, written consent to the informal resolution process

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the Eden Area ROP facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP' education program or activity. (34 CFR 106.45)

### Written Notice of Allegations

If the Eden Area ROP initiates a formal complaint is filed Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The Eden Area ROP's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known Sufficient information, available at the time, including to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s) if known, the conduct allegedly constituting sexual sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident if known.

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

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

3. A statement that retaliation is prohibited
4. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified
5. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an

attorney, and the ability to inspect and review evidence

6. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

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

### Consolidation of Complaints

The Eden Area ROP may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

### Investigation Procedures

The Eden Area ROP shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

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

1. Provide an equal opportunity for the parties to present fact witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:

- a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence

If an accurate description is provided, the Eden Area ROP shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.

- b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence or advisors; or otherwise preparing for or participating in the grievance procedures
- c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
4. Not Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of either party to discuss the allegations under investigation or to gather the parties to obtain and present relevant evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
6. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the Eden Area ROP may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
7. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
8. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as

part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

9. Objectively evaluate all evidence that is relevant evidence and not otherwise impermissible, including both inculpatory and exculpatory evidence, and determine including that credibility in a manner that is determinations will not be based on a person's status as a complainant, respondent, or witness
10. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
11. Exclude as impermissible the following types of evidence, and questions seeking that evidence:
  - a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Eden Area ROP obtains that party's or witness's voluntary, written consent for use in its grievance procedures

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

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The Eden Area ROP shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

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

The investigator shall complete the investigation within 30 days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

### Written Decision

The Superintendent shall designate an employee as the decision-maker decisionmaker to determine responsibility for the alleged conduct, who shall not may be the Title IX Coordinator or a person involved in designee or the investigation investigator so long as there is no conflict of the matter interest or bias. (34 CFR 106.45)

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

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

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Eden Area ROP shall: (34 CFR 106.45)

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including

sex-based harassment, has occurred

2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The written decision shall be issued within 45 days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

### Appeal of the Decision

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

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

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

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

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

### Appeals

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

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

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

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

Either party may appeal the Eden Area ROP's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the Eden Area ROP shall follow the appeal process as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.

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

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

### Remedies Extension of Timelines

Any timelines specified in this administrative regulation may be extended by the Eden Area ROP for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

### Remedies

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

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the Eden Area ROP identifies as having had equal access to the Eden Area ROP's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

### Disciplinary Actions

The Eden Area ROP shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

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

The Eden Area ROP shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Eden Area ROP's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

### Record-Keeping

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

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.

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

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

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the Eden Area ROP's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
3. All materials used to train Eden Area ROP employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

The Eden Area ROP shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

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

#### State References

5 CCR 4600-4670

#### Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Civ. Code 51.9

[Liability for sexual harassment; business, service and professional relationships](#)

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 48900

[Grounds for suspension or expulsion](#)

Ed. Code 48900.2

[Additional grounds for suspension or expulsion; sexual harassment](#)

Ed. Code 48985

[Notices to parents in language other than English](#)

**State References**

Gov. Code 12950.1

**Federal References**

20 USC 1092  
 20 USC 1221  
 20 USC 1681-1688  
 34 CFR 106.1-106.82  
 34 CFR 99.1-99.67  
 34 USC 12291  
 42 USC 1983  
 42 USC 2000d-2000d-7  
 42 USC 2000e-2000e-17  
 U.S. DOJ, FBI Publication

**Management Resources References**

Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Federal Register  
 Website  
 Website  
 Website  
 Website  
 Website

**Cross References**

0410  
 1312.3  
 1312.3  
 1312.3-E PDF(1)  
 1313  
 3580  
 3580  
 3600  
 4030  
 4030

**Description**

[Sexual harassment training](#)

**Description**

Definition of sexual assault  
 Application of laws  
 Title IX of the Education Amendments of 1972; discrimination based on sex  
 Nondiscrimination on the basis of sex in education programs  
 Family Educational Rights and Privacy  
 Definition of dating violence, domestic violence, and stalking  
 Civil action for deprivation of rights  
 Title VI, Civil Rights Act of 1964  
 Title VII, Civil Rights Act of 1964, as amended  
[National Incident-Based Reporting System](#)

**Description**

Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736  
 Davis v. Monroe County Board of Education (1999) 526 U.S. 629  
 Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274  
 Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473  
 Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447  
 Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567  
 Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130  
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)  
[U.S. Department of Justice, Federal Bureau of Investigation](#)  
[CSBA District and County Office of Education Legal Services](#)  
[CSBA](#)  
[California Department of Education](#)  
[U.S. Department of Education, Office for Civil Rights](#)

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Civility](#)  
[District Records](#)  
[District Records](#)  
[Consultants](#)  
[Nondiscrimination In Employment](#)  
[Nondiscrimination In Employment](#)



**Cross References**

4033  
4117.7  
4118  
4118  
4119.11  
4119.11  
4119.11-E PDF(1)  
4131  
4131  
4218  
4218  
4219.11  
4219.11  
4219.11-E PDF(1)  
4317.7  
4319.11  
4319.11  
4319.11-E PDF(1)  
5145.7  
5145.7

**Description**

[Lactation Accommodation](#)  
[Employment Status Reports](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Staff Development](#)  
[Staff Development](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Employment Status Reports](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)

**Regulation 4219.12: Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 03/03/2022

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that an Eden Area Regional Occupational Program (Eden Area ROP) employee, while in an education program or activity in which an Eden Area ROP school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44), was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the Eden Area ROP, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the Eden Area ROP should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

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

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

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

**Reporting Allegations/Filing a Formal Complaint**

Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.

**Basic Requirements**

When implementing Title IX grievance procedures, the Eden Area ROP shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably
2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent  
The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.
3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any
5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay

Additionally, the Eden Area ROP shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the Eden Area ROP has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the Eden Area ROP's education program or activity; as required by

federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

### Filing a Complaint

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the Eden Area ROP to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the Eden Area ROP's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

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

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint
2. The victim's reasonable safety concerns regarding initiation of a complaint
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the Eden Area ROP
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the Eden Area ROP could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

Upon receiving such a report, if, after considering these factors, the Title IX Coordinator shall inform determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant of the right to file a formal complaint and the process for filing a formal complaint. A formal complaint, with the complainant's physical or digital signature, may be filed with another person, or that the conduct as alleged prevents the Eden Area ROP from ensuring equal access to a Eden Area ROP program or activity on the basis of sex, the Title IX Coordinator in person, may initiate a complaint. by mail, by email, or by any other method authorized by the Eden

## Area ROP. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the Eden Area ROP's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator, The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decision-maker, other person who is responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.458. (34 CFR 106.44.45)

## Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider monitor the complainant's wishes with respect to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45) supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the Eden Area ROP's educational environment or to deter sexual harassment.

## Supportive Measures

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the Eden Area ROP determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the Eden Area ROP's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The Eden Area ROP shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines; and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules, mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44) The Eden Area ROP shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the Eden Area ROP's ability to provide the supportive measures. (34 CFR 106.30); and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

Unless there is an allegation of sex-based harassment or retaliation, the Eden Area ROP may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the Eden Area ROP may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The Eden Area ROP shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the Eden Area ROP's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances

materially change. (34 CFR 106.44)

The Eden Area ROP shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the Eden Area ROP's education program or activity. (34 CFR 106.44)

### Emergency Removal

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

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

### Dismissal of Complaint

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

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

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 – Nondiscrimination in Employment as applicable.

### Informal Resolution Process

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

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

### Dismissal of Complaint

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The Eden Area ROP is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the Eden Area ROP's education program or activity and is not employed by the Eden Area ROP
3. The Eden Area ROP determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 15 days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the Eden Area ROP shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
2. Implement appeal procedures equally for the parties
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the Eden Area ROP determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the Eden Area ROP determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.

### **Informal Resolution Process**

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the Eden Area ROP may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a

complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the Eden Area ROP shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The Eden Area ROP shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The Eden Area ROP may decline to offer an informal resolution process including, but not limited to, when the Eden Area ROP determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The Eden Area ROP may facilitate an informal resolution process provided that the Eden Area ROP, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; and any consequences resulting; the inability to initiate or resume complaint procedures arising from participating in the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that records the agreement would only be binding on the parties; and the information that the Eden Area ROP will be maintained or maintain and whether and how the Eden Area ROP could be shared. disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
2. Obtains the parties' voluntary, written consent to the informal resolution process

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the Eden Area ROP facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP' education program or activity. (34 CFR 106.45)

### Written Notice of Allegations

If the Eden Area ROP initiates a formal complaint is filed Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The Eden Area ROP's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known Sufficient information, available at the time, including to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s) if known, the conduct allegedly constituting sexual sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident if known.

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

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

3. A statement that retaliation is prohibited
4. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified
5. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an

attorney, and the ability to inspect and review evidence

6. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

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

### Consolidation of Complaints

The Eden Area ROP may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

### Investigation Procedures

The Eden Area ROP shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

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

1. Provide an equal opportunity for the parties to present fact witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:
  - a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence  

If an accurate description is provided, the Eden Area ROP shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.
  - b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence or advisors; or otherwise preparing for or participating in the grievance procedures
  - c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
4. Not Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of either party to discuss the allegations under investigation or to gather the parties to obtain and present relevant evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
6. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the Eden Area ROP may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
7. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
8. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as



part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

9. Objectively evaluate all evidence that is relevant evidence and not otherwise impermissible, including both inculpatory and exculpatory evidence, and determine including that credibility in a manner that is determinations will not be based on a person's status as a complainant, respondent, or witness
10. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
11. Exclude as impermissible the following types of evidence, and questions seeking that evidence:
  - a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Eden Area ROP obtains that party's or witness's voluntary, written consent for use in its grievance procedures

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

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The Eden Area ROP shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

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

The investigator shall complete the investigation within 30 days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

### Written Decision

The Superintendent shall designate an employee as the decision-maker decisionmaker to determine responsibility for the alleged conduct, who shall not may be the Title IX Coordinator or a person involved in designee or the investigation investigator so long as there is no conflict of the matter interest or bias. (34 CFR 106.45)

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

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

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Eden Area ROP shall: (34 CFR 106.45)

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including

sex-based harassment, has occurred

2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The written decision shall be issued within 45 days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

### Appeal of the Decision

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

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

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

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

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

### Appeals

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

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

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

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

Either party may appeal the Eden Area ROP's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the Eden Area ROP shall follow the appeal process as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.

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

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

### Remedies Extension of Timelines

Any timelines specified in this administrative regulation may be extended by the Eden Area ROP for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

### Remedies

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

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the Eden Area ROP identifies as having had equal access to the Eden Area ROP's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

### Disciplinary Actions

The Eden Area ROP shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

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

The Eden Area ROP shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Eden Area ROP's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

### Record-Keeping

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

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.

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

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

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the Eden Area ROP's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
3. All materials used to train Eden Area ROP employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

The Eden Area ROP shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

**Regulation 4319.12: Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 03/03/2022

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that an Eden Area Regional Occupational Program (Eden Area ROP) employee, while in an education program or activity in which an Eden Area ROP school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44), was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the Eden Area ROP, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the Eden Area ROP should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

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

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

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

**Reporting Allegations/Filing a Formal Complaint**

Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment.

**Basic Requirements**

When implementing Title IX grievance procedures, the Eden Area ROP shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably
2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent  
The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.
3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any
5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay

Additionally, the Eden Area ROP shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the Eden Area ROP has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the Eden Area ROP's education program or activity; as required by

federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

### Filing a Complaint

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the Eden Area ROP to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the Eden Area ROP's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR 106.45)

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

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint
2. The victim's reasonable safety concerns regarding initiation of a complaint
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the Eden Area ROP
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the Eden Area ROP could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

Upon receiving such a report, if, after considering these factors, the Title IX Coordinator shall inform determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant of the right to file a formal complaint and the process for filing a formal complaint. A formal complaint, with the complainant's physical or digital signature, may be filed with another person, or that the conduct as alleged prevents the Eden Area ROP from ensuring equal access to a Eden Area ROP program or activity on the basis of sex, the Title IX Coordinator in person, may initiate a complaint. by mail, by email, or by any other method authorized by the Eden

## Area ROP. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the Eden Area ROP's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator, The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decision-maker, other person who is responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.458. (34 CFR 106.44.45)

## Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider monitor the complainant's wishes with respect to reporting and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45) supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the Eden Area ROP's educational environment or to deter sexual harassment.

## Supportive Measures

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the Eden Area ROP determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the Eden Area ROP's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The Eden Area ROP shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines; and other course- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class or work schedules, mutual restrictions on contact; changes in class or work locations; leaves of absence; increased security; and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44) The Eden Area ROP shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the Eden Area ROP's ability to provide the supportive measures. (34 CFR 106.30); and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

Unless there is an allegation of sex-based harassment or retaliation, the Eden Area ROP may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the Eden Area ROP may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The Eden Area ROP shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the Eden Area ROP's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances

materially change. (34 CFR 106.44)

The Eden Area ROP shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the Eden Area ROP's education program or activity. (34 CFR 106.44)

### Emergency Removal

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

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

### Dismissal of Complaint

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

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

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 – Nondiscrimination in Employment as applicable.

### Informal Resolution Process

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

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

### Dismissal of Complaint

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The Eden Area ROP is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the Eden Area ROP's education program or activity and is not employed by the Eden Area ROP
3. The Eden Area ROP determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.



4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 15 days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the Eden Area ROP shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
2. Implement appeal procedures equally for the parties
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the Eden Area ROP determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the Eden Area ROP determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Administrative Regulation 4030 - Nondiscrimination in Employment as applicable.

### **Informal Resolution Process**

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the Eden Area ROP may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a

complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the Eden Area ROP shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The Eden Area ROP shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The Eden Area ROP may decline to offer an informal resolution process including, but not limited to, when the Eden Area ROP determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The Eden Area ROP may facilitate an informal resolution process provided that the Eden Area ROP, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; and any consequences resulting; the inability to initiate or resume complaint procedures arising from participating in the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that records the agreement would only be binding on the parties; and the information that the Eden Area ROP will be maintained or maintain and whether and how the Eden Area ROP could be shared. disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
2. Obtains the parties' voluntary, written consent to the informal resolution process

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the Eden Area ROP facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP' education program or activity. (34 CFR 106.45)

### Written Notice of Allegations

If the Eden Area ROP initiates a formal complaint is filed Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The Eden Area ROP's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known Sufficient information, available at the time, including to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s) if known, the conduct allegedly constituting sexual sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident if known.

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

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

3. A statement that retaliation is prohibited
4. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified
5. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an

attorney, and the ability to inspect and review evidence

6. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

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

### Consolidation of Complaints

The Eden Area ROP may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

### Investigation Procedures

The Eden Area ROP shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

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

1. Provide an equal opportunity for the parties to present fact witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:
  - a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence  

If an accurate description is provided, the Eden Area ROP shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.
  - b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence or advisors; or otherwise preparing for or participating in the grievance procedures
  - c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
4. Not Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of either party to discuss the allegations under investigation or to gather the parties to obtain and present relevant evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
6. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the Eden Area ROP may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
7. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
8. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as

part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

9. Objectively evaluate all evidence that is relevant evidence and not otherwise impermissible, including both inculpatory and exculpatory evidence, and determine including that credibility in a manner that is determinations will not be based on a person's status as a complainant, respondent, or witness
10. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
11. Exclude as impermissible the following types of evidence, and questions seeking that evidence:
  - a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Eden Area ROP obtains that party's or witness's voluntary, written consent for use in its grievance procedures

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

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The Eden Area ROP shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

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

The investigator shall complete the investigation within 30 days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

### Written Decision

The Superintendent shall designate an employee as the decision-maker decisionmaker to determine responsibility for the alleged conduct, who shall not may be the Title IX Coordinator or a person involved in designee or the investigation investigator so long as there is no conflict of the matter interest or bias. (34 CFR 106.45)

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

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

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Eden Area ROP shall: (34 CFR 106.45)

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including

sex-based harassment, has occurred

2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The written decision shall be issued within 45 days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

### Appeal of the Decision

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

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

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

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

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

### Appeals

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

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

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

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

Either party may appeal the Eden Area ROP's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the Eden Area ROP shall follow the appeal process as specified in Administrative Regulation 4030 – Nondiscrimination in Employment.

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

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

### Remedies Extension of Timelines

Any timelines specified in this administrative regulation may be extended by the Eden Area ROP for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

### Remedies

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

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the Eden Area ROP identifies as having had equal access to the Eden Area ROP's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

### Disciplinary Actions

The Eden Area ROP shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

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

The Eden Area ROP shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Eden Area ROP's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

### Record-Keeping

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

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.

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

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

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the Eden Area ROP's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
3. All materials used to train Eden Area ROP employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

The Eden Area ROP shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

**NOTE: The Exhibits titled "Title IX Sex Discrimination and Sex-Based Harassment" are triple coded, indicating that the language is identical across all three Exhibits being presented for review.**



**Exhibit 4119.12-E(1): Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 03/03/2022 | Last Reviewed Date: 03/03/2022

**NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY/NONDISCRIMINATION**

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

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

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

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

Human Resources Administrator Principal  
26316 Hesperian Blvd., Hayward, CA 94545  
(510) 293-2916 (510) 293-2904  
mhenderson@edenrop.org mmichaud@edenrop.org

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

To view an electronic copy of the Eden Area ROP's policies and administrative regulations on sexual sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Sex Discrimination and Sex-Based Harassment, and AR Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures on the Eden Area ROP's website at [www.edenarearop.org](http://www.edenarearop.org) [www.edenrop.org](http://www.edenrop.org).

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

**State References**

5 CCR 4600-4670

**Description**

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Civ. Code 51.9

[Liability for sexual harassment; business, service and professional relationships](#)

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 48900

[Grounds for suspension or expulsion](#)

**State References**

Ed. Code 48900.2  
 Ed. Code 48985  
 Gov. Code 12950.1

**Federal References**

20 USC 1092  
 20 USC 1221  
 20 USC 1681-1688  
 34 CFR 106.1-106.82  
 34 CFR 99.1-99.67  
 34 USC 12291  
 42 USC 1983  
 42 USC 2000d-2000d-7  
 42 USC 2000e-2000e-17  
 U.S. DOJ, FBI Publication

**Management Resources References**

Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Federal Register  
 Website  
 Website  
 Website  
 Website  
 Website

**Cross References**

0410  
 1312.3  
 1312.3  
 1312.3-E PDF(1)  
 1313  
 3580  
 3580  
 3600

**Description**

[Additional grounds for suspension or expulsion; sexual harassment](#)  
[Notices to parents in language other than English](#)  
[Sexual harassment training](#)

**Description**

Definition of sexual assault  
 Application of laws  
 Title IX of the Education Amendments of 1972; discrimination based on sex  
 Nondiscrimination on the basis of sex in education programs  
 Family Educational Rights and Privacy  
 Definition of dating violence, domestic violence, and stalking  
 Civil action for deprivation of rights  
 Title VI, Civil Rights Act of 1964  
 Title VII, Civil Rights Act of 1964, as amended  
[National Incident-Based Reporting System](#)

**Description**

Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736  
 Davis v. Monroe County Board of Education (1999) 526 U.S. 629  
 Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274  
 Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473  
 Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447  
 Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567  
 Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130  
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)  
[U.S. Department of Justice, Federal Bureau of Investigation](#)  
[CSBA District and County Office of Education Legal Services](#)  
[CSBA](#)  
[California Department of Education](#)  
[U.S. Department of Education, Office for Civil Rights](#)

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Civility](#)  
[District Records](#)  
[District Records](#)  
[Consultants](#)

**Cross References**

	<b>Description</b>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4033	<a href="#">Lactation Accommodation</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>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</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>
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>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>

**Exhibit 4219.12-E(1): Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 03/03/2022 | Last Reviewed Date: 03/03/2022

**NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY/NONDISCRIMINATION**

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

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

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

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

Human Resources Administrator Principal  
26316 Hesperian Blvd., Hayward, CA 94545  
(510) 293-2916 (510) 293-2904  
mhenderson@edenrop.org mmichaud@edenrop.org

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

To view an electronic copy of the Eden Area ROP's policies and administrative regulations on sexual sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Sex Discrimination and Sex-Based Harassment, and AR Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures on the Eden Area ROP's website at [www.edenarearop.org](http://www.edenarearop.org) [www.edenrop.org](http://www.edenrop.org).

**Exhibit 4319.12-E(1): Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 03/03/2022 | Last Reviewed Date: 03/03/2022

**NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY/NONDISCRIMINATION**

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

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

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

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

Human Resources Administrator Principal  
26316 Hesperian Blvd., Hayward, CA 94545  
(510) 293-2916 (510) 293-2904  
mhenderson@edenrop.org mmichaud@edenrop.org

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

To view an electronic copy of the Eden Area ROP's policies and administrative regulations on sexual sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Sex Discrimination and Sex-Based Harassment, and AR Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures on the Eden Area ROP's website at [www.edenarearop.org](http://www.edenarearop.org) [www.edenrop.org](http://www.edenrop.org).

**NOTE: The Administrative Regulations titled "Leaves" are triple coded, indicating that the language is identical across all three regulations being presented for review.**

## Regulation 4161: Leaves

Status: DRAFT

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

### Bereavement Leave

Three days of bereavement leave, or five days if out-of-state travel is involved, with full pay shall be granted because of the death of a member of the immediate family or a relative or a friend living in the same household as the employee.

Immediate family is defined as father, mother, husband, wife, children, brother, sister, mother-in-law, father-in-law, grandmother, grandfather, grandson, granddaughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, guardian, or ward of the court.

Bereavement leave will not be charged against the employee's sick leave or personal necessity leave. Part-time employees will be granted bereavement leave at the pro-rated equivalent of three to five days of their normal working hours.

### Jury Duty

An employee called for jury duty shall be granted leave with pay up to the amount of the difference between their regular earnings and any amount received for jury service. (Education Code 44037)

### Military Leave

An employee shall be entitled to any military leave as provided by law and shall retain all rights and privileges granted by law out of the exercise of military leave.

### Leave of Absence for Illness or Injury (Sick Leave)

A full-time certificated employee shall earn 10 days sick leave for each complete fiscal year of service. Part-time certificated employees shall earn sick leave prorated at the rate of one hour for every 18 hours student contact time. Sick leave will be granted to full-time certificated employees on July 1 of each new fiscal year and may be used as needed, subject to reimbursement to the Eden Area ROP if the employee leaves the Eden Area ROP prior to earning said leave.

Physician's Verification: In the case of three consecutive days of absence, the Eden Area ROP may require verification of illness or injury by a licensed physician or practitioner.

A certificated employee who has exhausted all entitlement to sick leave, compensatory time, or other available paid leave and who is absent because of non-industrial accident or illness may be granted additional leave, paid or unpaid, not to exceed five months, in accordance with Education Code 44977.

An employee who is deemed by the Eden Area ROP to have (1) excessive absences, (2) or an unusual absence pattern, or (3) the absence occurs under unusual circumstances, may be required to submit a medical certificate verifying his/her illness or injury for any subsequent days of absence. Such request for verification may also be accompanied by a written warning from the Eden Area ROP that the employee will be required to provide such certificate prior to any further use of sick leave.

Before returning to work following a leave for serious illness or surgery, an employee may be asked to submit a statement from the employee's physician stating their ability to return to work and stipulating any restrictions or limitations.

Sick Leave Accumulation: Sick leave may be accumulated without limit and the balance carried from year to year.

Transfer of Sick Leave: Upon notification by an employee, the Personnel Office shall send a certified statement of accumulated unused sick leave to another school district or STRS member employer. In order to be eligible for this transfer of accumulated sick leave, the employee shall have accepted employment with another school district no later than one year after terminating employment with the Eden Area ROP.

Retirement Credit: The employee may convert unused sick leave to retirement credit in accordance with Government Code 20862.5 or its successor if the employee is filing a request for retirement.

### Personal Necessity Leave

Up to seven days of earned sick leave per year may be used for reasons of personal necessity for the following reasons: (Education Code 44981)

1. Accident involving the person or property of the employee or of a member of the employee's immediate family.
2. The appearance in court as a litigant or under an official order from a court or other governmental jurisdiction for reasons not brought about through misconduct of the employee.
3. Maternity, paternity, and adoption leave.
4. Medical incapacity of a member of the employee's immediate family.
5. Personal business that cannot be taken care of before or after duty hours or on Saturdays or Sundays (three days maximum per year).

An employee shall be required to obtain advance permission from his/her supervisor to use personal necessity leave.

At the Superintendent's discretion, staff may be granted leave for extraordinary circumstances.

### **Family Medical Leave**

The Eden Area ROP shall provide each employee with leave as required by the State and Federal Family and Medical Leave Acts (FMLA). Such leave, if required, is limited to twelve weeks in a twelve-month period and is without compensation, but includes Eden Area ROP paid benefits at the same level as if the employee were in paid status. An employee may choose to utilize existing sick leave or vacation for the purposes of family care. If paid leave is utilized, the FMLA will begin when the employee starts using their sick leave or vacation until such time as those balances are exhausted and then continue as unpaid FMLA to the maximum of 12 weeks.

### **Pregnancy Disability Leave**

All female employees, regardless of length of service with the Eden Area ROP, shall be entitled to take a pregnancy disability leave of up to four months if they are actually disabled by pregnancy.

Pregnancy shall be treated as a temporary disability for the period of time that the employee is disabled as a result of pregnancy, miscarriage, childbirth and the recovery. The length of the absence shall commence and terminate on dates determined by the employee and the employee's physician.

Pregnancy leave may be taken intermittently or in a reduced work schedule when medically advisable, as determined by the health care provider of the employee.

An employee must provide the Eden Area ROP with written notice of the intent to leave due to pregnancy disability as soon as is practicable. Medical certification is required and should contain the date on which the employee became disabled and the probable duration of the disability period. The Eden Area ROP will also require the employee to obtain written release to return to work from her health care provider.

Pregnancy leave is unpaid. The employee, however, may elect to use accrued sick leave or vacation during the otherwise unpaid portion of the leave. Benefits will be paid at the same level as if the employee were not on leave.

### **Industrial Accident and Illness Leave**

All employees are covered under Workers' Compensation Insurance for on-the-job injuries. Accidents must be reported to the Personnel Office immediately. An employee who has been employed for at least 12 months in a probationary or permanent capacity, who is absent due to an industrial (job-related) accident or illness, shall be entitled to receive leave as follows:

1. Up to 60 working days in any one fiscal year for the same accident.
2. When a job-related illness or accident occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred.
3. Allowable leave shall not be accumulated from year to year.



4. The leave will commence on the first day of absence due to the job-related accident or illness.
5. Upon conclusion of the industrial paid leave, the employee may utilize any available sick leave benefits. However, any sick leave utilization, when combined with any temporary disability indemnity, shall not result in payment of more than full salary. For sick leave purposes, the absence under this procedure shall be deemed to have commenced on the date of termination of the industrial paid leave.
6. Payment for wages lost in any week shall not, when added to an award granted the employee under the Workers' Compensation laws of California, exceed the employee's normal weekly rate. The industrial accident or illness leave is to be used in lieu of normal sick leave benefits.
7. While an employee is on leave for Industrial Accident or Illness and have exhausted all paid leave balances, the Eden Area ROP will pay only that portion of the benefit stipend that covers the premium for Health and Welfare insurance up to a maximum of six months.
8. If any employee on Industrial Accident or Illness leave is able to return to work within 39 months after exhaustion of available leaves of absence and placement on an employment list, he/she shall be reinstated to his/her position subject to the reemployment rights of persons laid off for lack of work or lack of funds. If the employee fails to accept an appropriate assignment, he/she shall be dismissed.

#### Return from Leave

Upon return to duty following any leave, the employee shall complete and sign a Request for Leave/Absence Form. This form must be signed by the employee's immediate supervisor and submitted to the Personnel Office as soon as possible. If an employee is absent for an extended period of time and is not available to complete a Request for Leave/Absence Form, the Personnel Office will complete the necessary paperwork and obtain the employee's signature upon their return to ensure accurate and timely payment to the employee.

#### Failure to Return to Service After Leave

The Eden Area ROP may terminate the case employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the Eden Area ROP may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her the intention to remain in service with the Eden Area ROP in accordance with Education Code 44842.
2. The Eden Area ROP had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work.
4. The employee did not request or was not granted a leave of absence authorized by the Governing Board.

(cf. 4112.1 - Contracts)

In any such case, the Eden Area ROP may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

(cf. 4117.4 - Dismissal)

#### Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

---

**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>
---------	---

**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>

## Regulation 4261: Leaves

Status: DRAFT

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

### Bereavement Leave

Three days of bereavement leave, or five days if out-of-state travel is involved, with full pay shall be granted because of the death of a member of the immediate family or a relative or a friend living in the same household as the employee.

Immediate family is defined as father, mother, husband, wife, children, brother, sister, mother-in-law, father-in-law, grandmother, grandfather, grandson, granddaughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, guardian, or ward of the court.

Bereavement leave will not be charged against the employee's sick leave or personal necessity leave. Part-time employees will be granted bereavement leave at the pro-rated equivalent of three to five days of their normal working hours.

### Jury Duty

An employee called for jury duty shall be granted leave with pay up to the amount of the difference between their regular earnings and any amount received for jury service. (Education Code 44037)

### Military Leave

An employee shall be entitled to any military leave as provided by law and shall retain all rights and privileges granted by law out of the exercise of military leave.

### Leave of Absence for Illness or Injury (Sick Leave)

A full-time certificated employee shall earn 10 days sick leave for each complete fiscal year of service. Part-time certificated employees shall earn sick leave prorated at the rate of one hour for every 18 hours student contact time. Sick leave will be granted to full-time certificated employees on July 1 of each new fiscal year and may be used as needed, subject to reimbursement to the Eden Area ROP if the employee leaves the Eden Area ROP prior to earning said leave.

Physician's Verification: In the case of three consecutive days of absence, the Eden Area ROP may require verification of illness or injury by a licensed physician or practitioner.

A certificated employee who has exhausted all entitlement to sick leave, compensatory time, or other available paid leave and who is absent because of non-industrial accident or illness may be granted additional leave, paid or unpaid, not to exceed five months, in accordance with Education Code 44977.

An employee who is deemed by the Eden Area ROP to have (1) excessive absences, (2) or an unusual absence pattern, or (3) the absence occurs under unusual circumstances, may be required to submit a medical certificate verifying his/her illness or injury for any subsequent days of absence. Such request for verification may also be accompanied by a written warning from the Eden Area ROP that the employee will be required to provide such certificate prior to any further use of sick leave.

Before returning to work following a leave for serious illness or surgery, an employee may be asked to submit a statement from the employee's physician stating their ability to return to work and stipulating any restrictions or limitations.

Sick Leave Accumulation: Sick leave may be accumulated without limit and the balance carried from year to year.

Transfer of Sick Leave: Upon notification by an employee, the Personnel Office shall send a certified statement of accumulated unused sick leave to another school district or STRS member employer. In order to be eligible for this transfer of accumulated sick leave, the employee shall have accepted employment with another school district no later than one year after terminating employment with the Eden Area ROP.

Retirement Credit: The employee may convert unused sick leave to retirement credit in accordance with Government Code 20862.5 or its successor if the employee is filing a request for retirement.

### Personal Necessity Leave

Up to seven days of earned sick leave per year may be used for reasons of personal necessity for the following reasons: (Education Code 44981)

1. Accident involving the person or property of the employee or of a member of the employee's immediate family.
2. The appearance in court as a litigant or under an official order from a court or other governmental jurisdiction for reasons not brought about through misconduct of the employee.
3. Maternity, paternity, and adoption leave.
4. Medical incapacity of a member of the employee's immediate family.
5. Personal business that cannot be taken care of before or after duty hours or on Saturdays or Sundays (three days maximum per year).

An employee shall be required to obtain advance permission from his/her supervisor to use personal necessity leave.

At the Superintendent's discretion, staff may be granted leave for extraordinary circumstances.

### **Family Medical Leave**

The Eden Area ROP shall provide each employee with leave as required by the State and Federal Family and Medical Leave Acts (FMLA). Such leave, if required, is limited to twelve weeks in a twelve-month period and is without compensation, but includes Eden Area ROP paid benefits at the same level as if the employee were in paid status. An employee may choose to utilize existing sick leave or vacation for the purposes of family care. If paid leave is utilized, the FMLA will begin when the employee starts using their sick leave or vacation until such time as those balances are exhausted and then continue as unpaid FMLA to the maximum of 12 weeks.

### **Pregnancy Disability Leave**

All female employees, regardless of length of service with the Eden Area ROP, shall be entitled to take a pregnancy disability leave of up to four months if they are actually disabled by pregnancy.

Pregnancy shall be treated as a temporary disability for the period of time that the employee is disabled as a result of pregnancy, miscarriage, childbirth and the recovery. The length of the absence shall commence and terminate on dates determined by the employee and the employee's physician.

Pregnancy leave may be taken intermittently or in a reduced work schedule when medically advisable, as determined by the health care provider of the employee.

An employee must provide the Eden Area ROP with written notice of the intent to leave due to pregnancy disability as soon as is practicable. Medical certification is required and should contain the date on which the employee became disabled and the probable duration of the disability period. The Eden Area ROP will also require the employee to obtain written release to return to work from her health care provider.

Pregnancy leave is unpaid. The employee, however, may elect to use accrued sick leave or vacation during the otherwise unpaid portion of the leave. Benefits will be paid at the same level as if the employee were not on leave.

### **Industrial Accident and Illness Leave**

All employees are covered under Workers' Compensation Insurance for on-the-job injuries. Accidents must be reported to the Personnel Office immediately. An employee who has been employed for at least 12 months in a probationary or permanent capacity, who is absent due to an industrial (job-related) accident or illness, shall be entitled to receive leave as follows:

1. Up to 60 working days in any one fiscal year for the same accident.
2. When a job-related illness or accident occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred.
3. Allowable leave shall not be accumulated from year to year.

4. The leave will commence on the first day of absence due to the job-related accident or illness.
5. Upon conclusion of the industrial paid leave, the employee may utilize any available sick leave benefits. However, any sick leave utilization, when combined with any temporary disability indemnity, shall not result in payment of more than full salary. For sick leave purposes, the absence under this procedure shall be deemed to have commenced on the date of termination of the industrial paid leave.
6. Payment for wages lost in any week shall not, when added to an award granted the employee under the Workers' Compensation laws of California, exceed the employee's normal weekly rate. The industrial accident or illness leave is to be used in lieu of normal sick leave benefits.
7. While an employee is on leave for Industrial Accident or Illness and have exhausted all paid leave balances, the Eden Area ROP will pay only that portion of the benefit stipend that covers the premium for Health and Welfare insurance up to a maximum of six months.
8. If any employee on Industrial Accident or Illness leave is able to return to work within 39 months after exhaustion of available leaves of absence and placement on an employment list, he/she shall be reinstated to his/her position subject to the reemployment rights of persons laid off for lack of work or lack of funds. If the employee fails to accept an appropriate assignment, he/she shall be dismissed.

#### **Return from Leave**

Upon return to duty following any leave, the employee shall complete and sign a Request for Leave/Absence Form. This form must be signed by the employee's immediate supervisor and submitted to the Personnel Office as soon as possible. If an employee is absent for an extended period of time and is not available to complete a Request for Leave/Absence Form, the Personnel Office will complete the necessary paperwork and obtain the employee's signature upon their return to ensure accurate and timely payment to the employee.

#### **Failure to Return to Service After Leave**

The Eden Area ROP may terminate the case employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the Eden Area ROP may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her the intention to remain in service with the Eden Area ROP in accordance with Education Code 44842.
2. The Eden Area ROP had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work.
4. The employee did not request or was not granted a leave of absence authorized by the Governing Board.

(cf. 4112.1 - Contracts)

In any such case, the Eden Area ROP may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

(cf. 4117.4 - Dismissal)

#### **Use of Leaves by Classified Employees**

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

## Regulation 4361: Leaves

Status: DRAFT

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

### Bereavement Leave

Three days of bereavement leave, or five days if out-of-state travel is involved, with full pay shall be granted because of the death of a member of the immediate family or a relative or a friend living in the same household as the employee.

Immediate family is defined as father, mother, husband, wife, children, brother, sister, mother-in-law, father-in-law, grandmother, grandfather, grandson, granddaughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, guardian, or ward of the court.

Bereavement leave will not be charged against the employee's sick leave or personal necessity leave. Part-time employees will be granted bereavement leave at the pro-rated equivalent of three to five days of their normal working hours.

### Jury Duty

An employee called for jury duty shall be granted leave with pay up to the amount of the difference between their regular earnings and any amount received for jury service. (Education Code 44037)

### Military Leave

An employee shall be entitled to any military leave as provided by law and shall retain all rights and privileges granted by law out of the exercise of military leave.

### Leave of Absence for Illness or Injury (Sick Leave)

A full-time certificated employee shall earn 10 days sick leave for each complete fiscal year of service. Part-time certificated employees shall earn sick leave prorated at the rate of one hour for every 18 hours student contact time. Sick leave will be granted to full-time certificated employees on July 1 of each new fiscal year and may be used as needed, subject to reimbursement to the Eden Area ROP if the employee leaves the Eden Area ROP prior to earning said leave.

Physician's Verification: In the case of three consecutive days of absence, the Eden Area ROP may require verification of illness or injury by a licensed physician or practitioner.

A certificated employee who has exhausted all entitlement to sick leave, compensatory time, or other available paid leave and who is absent because of non-industrial accident or illness may be granted additional leave, paid or unpaid, not to exceed five months, in accordance with Education Code 44977.

An employee who is deemed by the Eden Area ROP to have (1) excessive absences, (2) or an unusual absence pattern, or (3) the absence occurs under unusual circumstances, may be required to submit a medical certificate verifying his/her illness or injury for any subsequent days of absence. Such request for verification may also be accompanied by a written warning from the Eden Area ROP that the employee will be required to provide such certificate prior to any further use of sick leave.

Before returning to work following a leave for serious illness or surgery, an employee may be asked to submit a statement from the employee's physician stating their ability to return to work and stipulating any restrictions or limitations.

Sick Leave Accumulation: Sick leave may be accumulated without limit and the balance carried from year to year.

Transfer of Sick Leave: Upon notification by an employee, the Personnel Office shall send a certified statement of accumulated unused sick leave to another school district or STRS member employer. In order to be eligible for this transfer of accumulated sick leave, the employee shall have accepted employment with another school district no later than one year after terminating employment with the Eden Area ROP.

Retirement Credit: The employee may convert unused sick leave to retirement credit in accordance with Government Code 20862.5 or its successor if the employee is filing a request for retirement.

### Personal Necessity Leave

Up to seven days of earned sick leave per year may be used for reasons of personal necessity for the following reasons: (Education Code 44981)

1. Accident involving the person or property of the employee or of a member of the employee's immediate family.
2. The appearance in court as a litigant or under an official order from a court or other governmental jurisdiction for reasons not brought about through misconduct of the employee.
3. Maternity, paternity, and adoption leave.
4. Medical incapacity of a member of the employee's immediate family.
5. Personal business that cannot be taken care of before or after duty hours or on Saturdays or Sundays (three days maximum per year).

An employee shall be required to obtain advance permission from his/her supervisor to use personal necessity leave.

At the Superintendent's discretion, staff may be granted leave for extraordinary circumstances.

### **Family Medical Leave**

The Eden Area ROP shall provide each employee with leave as required by the State and Federal Family and Medical Leave Acts (FMLA). Such leave, if required, is limited to twelve weeks in a twelve-month period and is without compensation, but includes Eden Area ROP paid benefits at the same level as if the employee were in paid status. An employee may choose to utilize existing sick leave or vacation for the purposes of family care. If paid leave is utilized, the FMLA will begin when the employee starts using their sick leave or vacation until such time as those balances are exhausted and then continue as unpaid FMLA to the maximum of 12 weeks.

### **Pregnancy Disability Leave**

All female employees, regardless of length of service with the Eden Area ROP, shall be entitled to take a pregnancy disability leave of up to four months if they are actually disabled by pregnancy.

Pregnancy shall be treated as a temporary disability for the period of time that the employee is disabled as a result of pregnancy, miscarriage, childbirth and the recovery. The length of the absence shall commence and terminate on dates determined by the employee and the employee's physician.

Pregnancy leave may be taken intermittently or in a reduced work schedule when medically advisable, as determined by the health care provider of the employee.

An employee must provide the Eden Area ROP with written notice of the intent to leave due to pregnancy disability as soon as is practicable. Medical certification is required and should contain the date on which the employee became disabled and the probable duration of the disability period. The Eden Area ROP will also require the employee to obtain written release to return to work from her health care provider.

Pregnancy leave is unpaid. The employee, however, may elect to use accrued sick leave or vacation during the otherwise unpaid portion of the leave. Benefits will be paid at the same level as if the employee were not on leave.

### **Industrial Accident and Illness Leave**

All employees are covered under Workers' Compensation Insurance for on-the-job injuries. Accidents must be reported to the Personnel Office immediately. An employee who has been employed for at least 12 months in a probationary or permanent capacity, who is absent due to an industrial (job-related) accident or illness, shall be entitled to receive leave as follows:

1. Up to 60 working days in any one fiscal year for the same accident.
2. When a job-related illness or accident occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred.
3. Allowable leave shall not be accumulated from year to year.



4. The leave will commence on the first day of absence due to the job-related accident or illness.
5. Upon conclusion of the industrial paid leave, the employee may utilize any available sick leave benefits. However, any sick leave utilization, when combined with any temporary disability indemnity, shall not result in payment of more than full salary. For sick leave purposes, the absence under this procedure shall be deemed to have commenced on the date of termination of the industrial paid leave.
6. Payment for wages lost in any week shall not, when added to an award granted the employee under the Workers' Compensation laws of California, exceed the employee's normal weekly rate. The industrial accident or illness leave is to be used in lieu of normal sick leave benefits.
7. While an employee is on leave for Industrial Accident or Illness and have exhausted all paid leave balances, the Eden Area ROP will pay only that portion of the benefit stipend that covers the premium for Health and Welfare insurance up to a maximum of six months.
8. If any employee on Industrial Accident or Illness leave is able to return to work within 39 months after exhaustion of available leaves of absence and placement on an employment list, he/she shall be reinstated to his/her position subject to the reemployment rights of persons laid off for lack of work or lack of funds. If the employee fails to accept an appropriate assignment, he/she shall be dismissed.

#### **Return from Leave**

Upon return to duty following any leave, the employee shall complete and sign a Request for Leave/Absence Form. This form must be signed by the employee's immediate supervisor and submitted to the Personnel Office as soon as possible. If an employee is absent for an extended period of time and is not available to complete a Request for Leave/Absence Form, the Personnel Office will complete the necessary paperwork and obtain the employee's signature upon their return to ensure accurate and timely payment to the employee.

#### **Failure to Return to Service After Leave**

The Eden Area ROP may terminate the case employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the Eden Area ROP may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her the intention to remain in service with the Eden Area ROP in accordance with Education Code 44842.
2. The Eden Area ROP had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work.
4. The employee did not request or was not granted a leave of absence authorized by the Governing Board.

(cf. 4112.1 - Contracts)

In any such case, the Eden Area ROP may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

(cf. 4117.4 - Dismissal)

#### **Use of Leaves by Classified Employees**

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

**Policy 5145.3: Nondiscrimination/Harassment**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 12/07/2023 | Last Reviewed Date: 12/07/2023

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within Eden Area Regional Occupational Program (Eden Area ROP), and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and Superintendent in enacting policies and procedures that govern the Eden Area ROP.

The Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the Eden Area ROP's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at the Eden Area ROP school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at of any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; parental, marital, and family status; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; or genetic information; or, association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 – Discipline, Board Policy and Administrative Regulation 5144.1 – Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 – Suspension and Expulsion/Due Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates, or participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the Eden Area ROP's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the Eden Area ROP's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the Eden Area ROP's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the Eden Area ROP's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the Eden Area ROP's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

All allegations of unlawful discrimination in Eden Area ROP programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sex discrimination, including sex-based harassment, under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

### Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the Eden Area ROP to monitor, address, and prevent repetitive prohibited behavior.

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

State References	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	<a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a>
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	<a href="#">Suspension or expulsion for act of hate violence</a>
Ed. Code 48900.4	<a href="#">Suspension or expulsion for harassment, threats, or intimidation</a>
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	<a href="#">Liability of parent/guardian for willful student misconduct</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	<a href="#">Notices to parents in language other than English</a>
Ed. Code 49020-49023	<a href="#">Athletic programs</a>
Ed. Code 49060-49079	<a href="#">Student records</a>

**State References**

Ed. Code 51204.5  
 Ed. Code 51500  
 Ed. Code 51501  
 Ed. Code 60010  
 Ed. Code 60040-60052  
 Gov. Code 11135  
 Pen. Code 422.55  
 Pen. Code 422.6

**Description**

[Social sciences instruction; contributions of specified groups](#)  
[Prohibited instruction or activity](#)  
[Nondiscriminatory subject matter](#)  
[Instructional materials; definition](#)  
[Requirements for instructional materials](#)  
[Prohibition of discrimination](#)  
[Definition of hate crime](#)  
[Crimes; harassment](#)

**Federal References**

20 USC 1681-1688  
 28 CFR 35.107  
 29 USC 794  
 34 CFR 100.3  
 34 CFR 104.7  
 34 CFR 104.8  
 34 CFR 106.1-106.82  
 34 CFR 110.25  
 34 CFR 99.31  
 42 USC 12101-12213  
 42 USC 2000d-2000e-17  
 42 USC 2000h-2-2000h-6  
 42 USC 6101-6107

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Nondiscrimination on basis of disability; complaints  
 Rehabilitation Act of 1973; Section 504  
 Prohibition of discrimination on basis of race, color or national origin  
 Section 504; Designation of responsible employee and adoption of grievances procedures  
 Notice of Nondiscrimination on the Basis of Handicap  
 Discrimination on the basis of sex; effectuating Title IX  
 Prohibition of discrimination based on age  
 Disclosure of personally identifiable information  
 Americans with Disabilities Act  
 Title VI and Title VII Civil Rights Act of 1964, as amended  
 Title IX of the Civil Rights Act of 1964  
 Age Discrimination Act of 1975

**Management Resources References**

34 CFR 106.30  
 CA Office of the Attorney General Publication  
 CA Office of the Attorney General Publication  
 California Department of Education Publication  
 Court Decision  
 Court Decision  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication  
 CSBA Publication

**Description**

Discrimination on the basis of sex; definitions  
[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)  
[Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018](#)  
 California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019  
 Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567  
 Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130  
[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)  
[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)  
[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)  
[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)

**Management Resources References****Description**

Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S DOE, Office for Civil Rights Publication	<a href="#">Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, &amp; the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70</a>
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
U.S. Dept. of Health & Human Services Publication	<a href="#">Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013</a>
U.S. DOE & U.S. DOJ Civil Rights Divisions Pub	<a href="#">Resource on Confronting Racial Discrimination in Student Discipline, May 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Race and School Programming, August 2023</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">First Amendment Center</a>
Website	<a href="#">California Interscholastic Federation</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">California Safe Schools Coalition</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

**Cross References****Description**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0415	<a href="#">Equity</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1240	<a href="#">Volunteer Assistance</a>

**Cross References****Description**

1240	<a href="#">Volunteer Assistance</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.2	<a href="#">Complaints Concerning Instructional Materials</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>
1312.4	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(1)	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(2)	<a href="#">Williams Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.6	<a href="#">Personnel Files</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</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>
4119.21	<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>
4212.6	<a href="#">Personnel Files</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
4219.11	<a href="#">Sex Discrimination and Sex-Based Harassment</a>

**Cross References**

4219.11-E PDF(1)  
4219.21  
4219.23  
4231  
4231  
4312.6  
4312.9  
4312.9  
4312.9-E(1)  
4319.11  
4319.11  
4319.11-E PDF(1)  
4319.21  
4319.21-E PDF(1)  
4319.23  
4331  
5000  
5111  
5113.1  
5113.1  
5125  
5125  
5125.1  
5125.1  
5125.3  
5131  
5131.2  
5131.2  
5131.5  
5132  
5132  
5137  
5141.22  
5141.22  
5141.4  
5141.4  
5141.4-E PDF(1)  
5141.52  
5141.52  
5144

**Description**

[Sex Discrimination and Sex-Based Harassment](#)  
[Professional Standards](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
[Staff Development](#)  
[Personnel Files](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Professional Standards](#)  
[Professional Standards](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
[Concepts And Roles](#)  
[Admission](#)  
[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Student Records](#)  
[Student Records](#)  
[Release Of Directory Information](#)  
[Release Of Directory Information](#)  
[Challenging Student Records](#)  
[Conduct](#)  
[Bullying](#)  
[Bullying](#)  
[Vandalism And Graffiti](#)  
[Dress And Grooming](#)  
[Dress And Grooming](#)  
[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](#)

**Cross References**

5144  
5144.1  
5144.1  
5144.2  
5145.12  
5145.2  
5145.2  
5145.6  
5145.6-E(1)  
5145.7  
5145.7  
5145.71  
5145.71-E PDF(1)  
5145.9  
6143  
6144  
6145  
6145  
6153  
6153  
6161.1  
6161.1  
6161.11  
6163.4  
6163.4  
6163.4-E PDF(1)  
6164.2

**Description**

[Discipline](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)  
[Search And Seizure](#)  
[Freedom Of Speech/Expression](#)  
[Freedom Of Speech/Expression](#)  
[Parent/Guardian Notifications](#)  
[Parent/Guardian Notifications](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Hate-Motivated Behavior](#)  
[Courses Of Study](#)  
[Controversial Issues](#)  
[Extracurricular And Cocurricular Activities](#)  
[Extracurricular And Cocurricular Activities](#)  
[School-Sponsored Trips](#)  
[School-Sponsored Trips](#)  
[Selection And Evaluation Of Instructional Materials](#)  
[Selection And Evaluation Of Instructional Materials](#)  
[Supplementary Instructional Materials](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)  
[Guidance/Counseling Services](#)



**Regulation 5145.3: Nondiscrimination/Harassment**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 04/07/2022 | Last Reviewed Date: 04/07/2022

The Eden Area Regional Occupational Program (Eden Area ROP) designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the Eden Area ROP's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the Eden Area ROP's nondiscrimination policies. The individual(s) shall also serve as the compliance officer Compliance Officer(s) specified in AR Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Principal Director of Educational Services

(title or position)

26316 Hesperian Blvd, Hayward, CA 94545

(address)

(510) 293-29034

(telephone number)

mmichaud@edendrop.org

(email)

### Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at school or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the Eden Area ROP's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through Eden Area ROP-supported communications
2. Post the Eden Area ROP's policies and procedures prohibiting discrimination, harassment, student sexual sex-based harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the Eden Area ROP's web site website in a manner that is easily accessible to parents/guardians and students (Education Code 241.1, 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the Eden Area ROP's web site website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Post in a prominent location on the Eden Area ROP web site website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status, including the following: (Education Code 221.6, 221.61, 234.6)
  - a. The name and contact information of the Eden Area ROP's Title IX Coordinator, including the phone number and email address
  - b. The rights of students and the public and the responsibilities of the Eden Area ROP under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites websites of the Office for Equal Opportunity and the

U.S. Department of Education's Office for Civil Rights (OCR)

- c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
    - i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
    - ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's ~~web site~~website
    - iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
  - d. A link to the Title IX information included on the California Department of Education's (CDE) ~~web site~~website
5. Post in a prominent location on the Eden Area ROP's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
- a. The Eden Area ROP does not discriminate on the basis of sex in any education program or activity that it operates
  - b. Inquiries about the application of Title IX may be referred to the Eden Area ROP's Title IX Coordinator and/or OCR
  - c. The name or title, office and email address, and telephone number of the Eden Area ROP's Title IX Coordinator
  - d. How to locate the Eden Area ROP's nondiscrimination policy and the Eden Area ROP's grievance procedures for Title IX complaints
  - e. How to report conduct that may constitute sex discrimination under Title IX
  - f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the Eden Area ROP may include only the statement that the Eden Area ROP prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the Eden Area ROP's website.

The Eden Area ROP shall not distribute a publication stating that the Eden Area ROP treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

6. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5; 234.6)

Such resources shall be posted in a prominent location on the Eden Area ROP's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

7. Provide to students a handbook that contains age-appropriate information that clearly describes the Eden Area ROP's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
8. Annually notify all students and parents/guardians of the Eden Area ROP's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students.

The notice shall inform students and parents/guardians that they may request to meet with the **compliance officer Compliance Officer** to determine how best to accommodate or resolve concerns that may arise from the Eden Area ROP's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the Eden Area ROP will address any individual student's interests and concerns in private.

9. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the Eden Area ROP's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled speak a single primary language other than English, the Eden Area ROP's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the Eden Area ROP shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

10. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the Eden Area ROP's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them.

Such training and information shall include details of guidelines the Eden Area ROP may use to provide a discrimination-free environment for all Eden Area ROP students.

11. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)
12. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3
13. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
14. At the beginning of each school year, inform each principal or designee of the Eden Area ROP's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

### **Enforcement of Eden Area ROP Policy**

~~The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:~~

1. ~~Removing vulgar or offending graffiti~~
2. ~~Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond~~
3. ~~Disseminating and/or summarizing the Eden Area ROP's policy and regulation regarding unlawful discrimination~~
4. ~~Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment~~

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of Eden Area ROP policy; including any student who is found to have filed a complaint of discrimination that the student knew was not true

### Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in Eden Area ROP policy are strongly encouraged to immediately contact the ~~compliance officer~~ Compliance Officer, Title IX Coordinator, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the ~~compliance officer~~ Compliance Officer, Title IX Coordinator, or principal, regardless of whether ~~or not~~ the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the ~~compliance officer~~ Compliance Officer, Title IX Coordinator, or principal within ~~a school day~~, one workday, regardless of whether ~~or not~~ the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, ~~Compliance Officer~~ or ~~compliance officer~~, Title IX Coordinator, the principal, ~~Compliance Officer~~ or ~~compliance officer~~ Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with ~~AR~~ Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of ~~sexual~~ sex discrimination, including sex-based harassment, that meet the ~~federal~~ right to initiate the Title IX definition, ~~AR~~ grievance procedures as specified in Administrative Regulation 5145.71 - Title IX ~~Sexual~~ Sex Discrimination and Sex-Based Harassment Complaint Procedures. Once notified verbally or in writing, the ~~compliance officer~~ Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, ~~compliance officer~~ Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

### Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary student means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses a gender, genderqueer, pangender, gender-nonconforming, gender-variant, or such other more specific term to describe their gender.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

The Eden Area ROP prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the Eden Area ROP and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The Eden Area ROP's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the Eden Area ROP of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that intersex, nonbinary, transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the Eden Area ROP shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's intersex, nonbinary, transgender or gender-nonconforming status is the student's private information. The Eden Area ROP shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record. The Eden Area ROP shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the Eden Area ROP has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the Eden Area ROP shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the Eden Area ROP pursuant to 34 CFR 99.31. Any Eden Area ROP employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to an Eden Area ROP employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the Eden Area ROP's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students,

teacher(s), or other adults on campus. The Eden Area ROP shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless Eden Area ROP personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the intersex, nonbinary, transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school-site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the Eden Area ROP maintains sex-segregated facilities, such as restrooms, students shall be permitted to access facilities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the Eden Area ROP shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door. However, the Eden Area ROP shall not require a student to utilize these options because the student is intersex, nonbinary, transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. **Student Records:** Upon each student's enrollment, the Eden Area ROP is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.  
  
A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)  
  
However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.
6. **Names and Pronouns:** If a student so chooses, Eden Area ROP personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official Eden Area ROP record. However, inadvertent slips or honest mistakes by Eden Area ROP personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying Eden Area ROP policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

---

**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 432

#### Description

Student records

**State References**

5 CCR 4600-4670  
 5 CCR 4900-4965  
 Civ. Code 1714.1  
 Ed. Code 17585  
 Ed. Code 200-270  
 Ed. Code 33353  
 Ed. Code 35292.5  
 Ed. Code 48900.3  
 Ed. Code 48900.4  
 Ed. Code 48900.5  
 Ed. Code 48904  
 Ed. Code 48907  
 Ed. Code 48950  
 Ed. Code 48985  
 Ed. Code 49020-49023  
 Ed. Code 49060-49079  
 Ed. Code 51204.5  
 Ed. Code 51500  
 Ed. Code 51501  
 Ed. Code 60010  
 Ed. Code 60040-60052  
 Gov. Code 11135  
 Pen. Code 422.55  
 Pen. Code 422.6

**Federal References**

20 USC 1681-1688  
 28 CFR 35.107  
 29 USC 794  
 34 CFR 100.3  
 34 CFR 104.7  
 34 CFR 104.8  
 34 CFR 106.1-106.82  
 34 CFR 110.25  
 34 CFR 99.31  
 42 USC 12101-12213  
 42 USC 2000d-2000e-17  
 42 USC 2000h-2-2000h-6  
 42 USC 6101-6107

**Description**

Uniform complaint procedures  
 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance  
[Liability of parent or guardian for act of willful misconduct by a minor](#)  
 School modernization project; all-gender restroom  
[Prohibition of discrimination](#)  
 California Interscholastic Federation; standardized incident form  
 School restrooms; all-gender restrooms  
[Suspension or expulsion for act of hate violence](#)  
[Suspension or expulsion for harassment, threats, or intimidation](#)  
 Suspension; other means of correction  
[Liability of parent/guardian for willful student misconduct](#)  
[Exercise of free expression; time, place, and manner rules and regulations](#)  
[Speech and other communication](#)  
[Notices to parents in language other than English](#)  
[Athletic programs](#)  
[Student records](#)  
[Social sciences instruction; contributions of specified groups](#)  
[Prohibited instruction or activity](#)  
[Nondiscriminatory subject matter](#)  
[Instructional materials; definition](#)  
[Requirements for instructional materials](#)  
[Prohibition of discrimination](#)  
[Definition of hate crime](#)  
[Crimes; harassment](#)

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Nondiscrimination on basis of disability; complaints  
 Rehabilitation Act of 1973; Section 504  
 Prohibition of discrimination on basis of race, color or national origin  
 Section 504; Designation of responsible employee and adoption of grievances procedures  
 Notice of Nondiscrimination on the Basis of Handicap  
 Discrimination on the basis of sex; effectuating Title IX  
 Prohibition of discrimination based on age  
 Disclosure of personally identifiable information  
 Americans with Disabilities Act  
 Title VI and Title VII Civil Rights Act of 1964, as amended  
 Title IX of the Civil Rights Act of 1964  
 Age Discrimination Act of 1975

**Management Resources References****Description**

34 CFR 106.30	Discrimination on the basis of sex; definitions
CA Office of the Attorney General Publication	<a href="#">Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024</a>
CA Office of the Attorney General Publication	<a href="#">Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018</a>
California Department of Education Publication	California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	<a href="#">Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024</a>
CSBA Publication	<a href="#">Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024</a>
CSBA Publication	<a href="#">Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024</a>
CSBA Publication	<a href="#">Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S DOE, Office for Civil Rights Publication	<a href="#">Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, &amp; the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70</a>
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
U.S. Dept. of Health & Human Services Publication	<a href="#">Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013</a>
U.S. DOE & U.S. DOJ Civil Rights Divisions Pub	<a href="#">Resource on Confronting Racial Discrimination in Student Discipline, May 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Fact Sheet: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Race and School Programming, August 2023</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>



**Management Resources References**

Website	<a href="#">First Amendment Center</a>
Website	<a href="#">California Interscholastic Federation</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">California Safe Schools Coalition</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

**Cross References**

	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0415	<a href="#">Equity</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.2	<a href="#">Complaints Concerning Instructional Materials</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>
1312.4	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(1)	<a href="#">Williams Uniform Complaint Procedures</a>
1312.4-E(2)	<a href="#">Williams Uniform Complaint Procedures</a>
1313	<a href="#">Civility</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4112.6	<a href="#">Personnel Files</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>

**Cross References**

4119.11  
4119.11  
4119.11-E PDF(1)  
4119.21  
4119.21-E PDF(1)  
4119.23  
4131  
4131  
4212.6  
4212.9  
4212.9  
4212.9-E(1)  
4218  
4218  
4219.11  
4219.11  
4219.11-E PDF(1)  
4219.21  
4219.23  
4231  
4231  
4312.6  
4312.9  
4312.9  
4312.9-E(1)  
4319.11  
4319.11  
4319.11-E PDF(1)  
4319.21  
4319.21-E PDF(1)  
4319.23  
4331  
5000  
5111  
5113.1  
5113.1  
5125  
5125  
5125.1  
5125.1

**Description**

[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Professional Standards](#)  
[Professional Standards](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
[Staff Development](#)  
[Personnel Files](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Professional Standards](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
[Staff Development](#)  
[Personnel Files](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Employee Notifications](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Professional Standards](#)  
[Professional Standards](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Staff Development](#)  
[Concepts And Roles](#)  
[Admission](#)  
[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Student Records](#)  
[Student Records](#)  
[Release Of Directory Information](#)  
[Release Of Directory Information](#)

**Cross References****Description**

5125.3	<a href="#">Challenging Student Records</a>
5131	<a href="#">Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.5	<a href="#">Vandalism And Graffiti</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5137	<a href="#">Positive School Climate</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4-E PDF(1)	<a href="#">Child Abuse Prevention And Reporting</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</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>
5145.12	<a href="#">Search And Seizure</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E(1)	<a href="#">Parent/Guardian Notifications</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.71-E PDF(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
6143	<a href="#">Courses Of Study</a>
6144	<a href="#">Controversial Issues</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6153	<a href="#">School-Sponsored Trips</a>
6153	<a href="#">School-Sponsored Trips</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>

**Cross References**

6163.4

6163.4

6163.4-E PDF(1)

6164.2

**Description**[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)

**Policy 5145.7: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 02/03/2022

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from harassment and discrimination, and harassment. The Board prohibits, at school or at school-sponsored or school-related activities, sexual sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status, by anyone. The Board also

Additionally, the Board prohibits retaliatory behavior or action against any person who reports, files a complaint complains or testifies about, or otherwise supports a complainant in alleging sexual conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71).

The Eden Area Regional Occupational Program (Eden Area ROP) strongly encourages students who feel that they are being or have been sexually harassed experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, by another student or an adult, or who have experienced off-campus sexual harassment that when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the Eden Area ROP's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment sex discrimination, including sex-based harassment, by or against a student in a Eden Area ROP education program or activity shall notify report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 – Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 – Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances. Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Superintendent or designee shall inform students and parents/guardians of the Eden Area ROP's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the web site, and including it in student and staff handbooks. All Eden Area ROP staff shall be trained regarding the policy.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the Eden Area ROP has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.

The Superintendent or designee shall ensure that all Eden Area ROP staff are trained regarding the Eden Area ROP's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)

### Instruction/Information

The Superintendent or designee shall ensure that all Eden Area ROP students receive age-appropriate information on sexual sex discrimination and sex-based harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual sex discrimination and sex-based harassment, including the fact that sexual sex discrimination and sex-based harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual sex discrimination and sex-based harassment under

any circumstance

3. Encouragement to report observed incidents of sexual sex discrimination and sex-based harassment even when the alleged victim of the discrimination or harassment has not complained
4. A clear message that student safety is the Eden Area ROP's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual sex discrimination and sex-based harassment incident will be addressed separately and will not affect the manner in which the sexual sex discrimination and sex-based harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the Eden Area ROP's procedures for investigating complaints and the person(s) to whom a report of sexual sex discrimination and sex-based harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the Eden Area ROP investigation of a sexual sex discrimination and sex-based harassment complaint continues
8. A clear message that, when needed, the Eden Area ROP will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual sex discrimination and sex-based harassment and/or other students during an investigation

### Disciplinary Actions

Upon completion of an investigation of a sexual sex discrimination and sex-based harassment complaint, any student found to have engaged in sexual sex discrimination and sex-based harassment or sexual violence, in violation of this policy, shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual sex discrimination and sex-based harassment complaint, any employee found to have engaged in sexual sex discrimination against, and/or sex-based harassment or sexual violence toward,, any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law.

### Record-Keeping

In accordance with law and Eden Area ROP policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexualThe Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and Eden Area ROP policies and regulations, of all reported cases of sex-based harassment to enable the Eden Area ROP to monitor, address, and prevent repetitive harassing behavior in schools.

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

### State References

	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	<a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a>

**State References**

Civ. Code 51.9  
 Ed. Code 200-270  
 Ed. Code 220.1  
 Ed. Code 220.3  
 Ed. Code 220.5  
 Ed. Code 35292.5  
 Ed. Code 48900  
 Ed. Code 48900.2  
 Ed. Code 48904  
 Ed. Code 48980  
 Ed. Code 48985  
 Ed. Code 49060-49079  
 Gov. Code 12950.1

**Description**

[Liability for sexual harassment; business, service and professional relationships](#)  
[Prohibition of discrimination](#)  
 Prohibition of retaliation related to educational equity  
 Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression  
 Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression  
 School restrooms; all-gender restrooms  
[Grounds for suspension or expulsion](#)  
[Additional grounds for suspension or expulsion; sexual harassment](#)  
[Liability of parent/guardian for willful student misconduct](#)  
[Parent/Guardian notifications](#)  
[Notices to parents in language other than English](#)  
[Student records](#)  
[Sexual harassment training](#)

**Federal References**

20 USC 1092  
 20 USC 1221  
 20 USC 1232g  
 20 USC 1681-1688  
 34 CFR 106.1-106.82  
 34 CFR 99.1-99.67  
 34 USC 12291  
 42 USC 1983  
 42 USC 2000d-2000d-7  
 42 USC 2000e-2000e-17

**Description**

Definition of sexual assault  
 Application of laws  
 Family Educational Rights and Privacy Act (FERPA) of 1974  
 Title IX of the Education Amendments of 1972; discrimination based on sex  
 Nondiscrimination on the basis of sex in education programs  
 Family Educational Rights and Privacy  
 Definition of dating violence, domestic violence, and stalking  
 Civil action for deprivation of rights  
 Title VI, Civil Rights Act of 1964  
 Title VII, Civil Rights Act of 1964, as amended

**Management Resources References**

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

**Description**

California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019  
 Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274  
 Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473  
 Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736  
 Davis v. Monroe County Board of Education (1999) 526 U.S. 629  
 Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447  
 Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567  
 Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130  
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)

**Management Resources References**

CSBA Publication	<a href="#">Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</a>
CSBA Publication	<a href="#">Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Sexual Harassment: It's Not Academic, September 2008</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

**Description****Cross References**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</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>
1313	<a href="#">Civility</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</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>
4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>

**Description**



**Cross References****Description**

4119.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</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>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.21	<a href="#">Professional Standards</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</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>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131	<a href="#">Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.5	<a href="#">Vandalism And Graffiti</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5137	<a href="#">Positive School Climate</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4-E PDF(1)	<a href="#">Child Abuse Prevention And Reporting</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>

**Cross References**

5144.1

5144.1

5144.2

5145.2

5145.2

5145.3

5145.3

5145.6

5145.6-E(1)

5145.71

5145.71-E PDF(1)

5145.9

6145

6145

6163.4

6163.4

6163.4-E PDF(1)

**Description**[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)[Freedom Of Speech/Expression](#)[Freedom Of Speech/Expression](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)[Hate-Motivated Behavior](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)

**Regulation 5145.7: Sex Discrimination and Sex-Based Harassment**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 02/03/2022

The Eden Area Regional Occupational Program (Eden Area ROP) does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in Eden Area ROP education programs and activities.

**Definitions**

*Sex discrimination* includes treating a student differently with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services based on the student's sex, sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or the student's association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. **Quid pro quo harassment:** An Eden Area ROP employee, agent, or other individual authorized by the Eden Area ROP to provide an aid, benefit, or service in the Eden Area ROP's education program or activity conditioning the provision of Eden Area ROP aid, benefit, or service on a student's participation in unwelcome sexual conduct
2. **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Eden Area ROP's education program or activity

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of Eden Area ROP policy if it has a continuing effect on a student's ability to participate in or benefit from Eden Area ROP educational programs or activities.

3. **Sexual assault, dating violence, domestic violence, or stalking as defined in 34 CFR 106.2**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any Eden Area ROP program or activity.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of policy if it has a continuing effect on or creates a

hostile school environment for the complainant or victim of the conduct.

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

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

### Examples of SexualSex Discrimination and Sex-Based Harassment

Examples of types of conduct which are prohibited in the Eden Area ROP and which may constitute sexualsex-based harassment, under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexualsex-based slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. SexualSex-based jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexualsex-based rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

### Title IX Coordinator/Compliance Officer

The Eden Area ROP designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. of The individual(s) shall also serve as the Education Amendments of 1972 Compliance Officer(s) specified in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 – Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:

Director of Educational ServicesPrincipal

(title or position)

26316 Hesperian Blvd, Hayward, CA 94545

(address)

(510) 293-29034

(telephone number)

ealvite@edenrop.org mmichaud@edenrop.org  
(email)

## Notifications

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

The Eden Area ROP shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the Eden Area ROP's Title IX Coordinator. (34 CFR 106.8)

A copy of the Eden Area ROP's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

To prevent unlawful sex discrimination and sex-based harassment in Eden Area ROP programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 5145.3 – Nondiscrimination/Harassment.

In addition to the measures to prevent discrimination specified in Administrative Regulation 5145.3 – Nondiscrimination/Harassment, the Superintendent or designee shall ensure that a copy of the Eden Area ROP's sex discrimination and sex-based harassment policy and regulation:

1. Be displayed in a prominent location in the main administrative building or other area where notices of Eden Area ROP rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school.

The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

3. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
4. Be provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)
5. Appear in any Eden Area ROP publication that sets forth the school's or Eden Area ROP's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
6. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the Eden Area ROP's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

## Reporting Complaints Reports and Complaints

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sexual sex discrimination, including sex-based harassment, by another student, an employee, or a third party in an Eden Area ROP program or activity or who has witnessed sexual sex discrimination, including sex-based harassment, is strongly encouraged to report the incident to the Eden Area ROP's Title IX Coordinator, a teacher, the principal, the Eden Area ROP's Title IX Coordinator, or any other available school employee. Within one school day workday of receiving

such a report, the principal or other school employee shall forward the report to the Eden Area ROP's Title IX Coordinator. Any school employee who observes an incident of sexual sex discrimination or sex-based harassment involving a student shall, within one school day workday, report the observation to the principal or as specified in the accompanying board policy. Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual sex discrimination or sex-based harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable Eden Area ROP complaint procedures.

### Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and Eden Area ROP procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 – Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

All complaints and allegations of sex discrimination and sex-based harassment shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

### Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

*Gender identity of a student* means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

*Gender-nonconforming student* means a student whose gender expression differs from stereotypical expectations.

*Intersex student* means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

*Nonbinary student* means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

*Transgender student* means a student whose gender identity is different from the gender assigned at birth.

The Eden Area ROP prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct that are prohibited in the Eden Area ROP and which may constitute sex-based hostile environment harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Assaulting a student because of the student's gender, sex characteristic, sexual orientation, gender identity, or gender expression

To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the Eden Area ROP shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information

The Eden Area ROP shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.

The Eden Area ROP shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the Eden Area ROP has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

The Eden Area ROP shall only allow disclosure of a student's personally identifiable information to employees in accordance with law. Any Eden Area ROP employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to an Eden Area ROP employee by a student, the employee shall seek the student's permission to notify the Compliance Officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the Eden Area ROP's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the Compliance Officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the Compliance Officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender, or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The Eden Area ROP shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and request assistance in doing so.

2. Determining a Student's Gender Identity: The Compliance Officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless Eden Area ROP personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose
3. Addressing a Student's Transition Needs: The Compliance Officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained

The meeting shall discuss the intersex, nonbinary, transgender, or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the Eden Area ROP maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

To address any student's privacy concerns in using sex-segregated facilities, the Eden Area ROP shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the Eden Area ROP shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

5. Student Records: Upon each student's enrollment, the Eden Area ROP is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name

A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

6. Names and Pronouns: If a student so chooses, Eden Area ROP personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official Eden Area ROP record

However, inadvertent slips or honest mistakes by Eden Area ROP personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying board policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site

---

**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 432

5 CCR 4600-4670

**Description**

Student records

Uniform complaint procedures



### State References

5 CCR 4900-4965  
Civ. Code 1714.1  
Civ. Code 51.9  
Ed. Code 200-270  
Ed. Code 220.1  
Ed. Code 220.3  
Ed. Code 220.5  
Ed. Code 35292.5  
Ed. Code 48900  
Ed. Code 48900.2  
Ed. Code 48904  
Ed. Code 48980  
Ed. Code 48985  
Ed. Code 49060-49079  
Gov. Code 12950.1

### Description

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance  
[Liability of parent or guardian for act of willful misconduct by a minor](#)  
[Liability for sexual harassment; business, service and professional relationships](#)  
[Prohibition of discrimination](#)  
Prohibition of retaliation related to educational equity  
Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression  
Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression  
School restrooms; all-gender restrooms  
[Grounds for suspension or expulsion](#)  
[Additional grounds for suspension or expulsion; sexual harassment](#)  
[Liability of parent/guardian for willful student misconduct](#)  
[Parent/Guardian notifications](#)  
[Notices to parents in language other than English](#)  
[Student records](#)  
[Sexual harassment training](#)

### Federal References

20 USC 1092  
20 USC 1221  
20 USC 1232g  
20 USC 1681-1688  
34 CFR 106.1-106.82  
34 CFR 99.1-99.67  
34 USC 12291  
42 USC 1983  
42 USC 2000d-2000d-7  
42 USC 2000e-2000e-17

### Description

Definition of sexual assault  
Application of laws  
Family Educational Rights and Privacy Act (FERPA) of 1974  
Title IX of the Education Amendments of 1972; discrimination based on sex  
Nondiscrimination on the basis of sex in education programs  
Family Educational Rights and Privacy  
Definition of dating violence, domestic violence, and stalking  
Civil action for deprivation of rights  
Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended

### Management Resources References

California Department of Education Publication  
Court Decision  
Court Decision  
Court Decision  
Court Decision  
Court Decision  
Court Decision  
Court Decision

### Description

California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019  
Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274  
Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473  
Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736  
Davis v. Monroe County Board of Education (1999) 526 U.S. 629  
Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447  
Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567  
Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130

**Management Resources References**

CSBA Publication	<a href="#">Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</a>
CSBA Publication	<a href="#">Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</a>
CSBA Publication	<a href="#">Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Sexual Harassment: It's Not Academic, September 2008</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

**Description****Cross References**

0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</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>
1313	<a href="#">Civility</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</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>

**Description**

**Cross References****Description**

4119.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4119.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</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>
4219.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4219.21	<a href="#">Professional Standards</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</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>
4319.12	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.12-E(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131	<a href="#">Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.5	<a href="#">Vandalism And Graffiti</a>
5132	<a href="#">Dress And Grooming</a>
5132	<a href="#">Dress And Grooming</a>
5137	<a href="#">Positive School Climate</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4-E PDF(1)	<a href="#">Child Abuse Prevention And Reporting</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>

**Cross References**

5144  
5144  
5144.1  
5144.1  
5144.2  
5145.2  
5145.2  
5145.3  
5145.3  
5145.6  
5145.6-E(1)  
5145.71  
5145.71-E PDF(1)  
5145.9  
6145  
6145  
6163.4  
6163.4  
6163.4-E PDF(1)

**Description**

[Discipline](#)  
[Discipline](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)  
[Freedom Of Speech/Expression](#)  
[Freedom Of Speech/Expression](#)  
[Nondiscrimination/Harassment](#)  
[Nondiscrimination/Harassment](#)  
[Parent/Guardian Notifications](#)  
[Parent/Guardian Notifications](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Hate-Motivated Behavior](#)  
[Extracurricular And Cocurricular Activities](#)  
[Extracurricular And Cocurricular Activities](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)

**Regulation 5145.71: Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 02/03/2022

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that an Eden Area Regional Occupational Program (Eden Area ROP) student, while in an education program or activity in which an Eden Area Regional Occupational Program (Eden Area ROP) school exercises substantial control over the context and respondent, was subjected to one conduct on or more after August 1, 2024, including, but not limited to, conduct that is under the authority of the following forms of sexual Eden Area ROP, that constitutes sex discrimination, including sex-based harassment: (34 CFR 106.30, 106.44). For conduct that occurred prior to this date, the Eden Area ROP should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

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

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 – Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the Eden Area ROP's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

Sex discrimination and sex-based harassment include, but are not limited to, sex-based conduct as specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment.

### Basic Requirements

When implementing Title IX grievance procedures, the Eden Area ROP shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably
2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent  
The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.
3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any
5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay

Additionally, the Eden Area ROP shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the Eden Area ROP has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the Eden Area ROP's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such

disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If either party is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

### Reporting Allegations/Filing a Formal Complaint Filing a Complaint

Upon receiving information from an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the Eden Area ROP to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.21)

Complaints of sex discrimination and sex-based harassment may only be brought by a student, or former student, who was participating or attempting to participate in the Eden Area ROP's education program or activity at the time of the alleged sex-based harassment, a parent/guardian or other authorized legal representative with the legal right to act on behalf of the student, or the Title IX Coordinator or designee. (34 CFR 106.45)

~~A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the Eden Area ROP's Title IX Coordinator using the contact information listed in AR 5145.7 Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.~~

~~Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)~~

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

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an information resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint
2. The victim's reasonable safety concerns regarding initiation of a complaint
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the Eden Area ROP
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the Eden Area ROP could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the Eden Area ROP from ensuring equal access to an Eden Area ROP program or activity on the basis of sex, the Title IX Coordinator may initiate a complaint.

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

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

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint, as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decisionmaker, other person who is responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)

The Title IX Coordinator shall monitor the Eden Area ROP for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)

### Supportive Measures

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

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

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the Eden Area ROP determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the Eden Area ROP's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44. The Eden Area ROP shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course-related adjustments; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class schedules; mutual restrictions on contact; changes in class locations; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

Unless there is an allegation of sex-based harassment or retaliation, the Eden Area ROP may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the Eden Area ROP may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The Eden Area ROP shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the Eden Area ROP's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The Eden Area ROP shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the Eden Area ROP's education program or activity. (34 CFR 106.44)

### Emergency Removal from School

A student shall not be disciplined for alleged sexual sex discrimination, including sex-based harassment, under Title IX until the investigation has been completed. However, on an emergency basis, the Eden Area ROP may remove a student from the Eden Area ROP's education program or activity, provided that the Eden Area ROP conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate imminent and serious threat to the physical health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the student respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

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

### Dismissal of Complaint

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

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

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 – Uniform Complaint Procedures as applicable.

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The Eden Area ROP is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the Eden Area ROP's education program or activity and is not employed by the Eden Area ROP
3. The Eden Area ROP determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX



Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 10 days, unless such timeline is extended in accordance with this administrative regulation.

Upon dismissal, the Title IX Coordinator shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available when dismissal was made
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the Eden Area ROP shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
2. Implement appeal procedures equally for the parties
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulation
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the Eden Area ROP determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the Eden Area ROP determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures as applicable.

### Informal Resolution Process

When a formal complaint of sexual harassment is filed, the Eden Area ROP may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The Eden Area ROP shall

not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the Eden Area ROP may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the Eden Area ROP shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The Eden Area ROP shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of participation in the Eden Area ROP's education program or activity, or exercise of any other right. The Eden Area ROP may decline to offer an informal resolution process including, but not limited to, when the Eden Area ROP determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The Eden Area ROP may facilitate an informal resolution process provided that the Eden Area ROP, prior to initiating such process: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the Eden Area ROP will maintain and whether and how the Eden Area ROP could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the Eden Area ROP facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

#### **Written Notice** Notice of Allegations

If a formal complaint is filed, the Title IX Coordinator If the Eden Area ROP initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The Eden Area ROP's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Sufficient information, available at the time, to allow parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial

interview.

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

3. A statement that retaliation is prohibited
4. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified
5. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
6. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

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

### Consolidation of Complaints

The Eden Area ROP may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

### Investigation Procedures

The Eden Area ROP shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

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

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:
  - a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence  

If an accurate description is provided, the Eden Area ROP shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.
  - b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence
  - c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
4. Not Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of either party to discuss the allegations under investigation or to gather the parties to obtain and present relevant evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures

5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
6. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the Eden Area ROP may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
7. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
8. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
9. Objectively evaluate all evidence that is relevant evidence and not otherwise impermissible, including both inculpatory and exculpatory evidence, and determine including that credibility in a manner that is determinations will not be based on a person's status as a complainant, respondent, or witness
10. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
11. Exclude as impermissible the following types of evidence, and questions seeking that evidence:
  - a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Eden Area ROP obtains that party's or witness's voluntary, written consent for use in its grievance procedures
  - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

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

The Eden Area ROP shall ensure that the decisionmaker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

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

The investigator shall complete the investigation within 30 days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

## Written Decision

The Superintendent shall designate an employee as the ~~decision-maker~~ decisionmaker to determine responsibility for the alleged conduct, who ~~shall not~~ may be the Title IX Coordinator or a person involved in ~~designee or the investigation~~ investigator so long as there is no conflict of ~~the matter~~ interest or bias. (34 CFR 106.45)

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

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

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Eden Area ROP shall: (34 CFR 106.45)

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred
2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The written decision shall be issued within 45 days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

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

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

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

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

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

## Appeals

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

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

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

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

The Eden Area ROP's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

### **Appeal of the Decision**

Either party may appeal the Eden Area ROP's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the Eden Area ROP shall permit a final appeal to the Governing Board using a process that is in accordance with law and otherwise consistent with the appeal process as specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures.

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

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

### **Extension of Timelines**

Any timelines specified in this administrative regulation may be extended by the Eden Area ROP for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

### **Remedies**

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

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the Eden Area ROP identifies as having had equal access to the Eden Area ROP's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary actions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Eden Area ROP's education program or activity. (34 CFR 106.45)

### **Corrective/Disciplinary Actions**

The Eden Area ROP shall not impose any disciplinary sanctions or other actions against a respondent, other than

supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual sex discrimination and/or sex-based harassment include, but are not limited to:

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

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

The Eden Area ROP shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Eden Area ROP's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

### Record-Keeping

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

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

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

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the Eden Area ROP's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
3. All materials used to train Eden Area ROP employees; the Title IX Coordinator and designee(s); investigator(s),

decisionmaker(s), and other person(s) who are responsible for implementing the Eden Area ROP's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

The Eden Area ROP shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

---

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

#### State References

5 CCR 4600-4670

#### Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Civ. Code 51.9

[Liability for sexual harassment; business, service and professional relationships](#)

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 48900

[Grounds for suspension or expulsion](#)

Ed. Code 48900.2

[Additional grounds for suspension or expulsion; sexual harassment](#)

Ed. Code 48985

[Notices to parents in language other than English](#)

Gov. Code 12950.1

[Sexual harassment training](#)

#### Federal References

20 USC 1092

Definition of sexual assault

20 USC 1221

Application of laws

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688

Title IX of the Education Amendments of 1972; discrimination based on sex

34 CFR 106.1-106.82

Nondiscrimination on the basis of sex in education programs

34 CFR 99.1-99.67

Family Educational Rights and Privacy

34 USC 12291

Definition of dating violence, domestic violence, and stalking

42 USC 1983

Civil action for deprivation of rights

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

U.S. DOJ, FBI Publication

[National Incident-Based Reporting System](#)



**Management Resources References**

Court Decision	<a href="#">Davis v. Monroe County Board of Education (1999) 526 U.S. 629</a>
Court Decision	<a href="#">Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447</a>
Court Decision	<a href="#">Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274</a>
Court Decision	<a href="#">Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473</a>
Court Decision	<a href="#">Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736</a>
Court Decision	<a href="#">Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567</a>
Court Decision	<a href="#">Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130</a>
CSBA Publication	<a href="#">Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</a>
CSBA Publication	<a href="#">Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</a>
Federal Register	<a href="#">Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2014, Vol. 89, No. 83, pages 33474-33896</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Sexual Harassment: It's Not Academic, September 2008</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001</a>
U.S. DOE, Office for Civil Rights Publication	<a href="#">Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016</a>
Website	<a href="#">U.S. Department of Justice, Federal Bureau of Investigation</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

**Cross References**

	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</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>
1313	<a href="#">Civility</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>
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>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>

**Cross References**

4218  
4218  
4219.11  
4219.11  
4219.11-E PDF(1)  
4317.7  
4319.11  
4319.11  
4319.11-E PDF(1)  
5141.4  
5141.4  
5141.4-E PDF(1)  
5141.52  
5141.52  
5144  
5144  
5144.1  
5144.1  
5145.3  
5145.3  
5145.7  
5145.7  
5145.9  
6145  
6145

**Description**

[Dismissal/Suspension/Disciplinary Action](#)  
[Dismissal/Suspension/Disciplinary Action](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Employment Status Reports](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Child Abuse Prevention And Reporting](#)  
[Child Abuse Prevention And Reporting](#)  
[Child Abuse Prevention And Reporting](#)  
[Suicide Prevention](#)  
[Suicide Prevention](#)  
[Discipline](#)  
[Discipline](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process](#)  
[Nondiscrimination/Harassment](#)  
[Nondiscrimination/Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Hate-Motivated Behavior](#)  
[Extracurricular And Cocurricular Activities](#)  
[Extracurricular And Cocurricular Activities](#)

**Exhibit 5145.71-E(1): Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

Status: DRAFT

Original Adopted Date: 02/03/2022 | Last Reviewed Date: 02/03/2022

**NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY NONDISCRIMINATION**

The Code of Federal Regulations, Title 34, Section 106.8 requires the Eden Area ROP to issue the following notification to students at all grade levels, and their parents/guardians or other authorized legal representative:

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

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

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

Director of Educational Services Principal  
(name and/or title/position)  
26316 Hesperian Blvd., Hayward, CA 94545  
(address)  
(510) 293-29034  
(telephone number)  
ealvite@edenrop.org mmichaud@edenrop.org  
(email address)

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

To view an electronic copy of the Eden Area ROP's policies and administrative regulations on sexual sex harassment, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation BP/AR 5145.7 - Sex Discrimination and Sex-Based Sexual Harassment and Administrative Regulation AR 5145.71 - Title IX Sex Discrimination and Sex-Based Sexual Harassment Complaint Procedures on the Eden Area ROP's web site website at [www.edenarearop.org](http://www.edenarearop.org) [www.edenrop.org](http://www.edenrop.org)

To inspect or obtain a copy of the district's sex discrimination and sex-based sexual harassment policies and administrative regulations, please contact:

Director of Educational Services Principal  
26316 Hesperian Blvd., Hayward, CA 94545  
(510) 293-29034  
ealvite@edenrop.org mmichaud@edenrop.org

Materials used to train employees; the Title IX Coordinator; investigator(s), decisionmaker(s) decision-maker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person(s) who facilitates an informal resolution process, are also publicly available on the Eden Area ROP's web site or at the Eden Area ROP office upon request.

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

policy.

### State References

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-270

Ed. Code 48900

Ed. Code 48900.2

Ed. Code 48985

Gov. Code 12950.1

### Federal References

20 USC 1092

20 USC 1221

20 USC 1232g

20 USC 1681-1688

34 CFR 106.1-106.82

34 CFR 99.1-99.67

34 USC 12291

42 USC 1983

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

U.S. DOJ, FBI Publication

### Management Resources References

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

CSBA Publication

Federal Register

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

### Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

[Liability of parent or guardian for act of willful misconduct by a minor](#)

[Liability for sexual harassment; business, service and professional relationships](#)

[Prohibition of discrimination](#)

[Grounds for suspension or expulsion](#)

[Additional grounds for suspension or expulsion; sexual harassment](#)

[Notices to parents in language other than English](#)

[Sexual harassment training](#)

### Description

Definition of sexual assault

Application of laws

Family Educational Rights and Privacy Act (FERPA) of 1974

Title IX of the Education Amendments of 1972; discrimination based on sex

Nondiscrimination on the basis of sex in education programs

Family Educational Rights and Privacy

Definition of dating violence, domestic violence, and stalking

Civil action for deprivation of rights

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

[National Incident-Based Reporting System](#)

### Description

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

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

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

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

Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736

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

Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130

[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)

[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)

[Sexual Harassment: It's Not Academic, September 2008](#)

[Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001](#)

**Management Resources References**

U.S. DOE, Office for Civil Rights Publication

Website

Website

Website

Website

Website

**Description**[Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016](#)[U.S. Department of Justice, Federal Bureau of Investigation](#)[CSBA District and County Office of Education Legal Services](#)[California Department of Education](#)[CSBA](#)[U.S. Department of Education, Office for Civil Rights](#)**Cross References**

0410

1312.3

1312.3

1312.3-E PDF(1)

1313

3580

3580

4030

4030

4117.7

4118

4118

4119.11

4119.11

4119.11-E PDF(1)

4131

4131

4218

4218

4219.11

4219.11

4219.11-E PDF(1)

4317.7

4319.11

4319.11

4319.11-E PDF(1)

5141.4

5141.4

5141.4-E PDF(1)

5141.52

5141.52

5144

**Description**[Nondiscrimination In District Programs And Activities](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Civility](#)[District Records](#)[District Records](#)[Nondiscrimination In Employment](#)[Nondiscrimination In Employment](#)[Employment Status Reports](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Staff Development](#)[Staff Development](#)[Dismissal/Suspension/Disciplinary Action](#)[Dismissal/Suspension/Disciplinary Action](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Employment Status Reports](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Suicide Prevention](#)[Suicide Prevention](#)[Discipline](#)

**Cross References**

5144

5144.1

5144.1

5145.3

5145.3

5145.7

5145.7

5145.9

6145

6145

**Description**[Discipline](#)[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Hate-Motivated Behavior](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)

**Policy 5146: Married/Pregnant/Parenting Students**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, medical conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board desires to minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

The Eden Area ROP shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's current, potential, or past pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery. In addition, the Eden Area ROP shall not adopt any rule concerning a student's actual, potential, or past parental, family, or marital status that discriminates against and/or treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

Any employee who is informed by a student, or a person who has a legal right to act on behalf of a student, of a student's pregnancy or related conditions shall provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific acts to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the Eden Area ROP's education program or activity. (34 CFR 106.8)

When notified of a student's pregnancy or related conditions, the Title IX Coordinator shall provide the student, and if applicable the person who has a legal right to act on behalf of the student and who notified the Title IX Coordinator of the student's pregnancy or related conditions, with the Eden Area ROP's notice of nondiscrimination, as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment and Exhibit (1) 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. The Title IX Coordinator shall also coordinate actions specified in 34 CFR 106.40 to prevent discrimination against, and ensure equal access to, the student, including the following: (34 CFR 106.44)

1. Notifying the student that the Eden Area ROP is required to not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions

However, a student's voluntary participation in a separate portion of the Eden Area ROP's education program or activity does not constitute prohibited discrimination if the Eden Area ROP ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

2. To the extent consistent with 34 CFR 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy the Eden Area ROP administers, operates, offers, or participates in with respect to students admitted to the Eden Area ROP's education program or activity
3. Informing the student that the Eden Area ROP may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the Eden Area ROP's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the Eden Area ROP requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

**Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other Eden Area ROP students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

The Superintendent or designee shall not require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the Eden Area ROP's education program or activity, including an extracurricular activity, unless the certified level of physical ability is necessary for participation and such certification is required of all students. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

### **Absences**

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

### **Parental Leave**

A student who is pregnant or parenting, or has a related condition, shall be entitled to parental leave in order to protect the health of the student and/or the infant, and to allow the student to care for and bond with the infant. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider, or, if the Eden Area ROP has a leave policy for which the student qualifies, the amount of time provided for in such policy. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015; 34 CFR 106.40)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the Eden Area ROP. (Education Code 46015; 34 CFR 106.40)

Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

### **Accommodations**

When necessary, the Eden Area ROP shall provide reasonable accommodations to enable a student who is pregnant or parenting, or with related conditions, to access the educational program. The Eden Area ROP shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the Eden Area ROP's education program or activity shall not be implemented. (34 CFR 106.40)

Reasonable modifications may include, but are not limited to: (34 CFR 106.40)

1. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom



2. Intermittent absences to attend medical appointments
3. Access to online or homebound education
4. Changes in schedule or course sequence
5. Extensions of time for coursework and rescheduling of tests and examinations
6. Allowing a student to sit or stand, or carry or keep water nearby
7. Counseling
8. Changes in physical space or supplies, such as access to a larger desk or a footrest
9. Elevator access
10. Any other change to policies, practices, or procedures

A student who is pregnant or who has a related condition shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222; 34 CFR 106.40)

1. Access to a private and secure room, other than a restroom, that is clean, shielded from view, and free from intrusion by others to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

### Complaints

Any complaint alleging discrimination on the basis of a student's current, potential, or past pregnancy, family, or marital status, Eden Area ROP noncompliance with the requirements of Education Code 46015 or 34 CFR 106.40, or Eden Area ROP noncompliance with the requirement to provide reasonable accommodations for lactating students, shall be investigated and resolved in accordance with the Title IX grievance procedures as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (Education Code 222, 46015; 5 CCR 4600- 4670; 34 CFR 106.44, 106.45)

### Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of Eden Area ROP strategies to support current, potential, and past married, pregnant, and parenting students, which may include data on student participation in Eden Area ROP programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on Eden Area ROP programs and services.

---

**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

22 CCR 101151-101239.2

### Description

General requirements; licensed child care centers

**State References**

22 CCR 101351-101439.1  
 5 CCR 4600-4670  
 5 CCR 4950  
 Civ. Code 51  
 Ed. Code 221.51  
 Ed. Code 222  
 Ed. Code 222.5  
 Ed. Code 230  
 Ed. Code 46015  
 Ed. Code 48050  
 Ed. Code 48205  
 Ed. Code 48206.3  
 Ed. Code 48220  
 Ed. Code 48410  
 Ed. Code 48980  
 Ed. Code 49553  
 Ed. Code 51220.5  
 Ed. Code 51745  
 Ed. Code 52610.5  
 Ed. Code 8200-8490  
 Fam. Code 7002  
 H&S Code 104460

**Federal References**

20 USC 1681-1688  
 34 CFR 106.1-106.82  
 34 CFR 106.40  
 42 USC 1786  
 7 CFR 246.1-246.28

**Management Resources References**

Attorney General Opinion  
 California Women's Law Center Publication  
 California Women's Law Center Publication  
 Court Decision  
 Federal Register  
 U.S. Department of Education Publication  
 Website  
 Website

**Description**

Infant care centers  
 Uniform complaint procedures  
 Nondiscrimination; marital and parental status  
[Unruh Civil Rights Act](#)  
[Nondiscrimination; married, pregnant, and parenting students](#)  
[Reasonable accommodations; lactating students](#)  
[Pregnant and parenting students; notification of rights](#)  
[Sex discrimination](#)  
[Parental leave](#)  
[Residents of adjoining states](#)  
[Excused absences](#)  
[Temporary disability; definition](#)  
[Compulsory education requirement](#)  
[Persons exempted from continuation classes](#)  
[Parent/Guardian notifications](#)  
[Nutrition supplements for pregnant/lactating students](#)  
[Parenting skills and education](#)  
[Independent study](#)  
[Enrollment of pregnant and parenting students in adult education](#)  
[Child Care and Development Services Act](#)  
[Description of emancipated minor](#)  
[Tobacco prevention services for pregnant and parenting students](#)

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex  
 Discrimination on the basis of sex; effectuating Title IX  
 Marital or parental status  
 Special supplemental nutrition program for women, infants, and children  
 Special supplemental nutrition program for women, infants, and children

**Description**

87 Ops.Cal.Atty.Gen. 168 (2004)  
[Pregnant Students and Confidential Medical Services, 2013](#)  
[The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002](#)  
 American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307  
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)  
[Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013](#)  
[CSBA District and County Office of Education Legal Services](#)  
[California Women's Law Center](#)

**Management Resources References**

Website  
Website  
Website

**Description**

[U.S. Department of Agriculture, Women, Infants, and Children Program](#)  
[U.S. Department of Education](#)  
[California Department of Education](#)

**Cross References**

0410  
1312.3  
1312.3  
1312.3-E PDF(1)  
1400  
4119.11  
4119.11  
4119.11-E PDF(1)  
4131  
4131  
4219.11  
4219.11  
4219.11-E PDF(1)  
4319.11  
4319.11  
4319.11-E PDF(1)  
5113  
5113  
5113.1  
5113.1  
5113.11  
5131.6  
5131.6  
5131.62  
5145.3  
5145.3  
5145.6  
5145.6-E(1)  
5145.7  
5145.7  
5145.71  
5145.71-E(1)  
6143

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Relations Between Other Governmental Agencies And The Schools](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Staff Development](#)  
[Staff Development](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Absences And Excuses](#)  
[Absences And Excuses](#)  
[Chronic Absence And Truancy](#)  
[Chronic Absence And Truancy](#)  
[Attendance Supervision](#)  
[Alcohol And Other Drugs](#)  
[Alcohol And Other Drugs](#)  
[Tobacco](#)  
[Nondiscrimination/Harassment](#)  
[Nondiscrimination/Harassment](#)  
[Parent/Guardian Notifications](#)  
[Parent/Guardian Notifications](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)  
[Courses Of Study](#)

# ACTION ITEMS

---



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, and Exhibits

**BACKGROUND**

---

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

The 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**

---

The board policies, administrative regulations, and exhibits listed below have been updated based on the feedback and discussion at the September 5, 2024 Governing Board meeting.

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

<b>NUMBER</b>	<b>TYPE</b>	<b>TITLE</b>	<b>STATUS</b>
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

<b>NUMBER</b>	<b>TYPE</b>	<b>TITLE</b>	<b>STATUS</b>
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**

---

It is recommended that the Governing Board approve the second reading and adoption of Governing board policies, administrative regulations, and exhibits.

**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, 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.

**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 ROP websites shall provide current 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.

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.

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. 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**

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.

### **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 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.



**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; 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 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. 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.
  11. 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.
  12. 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.
  13. 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.
  14. 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.
  15. 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
  16. 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.
  17. 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).
  18. The annual report to CDE on the use of behavioral restraints and seclusion (Education Code 49006).
-

**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 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 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 Board shall consider the value of stability in Eden Area ROP administration the best use of Eden Area ROP resources, and the Board's duty to ensure accountability to the public for the performance of the Eden Area ROP.

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

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work
3. Salary, health and welfare benefits, and other compensation for the position, including a statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board
4. Reimbursement for work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

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.

5. Vacation, illness and injury leave, and personal leaves
6. Professional development
7. General duties and responsibilities of the position
8. Criteria, process, and procedure for annual evaluation of the Superintendent
9. A statement that there shall be no automatic renewal or extension of the contract, although the Board 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 term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in writing and in a timely manner of the requirement to give notice
11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date
12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in the Superintendent's official capacity in the performance of employment-related duties

The 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. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

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

The 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 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)

### **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.

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 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)

---

**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/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: 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: 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

---

**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/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: 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: 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

---

**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/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: 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: 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

---

**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.

### **Hiring**

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

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

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions in 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)

### **Classification**

The 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 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 their employment shall be credited with 40 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 employment, after which 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. 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

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 Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave.

### **Release from Employment/Dismissal**

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

The 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 the employee is notified, before the last day of June, of the Eden Area ROP's decision not to reelect the substitute employee for the following school year. (Education Code 37200, 44954)

---

**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 employment in such position and shall meet all other requirements of law for certificated positions. (Education Code 44830)

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

**Notifications**

Before starting work, each new substitute employee shall receive a written statement indicating 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)

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 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 the employee may substitute for any one teacher in accordance with 5 CCR 80025-80025.5.

---

**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, Board policy, and administrative regulation, as applicable.

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

1. Personal illness or injury
  2. Industrial accident or illness
  3. Family care and medical leave
  4. Military service
  5. Personal necessity and personal emergencies
  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
  9. Compulsory leave
  10. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law
  11. Bereavement
-

**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, Board policy, and administrative regulation, as applicable.

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

1. Personal illness or injury
  2. Industrial accident or illness
  3. Family care and medical leave
  4. Military service
  5. Personal necessity and personal emergencies
  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
  9. Compulsory leave
  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, Board policy, and administrative regulation, as applicable.

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

1. Personal illness or injury
  2. Industrial accident or illness
  3. Family care and medical leave
  4. Military service
  5. Personal necessity and personal emergencies
  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
  9. Compulsory leave
  10. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law
  11. Bereavement
-



**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 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**

A certificated employee may use sick leave for absences 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)

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 40 hours or 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

---

**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 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**

A certificated employee may use sick leave for absences 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)

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 40 hours or 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

---



**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 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 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 40 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)

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 40 hours or 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
-

**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

*"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)

A 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 Eden Area ROP expenditures, the neglect of assigned duties, or any other unreasonable hardship on the Eden Area ROP.

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)

---

**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

*"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)

A 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 Eden Area ROP expenditures, the neglect of assigned duties, or any other unreasonable hardship on the Eden Area ROP.

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)

---

## 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

*"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)

A 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 Eden Area ROP expenditures, the neglect of assigned duties, or any other unreasonable hardship on the Eden Area ROP.

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)

---

**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 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.

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 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 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)

---

**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 or be 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 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 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 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 Administrative Regulation 6112 - School Day, and is not excused from school for this purpose on more than four days each school month. (Education Code 46014)

15. 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 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 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, 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, digital, or 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:

- 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 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. (Education Code 48980)

Such notice shall include the full text of Education Code 48205. (Education Code 48980)

---

**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 the from the school and to families to keep families informed regarding educational programs, school operations, and the legal rights of students and 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 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.

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.

---



**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, 106.9  
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 or 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

---

**Policy 6000: Concepts And Roles**

**Status:** DRAFT

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

The Governing Board 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.

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.

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
2. Adopt textbooks and other 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
4. Provide a continuing program of professional development to keep instructional staff, administrators, and Board members updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment

The Superintendent or designee shall:

1. Review research related to curriculum issues
  2. Select and/or develop curricula for recommendation to the 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
  4. Determine the general methods of instruction to be used
  5. Assign instructors and schedule classes for all curricular offerings
  6. Recommend instructional materials to the Board and direct the purchase of approved materials and equipment
-

**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, 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 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.

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 to meet individual, group, and school community needs before, during, and after a crisis in collaboration with the resident high school
5. Intervening to ameliorate school-related problems, including problems those related to chronic absences and retention
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
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
9. Providing counseling services for unduplicated students who are classified as English learners, 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
10. Engaging in continued development as a professional school counselor

**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 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
  - 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

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 Board Policy 0410 - Nondiscrimination in Eden Area ROP Programs and Activities.

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**

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.

A counselor shall consult with the Superintendent or designee and, as appropriate, with the Eden Area ROP's legal counsel whenever 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 emergency and disaster preparedness plan and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

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.

---

**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.

**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
-

**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Reclassification of the Adult Programs Administrative Staff

## **BACKGROUND**

---

Over the years, the Eden Area ROP has needed to be nimble and responsive to the constantly changing landscape of funding and priorities. Since the inception of the Eden Area ROP Adult Programs in 2016, the job descriptions, position classifications, and salary schedules have not been adjusted to address the increased responsibilities and changes in working conditions. Eden Area ROP Adult Programs has been operating for eight years with one administrator and two classified employees supporting the development, implementation, and management of the programs. Eden Area ROP Adult Programs is fee driven.

Since 2016, the Adult Programs responsibilities has significantly expanded. The number of offerings, students, and partnerships have grown as have the revenue and the fund balance. Along with this growth, the programs have increased in complexity and risk. Enrollment, instruction, fee collection, apprenticeships, regular updates to the curriculum based on State requirements, and adding sites have grown from serving hundreds of students to thousands of students.

The job titles, job descriptions, new positions, and salary schedules should be updated to reflect these changes.

## **CURRENT SITUATION**

---

To improve the comprehensive implementation of Eden Area ROP initiatives with a focus on ongoing continuous improvement, the proposed reclassification of the positions in Adult Programs will address the significant programmatic changes. These changes have increased the number of students served and expanded the opportunities for the Eden Area ROP's adult learners.

With efforts to maintain competitive fees for students and maximizing all scholarship options for students, the Eden Area ROP Adult Program fund balance has grown and can sustain the development of the program.

The following proposed changes are recommended for the reclassification of Adult Programs administrative staff:

- Reclassify and change the title of the Director of Adult Programs to Director of Adult Programs and Apprenticeships
  - Increase the salary for this position due to expanded responsibility

- Eliminate line B on Salary Scale Chart 4 and place the reclassified position in line A
- Create the Enrollment and Registration Coordinator position
  - Reassign the employee currently holding the Program Specialist position to this new position
  - Add this position to line AE1 of Salary Scale Chart 2C
- Create the Program and Internship Coordinator position
  - Reassign the employee currently holding the Administrative Support Specialist position to this new position
  - Add this position to line AE1 of Salary Scale Chart 2C

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the reclassification of the Adult Programs administrative staff.



**DATE:** October 4, 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 Job Description for the Director of Adult Programs and Apprenticeships

**BACKGROUND**

---

Job descriptions for all positions are maintained by the Human Resources Administrator. To ensure that the positions remain current, job descriptions are periodically reviewed and updated, if needed.

Since 2016, Eden Area ROP Adult Programs have significantly expanded. The number of offerings, students, and partnerships have grown as have the revenue and the fund balance. Along with this growth, the programs have increased in complexity and risk. Enrollment, instruction, fee collection, apprenticeships, regular updates to the curriculum based on state requirements, and adding sites have grown from serving hundreds of students to thousands of students.

The job titles, job descriptions and salary schedules should be updated to reflect these changes.

**CURRENT SITUATION**

---

As part of the reclassification of Adult Programs administrative staff, updates to the job title, job description, and salary line placement are required.

The Human Resources Administrator reviewed the following Board approved job description. The supervising administrator has provided updates to the job description based on current responsibilities and requirements. These suggestions were given to the Human Resources Administrator and integrated into the current job description for recommendation to the Board for approval.

**Position with Job Description Revisions, Title Change, and Salary Placement Change**

<b>Current Title</b>	<b>New Title</b>
Director of Adult Programs	Director of Adult Programs and Apprenticeships

**RECOMMENDATION**

---

It is recommended that the Governing Board approve the revised job description for the Director of Adult Programs and Apprenticeships.

## 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>Director of Adult Programs and Apprenticeships</b>	<b>Reports to:</b>	<b>Superintendent</b>
<b>Job Location:</b>	<b>Hayward Center</b>	<b>Department:</b>	<b>Adult Programs</b>

**Position Overview**

**Purpose:**

Monitor and supervise Adult Programs to ensure compliance with California Education Code, Title 5 and all EAROP policies and guidelines. Work under the direction of the Superintendent to facilitate the successful implementation of programming for adult students.

**Duties and Responsibilities:**

- As a Local Education Agency (LEA), supervise and manage the compliance of apprenticeship programs and Related and Supplemental Instruction (RSI) hours
- Coordinate and monitor EAROP pre apprenticeship and apprenticeship programs to remain in alignment with Division of Apprenticeship Standards (DAS) regulations and requirements
- Visit partner and prospective sites and instructor classrooms on a regular basis
- Make presentations to the Governing Board as needed
- Prepare, monitor, and adjust budgets based on program enrollment
- Hire, evaluate, and observe all staff per Board policy
- Supervise full-time and hourly staff to build professional development plans to promote growth and retention in the department.
- Budget, monitor, and promote existing programs to provide industry recognized skills and certifications while remaining financially self-supporting.
- Develop, plan, and implement new classes in response to community and labor market needs
- Manage strategies to sustain courses and problem resolution
- Lead and engage staff in addressing student needs and providing high quality teaching and learning throughout the EAROP
- Work with various departments on facilities planning, equipment acquisition, and materials/supplies procurement for classes
- Oversee and market all training programs
- Manage apprenticeable and non-apprenticeable programs, considering such factors as selection, training, and placement of enrollees
- Manage training programs with employers and evaluate the progress of enrollees in conjunction with program contract goals
- Oversee and participate in the promotion of the EAROP with public entities and agencies
- Assume responsibility for services and activities including ensuring program growth, advisory committees and curriculum development; recommend and administer policies and procedures
- Participate on a variety of boards and commissions; attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of Career Technical Education and Apprenticeships
- Monitor and review legal requirements and compliance related to programs and districts
- Manage grants as appropriate
- Prepare annual projections that forecast current and future program needs
- 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

## JOB DESCRIPTION

- Coordinate the planning and directing of communication of program information to students
- Facilitate the development, implementation and evaluation of a variety of occupational education curriculum
- Direct the preparation of various statistical reports including attendance, enrollment, and related data
- Partner with the Principal of Eden Area ROP on promotional and organizational projects and events, coordinating all student outreach activities including: pre-enrollment and enrollment activities, promotional events, group presentations, career fairs, booth events, advertising in printed materials for the adult programs
- Evening supervisor
- Other duties as assigned

<b>Employment Type:</b>	<b>Full- Time</b>	<b>Employment Category:</b>	<b>Certificated Administrator</b>
<b>Work Year:</b>	<b>220 work days</b>	<b>Days/Hours:</b>	<b>Monday-Friday 8:30am-5:30pm</b>

### Position Qualifications

#### Knowledge:

- EAROP practices and procedures, EAROP mission, goals and policies
- Course and curriculum development
- 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:

- Master's Degree in educational administration from an accredited institution and has evidence of continuous professional growth preferred

#### Experience:

- Five (5) years progressively responsible experience in a public school environment.
- Successful teaching and leadership experience, preferably in a ROP with similar structure and demographics.

#### Certifications/Credentials:

- Basic Driver License
- California State Administrative Credential or Supervision and Coordination Credential

## JOB DESCRIPTION

<b>Salary Schedule Placement:</b>	A	<b>Annual Benefits:</b>	<ul style="list-style-type: none"> <li>• <b>\$11,621.16</b> *Mandatory Vision &amp; Dental deducted</li> <li>• <b>TSA</b></li> <li>• <b>Mileage Stipend</b></li> <li>• <b>Educational Stipend</b></li> </ul>
<b>Terms of Employment:</b>	<b>Year to year based on successful annual evaluation.</b>	<b>Governing Board Approved</b>	<b>Pending</b>

**CORE Values:**

We believe in the Eden Area ROP.

**Equitable:** We believe in fostering belonging and creating a safe and inclusive environment that works to eradicate the impacts of racism, bias, discrimination, and privilege.

**Accessible:** We believe all students, families and staff should feel seen, heard, welcomed, included, respected, and have access to economic and educational mobility.

**Restorative:** 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.

**Outcomes:** 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.

**Professional:** We believe excellence is the standard, as such, we will work with integrity, transparency, respect, and clear communication.



## 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>Director of Adult Programs</b>	<b>Reports to:</b>	<b>Superintendent</b>
<b>Job Location:</b>	<b>Hayward Center</b>	<b>Department:</b>	<b>Educational Services</b>

**Position Overview**

**Purpose:**

Monitor and supervise adult programs to ensure compliance with California Education Code, Title 5 and all EAROP policies and guidelines. Work under the direction of the Superintendent to facilitate the successful implementation of programming for adult students.

**Duties and Responsibilities:**

- Coordinate and monitor compliance of apprenticeship program
- Visit sites and classrooms on a regular basis
- Make presentations to the Governing Board as needed
- Prepare, monitor and adjust budgets based on program enrollment
- Hire, evaluate and observe all staff per Board policy
- Develop programs in response to community and labor market needs
- Develop strategies to sustain courses and problem resolution
- Develop, plan and implement new classes
- Lead and engage staff in addressing student needs and providing high quality teaching and learning throughout the EAROP
- Work with various departments on facilities planning, equipment acquisition, and materials/supplies procurement for classes
- Develop and market all training programs
- Evaluate apprenticeable and non-apprenticeable programs, considering such factors as selection, training and placement of enrollees
- Coordinate training programs with employers and evaluate the progress of enrollees in conjunction with program contract goals
- Oversee and participate in the promotion of the EAROP with public entities and agencies
- Assume responsibility for services and activities including ensuring program growth, advisory committees and curriculum development; recommend and administer policies and procedures
- Participate on a variety of boards and commissions; attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of Career Technical Education
- Monitor and review legal requirements and compliance related to programs and districts
- Coordinate grants as appropriate
- Prepare annual projections that forecast current and future program needs
- 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
- Coordinate the planning and directing of communication of program information to students
- Facilitate the development, implementation and evaluation of a variety of occupational education curriculum
- Direct the preparation of various statistical reports including attendance, enrollment, and related data
- Partner with the Director of Educational Services on promotional and organizational projects and events, coordinating all student outreach activities including: pre-enrollment and enrollment activities, promotional events, group presentations, career fairs, booth events, advertising in printed materials for the adult programs

## JOB DESCRIPTION

<ul style="list-style-type: none"> <li>• Evening supervisor</li> <li>• Other duties as assigned</li> </ul>			
<b>Employment Type:</b>	<b>Full Time</b>	<b>Employment Category:</b>	<b>Certificated Management</b>
<b>Work Year:</b>	<b>220 work days</b>	<b>Days/Hours:</b>	<b>Monday-Friday 9:30am-6:00pm</b>
<b>Position Qualifications</b>			
<p><b>Knowledge:</b></p> <ul style="list-style-type: none"> <li>• EAROP practices and procedures, EAROP mission, goals and policies</li> <li>• Course and curriculum development</li> <li>• Operational and instructional principles of CTE/adult programs including work-based learning</li> </ul> <p><b>Abilities:</b></p> <ul style="list-style-type: none"> <li>• Demonstrate positive leadership and management skills.</li> <li>• Effective communication with students, staff and community.</li> <li>• Collaborate and maintain effective working relationships with self-directed decision-making ability.</li> <li>• Provide strong leadership with high personal/professional integrity.</li> <li>• Network, build strong partnerships and coordinate with district administrators, state level organizations, local legislators, City Councils, service clubs and Chambers of Commerce.</li> </ul> <p><b>Soft Skills:</b></p> <ul style="list-style-type: none"> <li>• Trustworthiness; maintain confidentiality of privileged and sensitive information</li> <li>• Strong, consistent work ethic; must be punctual and reliable</li> <li>• Strong, positive communication and interaction skills when dealing with co-workers, students, administrators, parents and/or the community</li> <li>• Problem solver; able to resolve problems quickly and professionally</li> <li>• Extremely organized and successfully meeting deadlines</li> </ul> <p><b>Education:</b></p> <ul style="list-style-type: none"> <li>• Master's Degree in educational administration from an accredited institution and has evidence of continuous professional growth preferred</li> </ul> <p><b>Experience:</b></p> <ul style="list-style-type: none"> <li>• Three (3) years progressively responsible experience in a public school environment.</li> <li>• Successful teaching and leadership experience, preferably in a ROP with similar structure and demographics.</li> </ul> <p><b>Certifications/Credentials:</b></p> <ul style="list-style-type: none"> <li>• Basic Driver License</li> <li>• California State Administrative Credential or Supervision and Coordination Credential</li> </ul>			
<b>Salary Schedule Placement:</b>	<b>A</b>	<b>Annual Benefits:</b>	<ul style="list-style-type: none"> <li>• <b>\$5,500</b></li> <li>• <b>*Mandatory Vision &amp; Dental deducted</b></li> <li>• <b>TSA</b></li> <li>• <b>Educational Stipend</b></li> </ul>
<b>Terms of Employment:</b>	<b>Year to year based on successful annual evaluation.</b>	<b>Governing Board Approved</b>	<b>April 19, 2018</b>

## JOB DESCRIPTION

**CORE Values:**

We believe in the Eden Area ROP.

**Equitable:** We believe in fostering belonging and creating a safe and inclusive environment that works to eradicate the impacts of racism, bias, discrimination, and privilege.

**Accessible:** We believe all students, families and staff should feel seen, heard, welcomed, included, respected, and have access to economic and educational mobility.

**Restorative:** 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.

**Outcomes:** 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.

**Professional:** We believe excellence is the standard, as such, we will work with integrity, transparency, respect, and clear communication.



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve Enrollment and Registration Coordinator and Program and Internship Coordinator Positions and Job Descriptions

## **BACKGROUND**

---

Job descriptions for all positions are maintained by the Human Resources Administrator. To ensure that the positions remain current, job descriptions are periodically reviewed and updated, if needed.

Since 2016, Eden Area ROP Adult Programs have significantly expanded. The number of offerings, students, and partnerships have grown as have the revenue and the fund balance. Along with this growth, the programs have increased in complexity and risk. Enrollment, instruction, fee collection, apprenticeships, regular updates to the curriculum based on state requirements, and adding sites have grown from serving hundreds of students to thousands of students.

The job titles, job descriptions and salary schedules should be updated to reflect these changes.

## **CURRENT SITUATION**

---

As part of the reclassification of the Adult Programs administrative staff, two new classified positions were established, each with their respective job descriptions.

### **New Positions & Job Descriptions**

Enrollment and Registration Coordinator  
Program and Internship Coordinator

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the Enrollment and Registration Coordinator and Program and Internship Coordinator positions and job descriptions.

## 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>Enrollment and Registration Coordinator</b>	<b>Reports to:</b>	<b>Director of Adult Programs and Apprenticeships</b>
<b>Job Location:</b>	<b>Hayward Center</b>	<b>Department:</b>	<b>Adult Programs</b>

**Position Overview**

**Purpose:**

Perform a variety of advanced office, attendance, programming and support duties for Adult Programs involving both specific routines and broadly defined policies and procedures.

**Duties and Responsibilities:**

- Answer phone inquiries, emails and disseminate information regarding Eden Area ROP adult programs
- Act as student, instructor and community liaison
- Create Adult Program brochures and maintain class trimester schedule
- Create e-mail flyer each trimester and reminder notifications for students and employers
- Assist with orientations and registrations for Adult Programs and process enrollment confirmation letters
- Set up and maintain Adult Programs class schedule (hours/days/weeks), calendar of course offerings, availability of instructors, and course descriptions per directives from Director of Adult Programs and Apprenticeships
- Assist with updating and maintaining course catalog and course outlines
- Every trimester, edit and update curriculum assessment dates and student assignment dates in Orbund for instructors to preview prior to opening enrollment to the students.
- Serve as the main contact for the electrical trainee card documentation and status updates (students and employers)
- Act as apprenticeship liaison to coordinate the process, procedure, and use of Orbund to build classes, take attendance, track Related Supplemental Instruction (RSI) hours, and maintain the number of apprentices per trade.
- Monitor and update apprenticeship data on the fiscal calendar for P1, P2, and Re Calc
- Provide program updates for Electrical Training Program employers, including student progress reports and student attendance reports
- Provide program and/or student updates to Department of Industrial Relations (DIR) as needed
- In collaboration with Program Specialist, create semester or trimester courses in the student information system (SIS) to allow enrollment, receive payment, and build student roster
- Process drops for Adult Programs and maintain data with all names of students who dropped and reason for drop
- Verify and input student information, attendance, grades, transcripts and completion certificates for Adult Programs
- Provide class schedule and student information to Program and Internship Coordinator
- Create and maintain Adult Program official student records and attendance files; work with attendance office and teachers to maintain updated attendance records
- Act as website liaison for the electrical evening and continuing education portion of the Adult Programs department
- Work in collaboration with the Director of Adult Programs and Apprenticeships to report apprenticeship Related Supplemental Instruction (RSI) attendance hours and number of apprentices to the state in NOVA
- Programs to maintain accurate student enrollment and payment plan trackers per term

## JOB DESCRIPTION

- Maintain Department of Industrial Relations (DIR) applications for the Electrical Training Program
- Provide wide range of complex office administration and support to the Director of Adult Programs and Apprenticeships
- Assist Director of Adult Programs and Apprenticeships with compiling data and statistics for various reports and projects
- Support Director of Adults Programs and Apprenticeships with employee leaves and coverage
- Act as backup for Program and Internship Coordinator as appropriate
- Perform other duties as assigned

<b>Employment Type:</b>	<b>Full Time</b>	<b>Employment Category:</b>	<b>Classified</b>
<b>Work Year:</b>	<b>12-month (260 work days) *18 paid holidays</b>	<b>Days/Hours:</b>	<b>Monday-Friday 7:30am-4:00pm</b>

### Position Qualifications

#### Knowledge:

- Advanced computer skills, specifically Orbund, QuickBooks, Microsoft Word, Excel, PowerPoint and online navigation
- Proper grammar usage and letter formatting and preparing reports
- Standard office practices and procedures
- Complex filing systems

#### Abilities:

- Perform in an independent, self-directed manner and present a professional, positive representation of the Eden Area ROP
- Communicate effectively and professionally both verbally and in writing
- Interpret and apply complex federal, state and educational regulations
- Close attention to detail; input data accurately
- Comfortable with public speaking

#### 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
- Self-starter and resourceful
- Work independently and with frequent interruptions; work with a minimum of supervision
- Problem solver; able to resolve problems quickly and professionally
- Extremely organized and successfully meeting deadlines

#### Education:

- Equivalent of the completion of high school
- Bachelor's degree preferred

#### Experience:

- 5+ years administrative support experience
- Previous experience working in a school setting

#### Certifications/Credentials:

- Basic Driver License
- Private Transportation

## JOB DESCRIPTION

<b>Additional Requirements:</b> <ul style="list-style-type: none"> <li>• Pass Basic Skills Test</li> </ul>			
<b>Salary Schedule Placement:</b>	AE1	<b>Annual Benefits:</b>	\$11,621.16 *Mandatory Vision & Dental deducted
<b>Terms of Employment:</b>	Year to year based on successful annual evaluation.	<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>			

## 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>Program and Internship Coordinator</b>	<b>Reports to:</b>	<b>Director of Adult Programs and Apprenticeships</b>
<b>Job Location:</b>	<b>Hayward Center</b>	<b>Department:</b>	<b>Adult Programs</b>

**Position Overview**

**Purpose:**

Perform a variety of advanced accounting, clerical and support duties involving both specific routines and broadly defined policies and procedures. Primary support for Director of Adult Programs and Apprenticeships.

**Duties and Responsibilities:**

**General Clerical**

- Provide wide range of complex office administration and support to the Director of Adult Programs and Apprenticeships
- Manage Director of Adult Programs and Apprenticeships' calendar and schedule meetings, appointments and travel arrangements
- Work in collaboration with the Enrollment and Registration Coordinator and the Director of Adult Programs and Apprenticeships to maintain accurate student enrollment and payment plan trackers per term
- Verify and input student information, attendance, grades, transcripts and completion certificates for Adult Programs
- In collaboration with Enrollment and Registration Coordinator, create semester or trimester courses in the student information system (SIS) to allow enrollment, receive payment, and build student roster
- Process drops for Adult Programs and maintain data with all names of students who dropped and reason for drop
- Verify and input student information, attendance, grades, transcripts and completion certificates for Adult Programs
- Act as backup for Enrollment and Registration Coordinator as appropriate
- Perform other duties as needed

**Instructional Support**

- Assist with orientations and registrations for Adult Programs
- Set up and maintain Adult Programs class schedule (hours/days/weeks), calendar of course offerings, availability of instructors, and course descriptions per directives from Director of Adult Programs and Apprenticeships

**Public Relations**

- Act as student, instructor, and community liaison
- Create and update Adult Program brochures and maintain class schedules
- Create email flyer for each session and reminder notifications for students
- Answer phone inquiries and emails, and disseminate information regarding ROP adult programs
- Assist as a contact for the electrical trainee card documentation and status updates (students and employers)
- Act as website liaison for the Adult Programs department
- Assist student with DIR applications for the Electrical Training Program



## JOB DESCRIPTION

### Accounting

- Provide, maintain and monitor accurate, neat and efficient electronic and manual adult accounting and filing systems
- Collect all payments (credit cards, checks, and cash), keep accurate records and prepare payments for deposit
- Process and monitor adult registration, payments, and refunds
- Assist Director of Adult Programs and Apprenticeships in preparation of various worksheets and financial reports
- Work with Director of Adult Programs and Apprenticeships to track and monitor Adult Programs grants
- Work with Director of Adult Programs and Apprenticeships to invoice payments from employers, grants, Department of Rehabilitation (DOR), California Work Opportunity and Responsibility to Kids (CalWORKs), Eligible Training Provider List (ETPL), Veteran Affairs, workers compensation insurance training vouchers, Employment Development Department (EDD), local grants, donations, etc.
- Track all expenditures for Adult Programs in collaboration with Business Office
- Monitor account balances for all programs on Escape
- Verify and correct budget coding and budget availability through designated software database
- Process bank deposits from fees collected and post in financial system, and deposits to ACOE County
- Reconcile bank statements and other deposit accounts
- Prepare and submit reimbursement forms to Business Office for Director of Adult Programs and Apprenticeships and Adult Programs staff

### Purchasing

- Receive and process adult programs purchase requisitions, purchase orders and receiving in collaboration with business office
- Order, maintain and monitor class supplies for all Adult Programs
- Maintain Adult Program contracts, Memorandums of Understanding (MOU's), W9's, leases, insurance certificates and permits/licenses for approval
- Establish contact and source out vendor bids, when needed; establish and maintain vendor files; maintain and process paperwork for vendors and contractors
- Maintain fixed assets and reconcile inventory records for Adult Programs
- Arrange for equipment repairs or service as necessary

<b>Employment Type:</b>	<b>Full Time</b>	<b>Employment Category:</b>	<b>Classified</b>
<b>Work Year:</b>	<b>12 month (260 work days) *18 paid holidays</b>	<b>Days/Hours:</b>	<b>Monday-Friday 7:30am-4:00pm</b>

### Position Qualifications

#### Knowledge:

- QuickBooks for invoicing
- Orbund for student payments, attendance, grades and homework
- Escape for journal entries, budget transfers, purchasing, invoicing and bank reconciliation
- Advanced computer skills, specifically Microsoft Word, Excel, Publisher, PowerPoint, and online navigation
- Bookkeeping and accounting principles
- Calculating, posting and managing accounting figures and financial records
- Perform mathematical computations quickly and accurately
- Complex filing systems

## JOB DESCRIPTION

### Abilities:

- Perform in an independent, self-directed manner and present a professional, positive representation of the Eden Area ROP
- Communicate effectively and professionally both verbally and in writing
- Strong analytical skills with the ability to collect, organize, analyze, and disseminate significant amounts of information with attention to detail and accuracy
- Close attention to detail; input data accurately
- Comfortable dealing with numbers and processing financial information, cash handling
- Comfortable with public speaking
- Efficient time management

### 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
- Self-starter and resourceful
- Work independently and with frequent interruptions; work with a minimum of supervision
- Problem solver; able to resolve problems quickly and professionally
- Extremely organized and successfully meeting deadlines

### Education:

- Equivalent of the completion of high school
- College courses in accounting preferred
- Accounting or business degree preferred

### Experience:

- 5 years of relevant experience including cash handling, accounting, bookkeeping, and purchasing
- Experience working with an online payment system desired
- Previous administrative support experience desired

### Certifications/Credentials:

- Basic Driver License
- Private transportation

### Additional Requirements:

- Pass Basic Skills Test

<b>Salary Schedule Placement:</b>	AE1	<b>Annual Benefits:</b>	\$11,621.16 *Mandatory Vision & Dental deducted
<b>Terms of Employment:</b>	Year to year based on successful annual evaluation.	<b>Governing Board Approved</b>	Pending

### CORE Values:

We believe in the Eden Area ROP.

**Equitable:** We believe in fostering belonging and creating a safe and inclusive environment that works to eradicate the impacts of racism, bias, discrimination, and privilege.

**Accessible:** We believe all students, families and staff should feel seen, heard, welcomed, included, respected, and have access to economic and educational mobility.

## JOB DESCRIPTION

**Restorative:** 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.

**Outcomes:** 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.

**Professional:** We believe excellence is the standard, as such, we will work with integrity, transparency, respect, and clear communication.



**DATE:** October 4, 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 Schedules (Charts 2C and 4)

## **BACKGROUND**

---

Since the inception of the Eden Area ROP Adult Programs in 2016, the job descriptions, position classifications, and salary schedules have not been adjusted to address the increased responsibilities and changes in working conditions. Eden Area ROP Adult Programs has been operating for eight years with one administrator and two classified employees supporting the development, implementation, and management of the programs. Adult Programs are fee driven.

Since 2016, Adult Programs have significantly expanded. The number of offerings, students, and partnerships have grown as have the revenue and the fund balance. Along with this growth, the programs have increased in complexity and risk. Enrollment, instruction, fee collection, apprenticeships, regular updates to the curriculum based on state requirements, and adding sites have grown from serving hundreds of students to thousands of students.

Eden Area ROP Adult Programs is updating their job titles, job descriptions, establishing new positions, and assigning appropriate salary schedules.

## **CURRENT SITUATION**

---

To complete the reclassification of the Adult Programs administrative staff, salary schedules need to be amended. The following revised salary schedules are being presented for your approval to be effective July 1, 2023:

- Salary Scale Chart 2C: Adult Programs Employees
  - Create line AE1
  - Add the Enrollment and Registration Coordinator position to line AE1
  - Add the Program and Internship Coordinator position to line AE1
  
- Salary Scale Chart 4: Administration
  - Eliminate line B
  - Add Director of Adult Programs and Apprenticeships position to line A

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the revised salary schedules (charts 2c and 4).



# Salary Scale Chart 2C ADULT PROGRAMS EMPLOYEES

## 2024-2025

Effective: July 1, 2023

### CERTIFICATED SALARIED INSTRUCTORS-12 MONTHS

Step	A	B	C	D	E	F
1	\$75,809.55	\$78,917.40	\$82,182.83	\$85,608.27	\$89,206.80	
2	\$77,053.65	\$80,221.18	\$83,551.09	\$87,049.34	\$90,719.53	
3	\$78,322.82	\$81,554.80	\$84,951.59	\$88,517.90	\$92,260.93	
4	\$79,614.66	\$82,912.34	\$86,375.96	\$90,015.11	\$93,830.96	
5	\$80,936.36	\$84,297.30	\$87,831.38	\$91,543.37	\$95,435.61	
6		\$85,710.94	\$89,315.47	\$93,101.46	\$97,072.53	
7		\$87,150.82	\$90,829.38	\$94,690.59	\$98,741.66	
8		\$88,622.97	\$92,371.96	\$96,310.78	\$100,441.83	
9		\$90,121.37	\$93,947.96	\$97,965.59	\$102,177.83	
10		\$91,652.02	\$95,553.82	\$99,652.63	\$103,948.45	
11			\$97,193.10	\$101,373.11	\$105,757.28	
12					\$107,598.33	
17						\$112,297.68
22						\$114,270.07
27						\$116,281.88

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

Initial placement on the schedule will consider amount and level of experience, education, complexity of subject matter, area salary rates, and relative value of the individual program. *At the discretion of the Superintendent, placement may be at a higher range based on the needs of the program.* Movement to the next column requires evidence of the completion of 15 semester units of instruction that are approved by the Superintendent or designee. A maximum of six (6) years teaching credit will be granted for initial placement on the salary schedule. (See AR 4122)

\*Step 17 is a Longevity Step- increase is earned after five years on Step 12, Column E plus 9 semester units of approved Professional Development. Movement down Column F to Step 22 and 27, will each be earned after five additional years plus 9 semester units of approved Professional Development.

Note: Employee may elect to participate at his/her expense in one of the health plan packages offered by the EAROP to its employees.

## EDUCATIONAL STIPENDS

**Professional Growth:** Full time teachers who have been compensated on Step 12, Column E for at least 2 years shall be entitled to a professional growth allowance of \$30 per semester unit with a maximum of 4 semester units per year and 20 semester units total. All units must be approved and earned during the year being credited. These units may be converted to Professional Development units needed for Column F, Step 17, providing the condition below is met.\*

**\*Step 17 is a Longevity Step** – the increase is earned after five years on Step 12, Column E plus 9 semester units of approved Professional Development. Movement down Column F to Step 22 and 27, will each be earned after five additional years plus 9 semester units of approved Professional Development.

Bachelor's Degree	Master's Degree	Doctorate
\$867	\$1,122	\$1,632

**Educational Stipends** - Employee will receive the highest educational stipend ONLY.

### CERTIFICATED HOURLY INSTRUCTORS

STEP	1	2	3	4	5	6	7
<b>HOURLY RATE</b>	<b>\$44.51</b>	<b>\$48.41</b>	<b>\$50.59</b>	<b>\$52.87</b>	<b>\$55.27</b>	<b>\$57.77</b>	<b>\$59.59</b>

- Initial placement on the schedule will consider amount and level of experience, education, complexity of subject matter, area salary rates, and relative value of the individual program. At the discretion of the Superintendent, placement may be at a higher range based on the needs of the program.
- Movement to the next step will each be earned after six (6) additional years.
- Preparation time is paid at 1 hour per class.

## CLASSIFIED EMPLOYEES

STEP	WORK YEAR	CLASSIFIED POSITION TITLES
AE 1	12 months	Program and Internship Coordinator
AE 1	12 months	Enrollment and Registration Coordinator
AE 3	12 months	Administrative Support Specialist
AE 3	12 months	Program Specialist
AE 5	12 months	Security
AE 6	12 months	Exempt Instructor (Classified Hourly)

10 months= 193 days

11 months= 223 days

12 months= 260 days

### Column (C) and Step (S)

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

S	C	1	2	3	4	5	6	7	8	9	10
AE 1	H	\$33.77	\$35.15	\$36.59	\$38.13	\$39.69	\$41.36	\$43.13	\$44.95	\$46.84	\$48.81
	M	\$5487.63	\$5,711.88	\$5,945.88	\$6,196.13	\$6,449.63	\$6,721.00	\$7,008.63	\$7,304.38	\$7,611.89	\$7,932.35
	A	\$65,851.50	\$68,542.50	\$71,350.50	\$74,353.50	\$77,395.50	\$80,652.00	\$84,103.50	\$87,652.50	\$91,342.67	\$95,188.20
AE 3	H	\$31.20	\$32.44	\$33.77	\$35.15	\$36.59	\$38.13	\$39.69	\$41.36	\$43.13	\$44.95
	M	\$5,070.00	\$5,271.50	\$5,487.63	\$5,711.88	\$5,945.88	\$6,196.13	\$6,449.63	\$6,721.00	\$7,008.63	\$7,304.38
	A	\$60,840.00	\$63,258.00	\$65,851.50	\$68,542.50	\$71,350.50	\$74,353.50	\$77,395.50	\$80,652.00	\$84,103.50	\$87,652.50
AE 5	H	\$25.52	\$26.45	\$27.47	\$28.55	\$29.67	\$30.83	\$32.06	\$33.35	\$34.70	\$36.52
	M	\$4,147.00	\$4,298.13	\$4,463.88	\$4,639.38	\$4,821.38	\$5,009.88	\$5,209.75	\$5,419.38	\$5,638.75	\$5,934.50
	A	\$49,764.00	\$51,577.50	\$53,566.50	\$55,672.50	\$57,856.50	\$60,118.50	\$62,517.00	\$65,032.50	\$67,665.00	\$71,214.00
AE 6	H	\$44.51	\$48.41	\$50.59	\$52.87	\$55.27	\$57.77	\$59.59			

#### For AE 6

- Initial placement on the schedule will consider amount and level of experience, education, complexity of subject matter, area salary rates, and relative value of the individual program. At the discretion of the Superintendent, placement may be at a higher range based on the needs of the program.
- Movement to the next step will each be earned after six (6) additional years.
- Preparation time is paid at 1 hour per class.

Associate's Degree	Bachelor's Degree	Master's Degree	Benefits Package
\$612 per year	\$867 per year	\$1,122 per year	\$968.43 per month

#### Notes:

- Longevity Columns 6, 7, 8, 9 and 10 reached at 10, 15, 20, 25 and 30 years respectively.
- Numbers have been rounded.

# Salary Scale Chart 4 ADMINISTRATION

## 2024-2025

Effective: July 1, 2023

STEP	ADMINISTRATION POSITION TITLES
A	Principal – Certificated Position 220 day work year
A	Director of Adult Programs and Apprenticeships - Certificated Position 220 day work year
C	Fiscal Services Administrator - Classified Position-260 day work year (this position accrues vacation)
C	Human Resources Administrator- Classified Position-260 day work year (this position accrues vacation)
D	Assistant Principal – Certificated Position 220 day work year

### Range and Column

Range	Column	1	2	3	4	5	L6*	L7*
<b>A</b>	Daily	\$690.91	\$723.38	\$757.38	\$792.98	\$830.25	\$843.88	\$857.52
	Monthly	\$12,666.67	\$13,262.00	\$13,885.31	\$14,537.92	\$15,221.21	\$15,471.21	\$15,721.21
	Annually	\$152,000.00	\$159,144.00	\$166,623.77	\$174,455.09	\$182,654.47	\$185,654.47	\$188,654.47
<b>C</b>	Daily	\$521.96	\$544.99	\$569.15	\$594.55	\$621.20	\$632.74	\$644.28
	Monthly	\$11,309.22	\$11,808.12	\$12,331.67	\$12,881.82	\$13,459.37	\$13,709.37	\$13,959.37
	Annually	\$135,710.66	\$141,697.42	\$147,980.00	\$154,581.88	\$161,512.43	\$164,512.43	\$167,512.43
<b>D</b>	Daily	\$590.91	\$618.68	\$647.76	\$678.20	\$710.08	\$723.72	\$737.35
	Monthly	\$10,833.33	\$11,342.50	\$11,875.60	\$12,433.75	\$13,018.14	\$13,268.14	\$13,518.14
	Annually	\$130,000.00	\$136,110.00	\$142,507.17	\$149,205.01	\$156,217.64	\$159,217.64	\$162,217.64

**\*LONGEVITY STEPS: AFTER 3 YEARS ON STEP 5, EMPLOYEE MOVES TO STEP 6. AFTER 3 YEARS ON STEP 6, EMPLOYEE MOVES TO STEP 7. ADDITIONAL \$3,000 PAID AFTER 3 YEARS ON STEP 5, ANOTHER \$3,000 PAID AFTER 3 YEARS ON STEP 6.**

### EDUCATIONAL STIPENDS

<b>Bachelor's Degree</b>	<b>Master's Degree</b>	<b>Doctorate</b>
<b>\$867</b>	<b>\$1,122</b>	<b>\$1,632</b>

- Employees receive an annual benefit package of \$11,621.16.**
- Daily rate=total annual salary / number of days in work year.
- Employee may elect to participate at his/her expense in one of the health plan packages offered by the EAROP to its employees.
- Certificated work year does not include vacations or holidays.
- Classified work year does include vacation and holidays.
- Numbers have been rounded.





**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to Approve the Proposed Salary and Health and Welfare Benefit Increases for all Employees

## **BACKGROUND**

---

The Eden Area ROP has continued to make employee compensation competitive. Eden Area ROP partner school districts and other ROPs have been increasing salaries and it is in the Eden Area ROP's best interest to do the same. As Eden Area ROP instructors are typically recruited from the private sector, Eden Area ROP needs to be able to be competitive to maximize recruitment leverage.

The Eden Area ROP has continued to decrease its planned deficit spending and budget conservatively due to long term grant funding. Those strategies combined with successive waves of successful grant awards in 2023-2024, further reinforced Eden Area ROP's strong fiscal standing.

## **CURRENT SITUATION**

---

The Eden Area ROP is proposing the following adjustments to employee compensation and benefits, pending Board approval:

- A 4% salary increase for all employees.
- A \$1,000 increase to the annual health and wellness benefit package for all full-time employees.

If approved by the Board, these adjustments will be applied retroactively, effective July 1, 2024.

## **RECOMMENDATION**

---

It is recommended that the Governing Board to approve the proposed salary and health and welfare benefit increases for all employees.



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Public Disclosure of Eden Area ROP Employees' Agreement for the 2024-2025 Salary and Health & Wellness Benefit Package (H&W) Increases

## **BACKGROUND**

---

Per California Government Code (GC) Section 3547.5, it states that "Before a public School employer enters into a written agreement ... the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years, shall be disclosed at a public meeting of the public school employer in a format established for this purpose by the Superintendent of Public Instruction. The superintendent of the school district and chief business official shall certify in writing that the costs incurred by the school district under the agreement can be met by the district during the term of the agreement. This certification shall be prepared ... and shall itemized any budget revision necessary to meet the costs of the agreement in each year of its term." Furthermore, per California Department of Education, Assembly Bill (AB) 1200 "was created to ensure that local educational agencies throughout California adequately prepared to meet their financial obligations... expand[ing] the role of county offices of education (COEs) in monitoring school districts by mandating that COEs intervene under certain circumstances to ensure districts can meet their financial obligations."

## **CURRENT SITUATION**

---

In compliance with AB 1200 and GC 3547.5, the Eden Area ROP has prepared and certified the Public Disclosure of Collective Bargaining Agreement showing the Eden Area ROP's ability to meet the cost of a 4.00% salary increase across all salary schedules and a \$1,000 increase to Eden Area ROP's annual health and wellness benefit package (H&W) effective 07/01/2024, of which a fully executed form, along with a revised FY 2024-2025 Form CASH, was submitted to Alameda County Office of Education on September 16, 2024.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the Public Disclosure of Eden Area ROP employees' agreement for the 2024-2025 salary and health & wellness benefit package (H&W) increases.

**Public Disclosure of Collective Bargaining Agreement**  
**In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5**

Name of District: Eden Area ROP

Name of Bargaining Unit: N/A

Certificated or Classified: Both

The proposed agreement covers the period beginning: 7/1/2024 and ending: N/A  
 (date) (date)

The Governing Board will take action on: 10/4/2024  
 (date)

Letter requested from Alameda County Office of Education? Yes (indicate yes or no)

**A. Proposed Changes in Compensation**

Bargaining Unit Compensation Changes to General Fund as a result of Collective Bargaining Agreement	Annual Cost Prior to Proposed Agreement FY 2024-2025	Fiscal Impact of Proposed Agreement (complete Year 2 and 3 for multiyear & overlapping agreements only)		
		Year 1 Increase/(Decrease) FY 2024-2025	Year 2 Increase/(Decrease) FY 2025-2026	Year 3 Increase/(Decrease) FY 2026-2027
1 <b>Salary Schedule</b> Increase (Decrease)	\$ 4,966,301	\$ 196,434	\$ 198,500	\$ 200,596
		3.96%	4.00%	4.04%
2 <b>Step &amp; Column</b> Increase (Decrease) due to movement plus any changes due to settlement	\$ -	\$ -	\$ (35,314)	\$ 46,198
		0.00%	0.00%	0.00%
3a <b>Other Compensation</b> Stipends, Bonuses, Longevity, Overtime Differential, Callback or Standby Pay, etc.	\$ -	\$ -	\$ -	\$ -
		0.00%	0.00%	0.00%
3b <b>Description of Other Compensation</b> (Listed on Line 3 above)				
4 <b>Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare, etc.</b>	\$ 1,770,664	\$ 59,572	\$ 60,209	\$ 60,853
		3.36%	3.40%	3.44%
5 <b>Health/Welfare Increases</b>	\$ 568,483	\$ 50,650	\$ 50,650	\$ 50,650
		8.91%	8.91%	8.91%
6 <b>Total Cost of Negotiated Settlement</b> (Add Items 1 through 5 to equal 6)	\$ 7,305,448	\$ 306,656	\$ 274,045	\$ 358,297
		4.20%	3.75%	4.90%
7 <b>Total number of represented Employees (Use FTEs)</b>	55	55	54	54
8 <b>Total Compensation Average Cost per Employee</b>	\$ 132,826	\$ 5,576	\$ 4,983	\$ 6,514
		4.20%	3.75%	4.90%

**Public Disclosure of Collective Bargaining Agreement**  
In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5

Name of District: Eden Area ROP

Name of Bargaining Unit: N/A

The Governing Board will take action on: 10/4/2024

**D. Impact of Proposed Agreement on Current Year Operating Budget - UNRESTRICTED GENERAL FUND**

	Column 1	Column 2	Column 3	Column 4
Impact of the Proposed Agreement on the Current Year Operating Budget (EC 42142)	Latest Board-Approved Budget Before Settlement As of: 06/07/2024	Adjustments as a result of Settlement	Other Revisions due to Settlement and/or Other Unit Agreements	Total New Budget (Col 1+2+3)
<b>Revenues</b>				
LCFF Sources (8010-8099)	\$ -	\$ -	\$ -	\$ -
Federal Revenue (8100-8299)	\$ -	\$ -	\$ -	\$ -
Other State Revenue (8300-8599)	\$ -	\$ -	\$ -	\$ -
Other Local Revenue (8600-8799)	\$ 9,751,237	\$ -	\$ -	\$ 9,751,237
<b>Total Revenues</b>	<b>\$ 9,751,237</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 9,751,237</b>
<b>Expenditures</b>				
Certificated Salaries (1000-1999)	\$ 3,190,247	\$ 124,595	\$ -	\$ 3,314,842
Classified Salaries (2000-2999)	\$ 1,075,765	\$ 42,370	\$ -	\$ 1,118,135
Employee Benefits (3000-3999)	\$ 1,689,894	\$ 91,039	\$ -	\$ 1,780,933
Books and Supplies (4000-4999)	\$ 419,178	\$ -	\$ -	\$ 419,178
Services & Operating Expenses (5000-5999)	\$ 6,116,354	\$ -	\$ -	\$ 6,116,354
Capital Outlay (6000-6599)	\$ -	\$ -	\$ -	\$ -
Other Outgo (7100-7299 & 7400-7499)	\$ -	\$ -	\$ -	\$ -
Direct Support/Indirect Cost (7300-7399)	\$ (33,057)	\$ -	\$ -	\$ (33,057)
<b>Total Expenditures</b>	<b>\$ 12,458,381</b>	<b>\$ 258,004</b>	<b>\$ -</b>	<b>\$ 12,716,385</b>
Operating Surplus (Deficit)	\$ (2,707,144)	\$ (258,004)	\$ -	\$ (2,965,148)
Other Sources and Transfers In (8910-8979)	\$ 75,000	\$ -	\$ -	\$ 75,000
Other Uses and Transfers Out (7610-7699)	\$ -	\$ -	\$ -	\$ -
Contributions (8980-8999)	\$ -	\$ -	\$ -	\$ -
Current Year Increase (Decrease) In Fund Balance	<b>\$ (2,632,144)</b>	<b>\$ (258,004)</b>	<b>\$ -</b>	<b>\$ (2,890,148)</b>
Beginning Balance	\$ 8,356,778			\$ 8,356,778
Pr. Year Audit Adj./Restatements (9793-9795)				
Current Year Ending Balance	\$ 5,724,634	\$ (258,004)	\$ -	\$ 5,466,630
<b>Components of Ending Balance</b>				
Reserved and Legally Restricted (9711-9740)				\$ -
Reserved for Economic Uncertainties (9789)	\$ 3,056,807.74	\$ 43,860.68	\$ -	\$ 3,100,668
Designated Amounts (9775-9780)				\$ -
Unappropriated Amounts (9790)	\$ 2,667,826	\$ (301,865)	\$ -	\$ 2,365,962
Comments (Major changes):				
FY 2024-2025 Beginning Balance after Unaudited Actuals. Salary Schedule increase of 4.00% COLA for FY 2024-2025 and an additional \$1,000 in annual H&W stipend, presented to Board, with Public Disclosure, on 10/04/2024.				

**Public Disclosure of Collective Bargaining Agreement**  
 In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5

Name of District: **Eden Area ROP**

Name of Bargaining Unit: **N/A**

The Governing Board will take action on: **10/4/2024**

**D. Impact of Proposed Agreement on Current Year Operating Budget - RESTRICTED GENERAL FUND**

Impact of the Proposed Agreement on the Current Year Operating Budget (EC 42142)	Column 1 Latest Board- Approved Budget Before Settlement  As of: 06/07/2024	Column 2  Cost of of Settlement	Column 3  Other Revisions due to Settlement	Column 4  Total New Budget (Col 1+2+3)
<b>Revenues</b>				
LCFF Sources (8010-8099)	\$ -	\$ -	\$ -	\$ -
Federal Revenue (8100-8299)	\$ 578,126	\$ -	\$ -	\$ 578,126
Other State Revenue (8300-8599)	\$ 3,794,377	\$ -	\$ -	\$ 3,794,377
Other Local Revenue (8600-8799)	\$ 1,150,338	\$ -	\$ -	\$ 1,150,338
<b>Total Revenues</b>	<b>\$ 5,522,841</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,522,841</b>
<b>Expenditures</b>				
Certificated Salaries (1000-1999)	\$ 302,392	\$ 14,621	\$ -	\$ 317,013
Classified Salaries (2000-2999)	\$ 397,897	\$ 14,848	\$ -	\$ 412,745
Employee Benefits (3000-3999)	\$ 649,253	\$ 19,183	\$ -	\$ 668,436
Books and Supplies (4000-4999)	\$ 77,199	\$ (905)	\$ -	\$ 76,294
Services & Operating Expenses (5000-5999)	\$ 4,063,043	\$ (47,747)	\$ -	\$ 4,015,296
Capital Outlay (6000-6599)	\$ -	\$ -	\$ -	\$ -
Other Outgo (7100-7299 & 7400-7499)	\$ -	\$ -	\$ -	\$ -
Direct Support/Indirect Cost (7300-7399)	\$ 33,057	\$ -	\$ -	\$ 33,057
<b>Total Expenditures</b>	<b>\$ 5,522,841</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,522,841</b>
Operating Surplus (Deficit)	\$ -	\$ -	\$ -	\$ -
Other Sources and Transfers In (8910-8979)	\$ -	\$ -	\$ -	\$ -
Other Uses and Transfers Out (7610-7699)	\$ -	\$ -	\$ -	\$ -
Contributions (8980-8999)	\$ -	\$ -	\$ -	\$ -
Current Year Increase (Decrease) In Fund Balance	\$ -	\$ -	\$ -	\$ -
Beginning Balance	\$ 3,263,599			\$ 3,263,599
Pr. Year Audit Adj./Restatements (9793-9795)				
Current Year Ending Balance	\$ 3,263,599	\$ -	\$ -	\$ 3,263,599
<b>Components of Ending Balance</b>				
Reserved and Legally Restricted (9711-9740)	\$ -	\$ -	\$ -	\$ -
Reserved for Economic Uncertainties (9789)				
Designated Amounts (9775-9780)	\$ -	\$ -	\$ -	\$ -
Unappropriated Amounts (9790)	\$ 3,263,599			\$ 3,263,599
Comments (Major changes):				
FY 2024-2025 Beginning Balance after Unaudited Actuals. Salary Schedule increase of 4.00% COLA for FY 2024-2025 and an additional \$1,000 in annual H&W stipend, presented to Board, with Public Disclosure, on 10/04/2024.				

**Public Disclosure of Collective Bargaining Agreement**  
 In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5

Name of District: **Eden Area ROP**

Name of Bargaining Unit: **N/A**

The Governing Board will take action on: **10/4/2024**

**D. Impact of Proposed Agreement on Current Year Operating Budget - COMBINED GENERAL FUND**

Impact of the Proposed Agreement on the Current Year Operating Budget (EC 42142)	Column 1 Latest Board- Approved Budget Before Settlement  As of: 06/07/2024	Column 2  Cost of of Settlement	Column 3  Other Revisions due to Settlement	Column 4  Total New Budget (Col 1+2+3)
<b>Revenues</b>				
LCFF Sources (8010-8099)	\$ -	\$ -	\$ -	\$ -
Federal Revenue (8100-8299)	\$ 578,126	\$ -	\$ -	\$ 578,126
Other State Revenue (8300-8599)	\$ 3,794,377	\$ -	\$ -	\$ 3,794,377
Other Local Revenue (8600-8799)	\$ 10,901,575	\$ -	\$ -	\$ 10,901,575
<b>Total Revenues</b>	<b>\$ 15,274,078</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 15,274,078</b>
<b>Expenditures</b>				
Certificated Salaries (1000-1999)	\$ 3,492,639	\$ 139,216	\$ -	\$ 3,631,855
Classified Salaries (2000-2999)	\$ 1,473,662	\$ 57,218	\$ -	\$ 1,530,880
Employee Benefits (3000-3999)	\$ 2,339,147	\$ 110,222	\$ -	\$ 2,449,369
Books and Supplies (4000-4999)	\$ 496,377	\$ (905)	\$ -	\$ 495,472
Services & Operating Expenses (5000-5999)	\$ 10,179,397	\$ (47,747)	\$ -	\$ 10,131,650
Capital Outlay (6000-6599)	\$ -	\$ -	\$ -	\$ -
Other Outgo (7100-7299 & 7400-7499)	\$ -	\$ -	\$ -	\$ -
Direct Support/Indirect Cost (7300-7399)	\$ -	\$ -	\$ -	\$ -
<b>Total Expenditures</b>	<b>\$ 17,981,222</b>	<b>\$ 258,004</b>	<b>\$ -</b>	<b>\$ 18,239,226</b>
Operating Surplus (Deficit)	\$ (2,707,144)	\$ (258,004)	\$ -	\$ (2,965,148)
Other Sources and Transfers In (8910-8979)	\$ 75,000	\$ -	\$ -	\$ 75,000
Other Uses and Transfers Out (7610-7699)	\$ -	\$ -	\$ -	\$ -
Contributions (8980-8999)	\$ -	\$ -	\$ -	\$ -
Current Year Increase (Decrease) In Fund Balance	\$ (2,632,144)	\$ (258,004)	\$ -	\$ (2,890,148)
Beginning Balance	\$ 11,620,377			\$ 11,620,377
Pr. Year Audit Adj./Restatements (9793-9795)	\$ -			\$ -
Current Year Ending Balance	\$ 8,988,233	\$ (258,004)	\$ -	\$ 8,730,229
<b>Components of Ending Balance</b>				
Reserved and Legally Restricted (9711-9740)	\$ -	\$ -	\$ -	\$ -
Reserved for Economic Uncertainties (9789)	\$ 3,056,808	\$ 43,861	\$ -	\$ 3,100,668
Designated Amounts (9775-9780)	\$ -	\$ -	\$ -	\$ -
Unappropriated Amounts - Unrestricted (9790)	\$ 2,667,826	\$ (301,865)	\$ -	\$ 2,365,962
Unappropriated Amounts - Restricted (9790)	\$ 3,263,599	\$ -	\$ -	\$ 3,263,599
Unrestricted Reserves Percentage	49.99%			29.97%
Comments (Major changes):				
FY 2024-2025 Beginning Balance after Unaudited Actuals. Salary Schedule increase of 4.00% COLA for FY 2024-2025 and an additional \$1,000 in annual H&W stipend, presented to Board, with Public Disclosure, on 10/04/2024.				

## Public Disclosure of Collective Bargaining Agreement

In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5

Name of District: Eden Area ROP

Name of Bargaining Unit: N/A

The Governing Board will take action on: 10/4/2024

**E. Revised MYP Including the Effects of Collective Bargaining**

	Year 1	Year 2	Year 3
	FY	FY	FY
<b>Revenues</b>			
LCFF Revenue Sources	0		
Federal Revenue	578,126	578,126	578,126
Other State Revenue	3,794,377	4,152,500	4,205,500
Local Revenue	10,901,575	10,875,546	10,963,026
Other Financing Sources	75,000	25,000	0
Other Adjustments			
<b>Total Revenue</b>	<b>15,349,078</b>	<b>15,631,172</b>	<b>15,746,652</b>
<b>Expenditures</b>			
Certificated Salaries	3,631,855	3,631,855	3,640,130
Step & Column Adjustment		31,571	30,808
<b>Settlement-Related Costs (+/-)</b>		0	0
Other Adjustments		(23,296)	0
<b>Total Certificated Salaries</b>	<b>3,631,855</b>	<b>3,640,130</b>	<b>3,670,938</b>
Classified Salaries	1,530,880	1,530,880	1,495,566
Step & Column Adjustment		14,382	15,390
<b>Settlement-Related Costs (+/-)</b>		0	0
Other Adjustments		(49,696)	0
<b>Total Classified Salaries</b>	<b>1,530,880</b>	<b>1,495,566</b>	<b>1,510,956</b>
Employee Benefits	2,449,369	2,455,737	2,478,821
<b>Settlement-Related Costs (+/-)</b>			
Books & Supplies	495,472	495,472	495,472
Services, Other Operating Exp	10,131,650	7,775,148	7,827,327
Capital Outlay	0	0	0
Other Outgo (Excluding Transfers of Indirect Costs)	0	0	0
Other Outgo - Transfers of Indirect Costs	0	0	0
Other Financing Uses	0	0	0
Other Adjustments	0	0	0
<b>Total Expenditures</b>	<b>18,239,226</b>	<b>15,862,053</b>	<b>15,983,514</b>
<b>Net Increase(Decrease) in Fund Balance</b>	<b>(2,890,148)</b>	<b>(230,881)</b>	<b>(236,862)</b>
Beginning Fund Balance	11,620,377	8,730,229	8,499,348
Audit Adjustments/Restatements	0		
Ending Balance	8,730,229	8,499,348	8,262,486
<b>Components of Ending Balance</b>			
Revolving & Stores			
Restricted Balance & Other Designations	0		
Required Reserve	3,100,668		
Unrestricted Balance (Incl Revolving)	5,629,561	8,499,348	8,262,486
<b>ADA Assumption:</b>			

Comments (Major changes):

FY 2024-2025 Beginning Balance after Unaudited Actuals. Salary Schedule increase of 4.00% COLA for FY 2024-2025 and an additional \$1,000 in annual H&W stipend, presented to Board, with Public Disclosure, on 10/04/2024.

**Public Disclosure of Collective Bargaining Agreement**  
 In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5

**F. State Reserve Standard**

**1. Calculate State Required Minimum Reserve - Required Reserve for Economic Uncertainty (REU)**

	Year 1	Year 2	Year 3
a. Total Expenditures including Transfers Out and Other Uses	18,239,226	15,862,053	15,983,514
b. Required Reserve Percentage (REU) for this District	17.00%	17.00%	17.00%
c. REU Amount:	\$ 3,100,668	\$ 2,696,549	\$ 2,717,197

**2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)**

a. General Fund Unrestricted REU	\$ 3,100,668	\$ -	\$ -
b. General Fund Unrestricted Unassigned/Unappropriated	\$ 5,629,561	\$ 8,499,348	\$ 8,262,486
c. Special Reserve Fund 17- REU	\$ -	\$ -	\$ -
d. Special Reserve Fund 17- Unassigned/Unappropriated	\$ -	\$ -	\$ -
g. Total District Budgeted Unrestricted Reserves	\$ 8,730,229	\$ 8,499,348	\$ 8,262,486

**3. Has the minimum state-required reserve been met?** **Yes** **Yes** **Yes**

If NO, how do you plan to restore your reserves?

N/A.

**4. Is a retroactive payroll anticipated?** If yes, please provide a cashflow with an estimated timeline of when this will impact the District's General Fund cash.

Yes. Since FY 2024-2025 COLA is being presented to the Board on 10/04/2024, salary and H&W stipend will be retroactive to 07/01/2024, with payment to be reflected on 10/2024 payroll. Updated FY 2024-2025 cash flow analysis will be provided separately.



# Public Disclosure of Collective Bargaining Agreement

In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5

Name of District: Eden Area ROP

Name of Bargaining Unit: N/A

The Governing Board will take action on: 10/4/2024

---

---

## B. Narrative Description of Agreement

8. **What was the negotiated percentage increase that was approved?** For example, if the increase in "Year 1" was for less than a full year, what is the annualized percentage of that increase for "Year 1"?

4.00% COLA increase and an additional \$1,000 in annual H&W stipend effective 07/01/2024 and is ongoing.

9. **Were any additional steps, columns or ranges added to the schedules?**

(If yes, please explain.)

No.

10. **Please include additional comments and explanations as necessary.**

(If more room is necessary, please attach additional sheet.)

4.00% COLA increase and an additional \$1,000 in annual H&W stipend effective 07/01/2024 was not incorporated in the FY 2024-2025 Adopted Budget for it will be approved by the board on 10/04/2024, after the adoption of the budget.

11. **Proposed negotiated changes in non-compensation Items**

(e.g. class size adjustments, staff development days, teacher prep time, classified staffing ratios, etc.)

N/A.

12. **What contingency language is included in the proposed agreement (e.g. reopeners, etc.)?**

N/A.

13. **Identify other major provisions that do not directly affect the district's costs; such as binding arbitration, grievances procedures, etc.**

N/A.

# Public Disclosure of Collective Bargaining Agreement

In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5

Name of District: Eden Area ROP

Name of Bargaining Unit: N/A

The Governing Board will take action on: 10/4/2024

## C. Source of Funding for Proposed Agreement

### 14. Source of Funding for Proposed Agreement

A. If this is a one-time or off-schedule settlement, how will the cost of the proposed agreement be funded and when is the payment expected to be funded?

This is neither a one-time or off-schedule settlement.

B. If this is not a one-time settlement, how will the ongoing cost of the proposed agreement be funded in the current and subsequent years (i.e., what will allow the district to afford this contract on an ongoing basis)?

4.00% COLA increase and an additional \$1,000 in annual H&W stipend effective 07/01/2024 is to be funded by unrestricted and restricted GF, per the employee's pay distribution, applied to current and subsequent FYs.

### 15. What are the Specific Impacts (Positive or Negative) on Instructional and Support Programs to Accommodate the Settlement? Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (e.g. counselors, librarians, custodial staff, etc.).

No impact on instructional and support programs to accommodate this settlement.

### 16. Will this agreement create, increase, or decrease deficit spending in the current or subsequent year(s)? "Deficit spending" is when a fund's expenditures and other financing uses exceed its revenues and other financing sources in a given year. If yes, explain the amounts and justification for doing so.

Although this agreement will increase planned deficit spending in FY 2024-2025, and increase deficit spending in subsequent FYs as per the revised MYP, there are new grants for current FY that were recently awarded, but not incorporated in the FY 2024-2025 Adopted Budget due to the timing of award. These new grants are anticipated to lessen burden on unrestricted GF. MYP will be revised accordingly at First Interim, Second Interim and FY 2025-2026 Adopted Budget that should reduce deficit spending starting FY 2025-2026 (Subsequent FY 1).

### 17. Were "Other Adjustments" amount(s) entered in the multiyear projections (page 5) for 1st and 2nd subsequent fiscal years?

<u>MYP</u>	<u>Amount</u>	<u>"Other Adjustments" Explanation</u>
1st Subsequent Year	\$ (72,992)	End of grant (SWP-Connections)
2nd Subsequent Year	\$ -	

Additional Explanation (if necessary)

Eden Area ROP School District  
**Public Disclosure of Collective Bargaining Agreement**

*In accordance with AB1200 (Chapter 1213/1991) and GC 3547.5.*

**CERTIFICATE OF AFFORDABILITY**

Certification of the District's Ability to Afford the Costs of a Collective Bargaining Agreement

This disclosure document must be signed by the District Superintendent and Chief Business Official prior to public disclosure and included as part of the public disclosure documentation.

**The District projects the total monetary cost of the settlement to be as follows:**

For an ongoing cost, please show the ongoing cost in each year. For a one-time cost, only include the cost in the year impacted.

<b>Cost over current budget / MYP</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Cumulative cost over 3 years</b>
<b>One-time</b>	-	-	-	-
<b>On-going</b>	306,656	274,045	358,297	938,998
<b>Total</b>	306,656	274,045	358,297	938,998

**Please check one of the following:**

No budget revisions are necessary for the District to afford this settlement.

Budget revisions are necessary for the District to afford this settlement. These revisions are itemized below. The District's budget assumptions are attached, which become an integral part of this document.

*Note that if the District does not adopt all of the revisions in the current fiscal year, the County Superintendent is required to issue a qualified or negative certification on the next Interim Report per Government Code (GC) 3547.5(c).*

Indicate any changes from the latest board approved budget:

Budget Adjustment Categories	Change to Fund Balance Increase (Decrease)		
	Year 1	Year 2	Year 3
<b>Revenues/Other Financing Sources</b>			
		274,045	358,297
<b>Expenditures/Other Financing Uses</b>			
Increased salary costs	306,656	274,045	358,297
<b>Fund Balance</b>	(306,656)		
<b>Ending Fund Balance</b>			
Increase (Decrease)	-	-	-

Please review the above and sign below:

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Official of the \_\_\_\_\_ Eden Area ROP \_\_\_\_\_ School District hereby certify that the District can meet the costs incurred under the Collective Bargaining

\_\_\_\_\_  
**District Superintendent (Signature)**

10/4/2024  
**Date**

Blaine Torpey  
**District Superintendent (Type Name)**

\_\_\_\_\_  
**Chief Business Official (Signature)**

10/4/2024  
**Date**

Anthony Oum  
**Chief Business Official (Type Name)**

**Eden Area ROP School District**  
**Public Disclosure of Collective Bargaining Agreement**  
*In accordance with AB1200 (Chapter 1213/1991) and GC 3547.5.*

**Certification of Board Action**

*The disclosure document must be signed by the district Superintendent or designee at the time of public disclosure and by the President or Clerk of the Governing Board at the time of formal board action on the proposed agreement.*

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Collective Bargaining Agreement") in accordance with the requirements of AB 1200 and Government Code 3547.5.

<hr style="border: none; border-top: 1px solid black;"/> <b>District Superintendent (or Designee)</b> <b>(Signature)</b>	<div style="background-color: #ffffcc; padding: 5px; border: 1px solid black;">10/4/2024</div> <hr style="border: none; border-top: 1px solid black;"/> <b>Date</b>
--	--

After public disclosure of the major provisions contained in this summary, the Governing Board, at its meeting on 10/4/2024, took action to approve the proposed Agreement with the N/A Bargaining Unit.

<hr style="border: none; border-top: 1px solid black;"/> <b>President (or Clerk), Governing Board</b> <b>(Signature)</b>	<div style="background-color: #ffffcc; padding: 5px; border: 1px solid black;">10/4/2024</div> <hr style="border: none; border-top: 1px solid black;"/> <b>Date</b>
--	--

**Special Note:** The Alameda County Office of Education reserves the right to ask any additional questions or request any additional information we feel is necessary to review the district properly under AB 1200, including a copy of the Tentative Agreement.



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Addition of a Fourth 1.0 FTE Medical Careers Instructor Position

## **BACKGROUND**

---

The Eden Area ROP's Medical Careers program has experienced a significant increase in student interest and enrollment for the current academic year. This increase reflects a growing enthusiasm among students to pursue careers in the healthcare sector, a field that continues to demonstrate strong employment growth and community need.

## **CURRENT SITUATION**

---

Currently, the Medical Careers program operates with three classes. Due to the high volume of interested students, the existing classes have reached maximum capacity, resulting in waitlists and the inability to accommodate all applicants.

Expanding the program aligns with industry needs by preparing more students for careers in healthcare, a sector with high demand for skilled professionals. Adding another class ensures that more students have access to valuable career technical education opportunities. To meet the increased demand and provide equitable educational opportunities, the addition of a fourth Medical Careers class is being proposed. This expansion necessitates the hiring of an additional Medical Careers Instructor (1.0 FTE) to maintain our standards of quality instruction and student support.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the addition of a fourth 1.0 FTE Medical Careers Program Instructor.



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Agreement with Donald Orlando for Welding Maintenance Services for the 2024-2025 School Year

## **BACKGROUND**

---

Donald Orlando is the owner of De La Luz Welding in Hayward, CA. The Eden Area ROP has contracted Donald Orlando to do necessary repairs and maintenance on the Eden Area ROP's welding shop machines and equipment.

## **CURRENT SITUATION**

---

This agreement for service is between the Eden Area ROP and Donald Orlando for welding and equipment repair services. This agreement is from September 1, 2024, through June 30, 2025.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve the agreement with Donald Orlando for welding maintenance services for the 2024-2025 school year.



# 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)

---

This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Donald Orlando (the "Service Provider") between September 1, 2024, through June 30, 2025

## Background:

---

- A. The Customer is of the opinion that the Service Provider has the necessary qualifications, experience, and abilities to provide services to the Customer.
- B. The Service Provider is agreeable to providing such services to the Customer on the terms and conditions set out in this Agreement.

**IN CONSIDERATION OF** the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to this Agreement agree as follows:

## Services Provided

---

- 1. The Customer hereby agrees to engage the Service Provider to provide the Customer with services (the "Services") consisting of
  - a. Assessment and repair of welding shop machines and equipment

## Term of Agreement

---

- 2. The term of this Agreement will begin on September 1, 2024, and will remain in full force and effect until June 30, 2025, subject to earlier termination as provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.

## Performance

---

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



## Compensation

---

4. Eden Area ROP will pay a fee to Donald Orlando for the Services based on \$50.00 per hour. This fee shall be payable monthly, no later than the last day of the month following the period during which the Services were performed. The agreement is not to exceed a total of \$5,000 unless another agreement or addendum is submitted for board approval.
5. Service Provider must submit an itemized invoice to Business Services which includes dates, time, and type of work accomplished.

## Confidentiality

---

6. The Service Provider agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any confidential information with respect to the business of the Customer, which the Service Provider has obtained, except as may be necessary or desirable to further the business interests of the Customer. This obligation will survive indefinitely upon termination of this Agreement.

## Non-Competition

---

7. Other than with the express written consent of the Customer, which will not be unreasonably withheld, the Service Provider will not, during the continuance of this Agreement, be directly or indirectly involved with a business which is in direct competition with the particular business line of the Customer, divert or attempt to divert from the Customer any business the Customer has enjoyed, solicited, or attempted to solicit, from other individuals or corporations, prior to termination of this Agreement.

## Ownership of Materials

---

8. All materials developed, produced, or in the process of being so under this Agreement will be the property of the Customer. The use of the mentioned materials by the Customer will not be restricted in any manner.
9. The Service Provider may retain use of the said materials and will not be responsible for damages resulting from their use for work other than services contracted for in this Agreement.

## Return of Property

---

10. Upon the expiration or termination of this Agreement, the Service Provider will return to the Customer any property, documentation, records, or confidential information which is the property of the Customer.

## Assignment

---

11. The Service Provider will not voluntarily or by operation of law assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Customer.

## Capacity/Independent Contractor

---

12. It is expressly agreed that the Service Provider is acting as an independent contractor and not as an employee in providing the Services under this Agreement. The Service Provider and the Customer acknowledge that this Agreement does not create a partnership or joint venture between them and is exclusively a contract for service.

## Modification of Agreement

---

13. Any amendment or modification of this Agreement or additional obligation assumed by either party in connection with this Agreement will only be binding if evidenced in writing signed by each party or an authorized representative of each party.

## Notice

---

14. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the parties of this Agreement.

## Costs and Legal Expenses

---

15. In the event that legal action is brought to enforce or interpret any term of this Agreement, the prevailing party will be entitled to recover, in addition to any other damages or award, all reasonable legal costs and fees associated with the action.

## Time of the Essence

---

16. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

## Entire Agreement

---

17. It is agreed that there is no representation, warranty, collateral agreement, or condition affecting this Agreement except as expressly provided in this Agreement.

## Limitation of Liability

---

18. It is understood and agreed that the Service Provider will have no liability to the Customer or any other party for any loss or damage (whether direct, indirect, or consequential) which may arise from the provision of the Services.

## Indemnification

---

19. The Service Provider will indemnify and hold the Customer harmless from any claims against the Customer by any other party, arising directly or indirectly out of the provision of the Services by the Service Provider.

## Inurement

---

20. This Agreement will ensure the benefit of and be binding on the parties and their respective heirs, executors, administrators, successors and permitted assigns.

## Currency

---

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

## Titles/Headings

---

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

## Gender

---

23. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

## Governing Law

---

24. It is the intention of the parties to this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of California, without regard to the jurisdiction in which any action or special proceeding may be instituted.

## Severability

---

25. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

## Waiver

---

26. The waiver by either party of a breach, default, delay, or omission of any of the provisions of this Agreement by the other party will not be construed as a waiver of any subsequent breach of the same or other provisions.

## Additional Provisions

---

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

\_\_\_\_\_  
Donald Orlando, Service Provider

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manuschka Michaud  
Eden Area ROP Principal

\_\_\_\_\_  
Date



**DATE:** October 4, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Craig Lang, Director of Adult Education  
**SUBJECT:** Request the Governing Board to approve the Agreement with Healthcare Career Advancement Program (H-CAP) for Curriculum and Equipment Improvement as it Relates to the Development of the Dental Assistant Apprenticeship Program for the 2024-2025 School Year

## **BACKGROUND**

---

The Healthcare Career Advancement Program (H-CAP) is a national labor/management organization that promotes innovation and quality in healthcare career education. Their mission is to transform healthcare workforce development and to support highly-trained, highly-valued professionals to better meet the need for quality care in a rapidly changing industry. H-CAP is committed to fostering value and equity in healthcare careers, and to helping employers recruit and retain the best-trained professionals, to meet their needs and the needs of our communities.

H-CAP provides mentorship and financial support for qualified applicants who are seeking to start apprenticeship programs for healthcare careers.

## **CURRENT SITUATION**

---

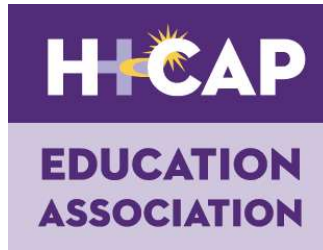
The Adult Education Department of Eden Area ROP is in the process of developing a Dental Assisting Apprenticeship Program. There is continued work on the design of the program, curriculum development, and updating equipment. All of which are appropriate use of funds under Exhibit A of the H-CAP agreement.

The payment to Eden Area ROP shall be no more than \$45,000.

## **RECOMMENDATION**

---

It is recommended that the Governing Board approve agreement with Healthcare Career Advancement Program (H-CAP) for curriculum and equipment improvement as it relates to the development of the Dental Assistant Apprenticeship Program for the 2024-2025 school year.



## INDEPENDENT CONTRACTOR AGREEMENT

### AGREEMENT BETWEEN H-CAP Education Association, Inc. (“H-CAP EA and Eden Area Regional Occupational Program (“Independent Contractor”))

1. Scope of Services      As set forth in Exhibit A  
  
Independent Contractor warrants that its service will be performed in a professional and workmanlike manner in accordance with applicable professional standards.
2. Term of Agreement      The services under this Agreement shall begin on September 3, 2025 and end on September 30, 2026. During the term of this agreement, Vendor shall be available to provide consulting services (set forth in Exhibit A).
3. Terms of Payment      Payment shall be **no more than \$45,000**. Independent Contractor shall be paid upon submitting an acceptable invoice to:

H-CAP Education Association, Inc.  
1178 Broadway, Suite 3029  
New York, NY 10001

[invoiceshcapea@hcapinc.org](mailto:invoiceshcapea@hcapinc.org)

Independent Contractor will invoice monthly for days worked. Independent Contractor shall be paid within 30 – 45 days after receipt of invoices and appropriate documentation. Contractor can be paid electronically or checks shall be mailed to the Independent Contractor at the following address:

26316 Hesperian Blvd, Hayward, CA 94545

4. Reimbursement of Expenses      H-CAP EA shall not be liable to Independent Contractor for any expenses paid or incurred by Independent Contractor, unless otherwise agreed to in writing.
5. Independent Contractor Status      Independent Contractor acknowledges and represents that the services rendered under this Agreement shall be solely as an independent contractor. Independent Contractor shall not enter into any contractor commitment on behalf of H-CAP EA. Independent Contractor further acknowledges that it is not considered an affiliate or subsidiary of H-CAP EA, and is not entitled to any employment rights or benefits. It is expressly understood that this undertaking is not a joint venture, and does not create a partner relationship.

# H-CAP EDUCATION ASSOCIATION, INC. INDEPENDENT CONTRACTOR AGREEMENT

Independent Contractor and H-CAP EA agree to the following rights consistent with an independent contractor relationship:

- Independent Contractor has the right to perform services for others during the term of this Agreement.
- Independent Contractor has the sole right to control and direct the means, manner and method by which the services required by this Agreement will be performed.
- Independent Contractor shall not be required to receive any training from H-CAP EA in the skills necessary to perform the services required by this Agreement.
- H-CAP EA shall not require Independent Contractor to devote full time to performing the services required by this Agreement.
- Independent Contractor is not eligible to participate in an employee pension, health, vacation pay, sick pay, or other fringe benefit plan of H-CAP.
- H-CAP EA shall evaluate the work of Independent Contractor on an ongoing basis. Independent Contractor shall cooperate so that H-CAP EA can evaluate Independent Contractor's work.

## 6. Taxes

The parties agree that the withholding (or payment to others) of any sum for income tax, unemployment insurance, FICA, disability insurance, or any other withholding pursuant to any law or requirement of any governmental body applicable to employees are inapplicable hereunder and that all such payments, withholdings, and benefits, where applicable are Independent Contractor's sole responsibility. Independent Contractor agrees to hold H-CAP EA harmless against, and to indemnify H-CAP EA for any and all claims, including penalties, that may be imposed by the Internal Revenue Service or any other taxing authority or other government agency (whether federal, state, or local) which may be made against H-CAP EA arising out of or relating to (1) Independent Contractor's failure to pay any taxes or (2) any Independent Contractor personnel filing any claim for unemployment benefits (or any similar benefits available to employees of H-Cap) as a result of the cessation of providing services to H-CAP EA or Independent Contractor.

## 7. Assignability

This Agreement shall not be transferred or assigned, in whole or in part, by Independent Contractor without the prior written consent of H-CAP.

## 8. Work Product

Vendor agrees that any deliverable item or other work product created or developed by it in the course of the service pursuant to this Agreement, whether developed jointly or independently, including all copyrights and rights under copyrights therein, shall be the sole and exclusive property of H-CAP, unless H-CAP EA shall otherwise specifically agree in a writing signed by both parties. H-CAP EA shall own all right, title, and interest to each deliverable item or other work product developed unless otherwise

# H-CAP EDUCATION ASSOCIATION, INC. INDEPENDENT CONTRACTOR AGREEMENT

agreed, as aforesaid. Independent Contractor acknowledges that H-CAP EA shall have the unrestricted right to transfer or utilize such right, title, and interest in any manner in which H-CAP EA so chooses. Upon the expiration or other termination of this Agreement, Independent Contractor will give to H-CAP EA any documents or materials produced during Independent Contractor's work or given to Independent Contractor by H-CAP.

## 9. Confidentiality

During the course of the engagement, Independent Contractor may be given access to confidential or proprietary information that relates to H-CAP EA or its administrators, trustees, participants, beneficiaries, or other personnel (the "Confidential Information"). Therefore:

- a. The Confidential Information of H-CAP EA may be used by Independent Contractor only in connection with the engagement
- b. Independent Contractor agrees to protect the confidentiality of the Confidential Information of the other in the same manner that it protects the confidentiality of its own proprietary and confidential information of like-kind, but always at least in a reasonable manner. Access to Confidential Information shall be restricted to the personnel of Independent Contractor involved in the engagement who have in turn agreed to be bound by these confidentiality provisions.
- c. The Confidential Information may not be copied or reproduced without H-CAP's prior written consent.
- d. All Confidential Information made available hereunder, including all copies, shall be returned or destroyed upon the first to occur of (i) completion of the engagement, or (ii) request by H-CAP.
- e. In the event Independent Contractor received a subpoena or other validly issued administrative or judicial process requesting Confidential Information of H-CAP, it shall provide prompt notice to H-CAP EA of such receipt. Independent Contractor shall thereafter be entitled to comply with such subpoena or other process to the extent required by law.
- f. In any event, Independent Contractor shall not permit any information regarding H-CAP's administrators, trustees, participants, beneficiaries, or other personnel or personnel data to be disseminated, sold, assigned leased or licensed to any third party outside Independent Contractor, not otherwise used or commercially exploited in any way.

## 10. H-CAP EA

It is understood and agreed that the obligations of the H-CAP EA are not



**H-CAP EDUCATION ASSOCIATION, INC.  
INDEPENDENT CONTRACTOR AGREEMENT**

- Directors and Employees      the personal obligations of the individual director and employees of H-CAP EA and that no past, present or future directors or employees of H-CAP EA shall have any personal liability hereunder.
  
- 11. Choice of Law      This Agreement shall be governed by the laws of the State of New York and any dispute will be resolve in New York City.
  
- 12. Amendment      This agreement may be modified or amended only in writing. Any written modification or amendment must be signed by H-CAP EA and Independent Contractor.
  
- 13. Termination of Agreement Prior to Date in Paragraph 2      Either party may terminate this agreement at any time by giving 30 days notice to the other party. H-CAP EA shall not be liable for any services or expenses incurred after notice of termination has been given to Independent Contractor.
  
- 14. Entire Agreement      This document contains the complete agreement between the parties and supersedes all prior agreements and understandings between the parties with respect to its subject matter. There are no contemporaneous agreements concerning this matter.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed as of \_\_\_\_\_

Eden Area ROP

By: Craig Lang  
Craig Lang (Sep 19, 2024 12:47 PDT)

Sep 19, 2024

Signatory

Date

Craig Lang

Director of Adult Education, Eden Area ROP

**H-CAP EDUCATION ASSOCIATION, INC.**

By: \_\_\_\_\_

## **Exhibit A**

**The Independent Contractor and H-CAP agrees to the following Contractor Responsibilities:**

### **Use of Funds**

Contractor may only use payment for the following:

- Design and registration of Registered Apprenticeship programs
- Classroom education or online programs
- Defraying non-wage direct costs, e.g. equipment
- Curricula development
- Mentor train the trainer costs or activities
- Apprentice support services, i.e. transportation, childcare, dependent care, housing, needs-related payment (only applicable to recipients of Supportive Services funding)

### **Co-Enrollment**

- H-CAP is an industry intermediary through the US Department of Labor Office of Apprenticeship and a recipient of the H1-B Closing the Skills Gap Grant
- For certain occupations, H-CAP will co-enroll apprentices to meet deliverables in both the grant and the contract. Apprentice information will be shared with the US DOL- Employment and Training Administration through AGS Prime

### **Sub-Contractor Responsibilities**

- Each recipient organization will participate in monthly check-ins on progress with an H-CAP Program Coordinator. Items for Discussion:
  - Status of Programs
  - Status of Apprentices
  - Status of Forms and Documents
  - Stakeholder Involvement e.g. new partnerships, roles and contributions
  - Employer engagement e.g. increased number of employers, pipeline needs
  - Monthly Activities including events
  - Success Stories
  - Mentors Trained
  - Risks, related needs and Risk Mitigation Strategies
  - Innovations and Promising Practices

## **Exhibit A - continued**

### **The Independent Contractor and H-CAP agree to the following Contractor Responsibilities:**

- Each recipient organization is responsible for entering or uploading all information into the AGS Prime Data System with H-CAP staff support.
- Each recipient organization shall share at least one success story per quarter after the program has launched on the provided template form
- Each recipient organization shall report any circumstances that will impact your ability to meet your commitment
- Each recipient organization shall be available to participate in virtual meetings, phone calls, and possibly public events, designed to educate partners about Registered Apprenticeship.
- Each recipient organization shall share any planned events or communications developed (brochures, videos, etc.) with H-CAP for inclusion in DOL reports and other H-CAP materials, such as the monthly newsletter
- Each recipient organization shall provide H-CAP with the following documentation for use in the creation of a national inventory:
  - Curricula
  - Work processes
  - Related technical instruction and on-the-job training outlines
  - Competency-based occupational frameworks
- Recipients shall share with H-CAP information about other funding received and funds expended by the employer and/or sponsor

### **Reporting and Information Gathering**

#### **NCHA Programs**

- Each recipient organization shall submit Employer Participation Agreement (if needed), a Local Committee Participation Agreement and Apprentice Agreement, Completion, and Cancellation Forms to **DOLReporting@hcapinc.org** and upload into AGS Prime

#### **Programs with sponsors other than NCHA**

- Each recipient organization shall upload Employer Agreement Forms, Apprentice Agreement Forms, Apprentice Completion Forms, and Apprentice Cancellation forms into AGS Prime with the support of H-CAP Program staff and send copies to DOLreporting@hcapinc.org
- H-CAP will accept DOL Apprentice Agreement forms or equivalent state forms

## **Exhibit A - continued**

**The Independent Contractor and H-CAP agree to the following Contractor Responsibilities:**

Any questions about what information is needed about apprentices or programs should immediately be directed to your Program Coordinator.

### **H-CAP Responsibilities**

- Track apprentice #'s and invoice status
- Submit completion information to DOL and send certificate to apprentice or fund (NCHA only)
- Promote partner programs through newsletter, conferences, and social media
- Timely payment of invoices
- Technical assistance, including support registering standards with the DOL and/or state agencies, support completing DOL, H-CAP and NCHA forms; support recruiting, training, and onboarding apprentices and mentors; problem solving and resource identification; and support on program implementation
- For NCHA programs, HCAP will enter apprentice information into the DOL's RAPIDS (Real-Time Automated Personnel Identification System) tracking system

### **Invoicing**

- Invoices shall be sent to [InvoicesHCAPEA@hcapinc.org](mailto:InvoicesHCAPEA@hcapinc.org) and your H-CAP Program Coordinator
- Invoice submissions should include:
  - A cover letter on organizational letterhead with the total amount invoiced and reference "Irvine Grant"
  - The H-CAP invoice template with itemized lists of expenditures
  - Back up documentation to verify expenditures
- Invoice amount must not exceed amount specified in the contract

## **Apprentice Information Sharing**

### **NCHA Programs**

- Contractors shall enter apprentice data and upload Apprentice Agreement, Apprentice Completion or Apprentice Cancellation forms into AGS Prime for each apprentice
- Contractors shall update AGS Prime with key apprentice information and upload any related forms including but not limited to Exit wage, Completion Date, cancellation and completion information including credential received, whether apprentice remained with the employer, and information about the apprentice's new job title

### **Programs with Sponsors Other Than NCHA**

- Contractors shall enter apprentice data and upload Apprentice Agreement, Apprentice Completion or Apprentice Cancellation forms into AGS Prime for each apprentice.
- For Programs registered with State Apprenticeship Agencies, contractors can upload equivalent state forms
- Contractors are responsible for entering information into the DOL's RAPIDS (Real-Time Automated Personnel Identification System) tracking system (H-CAP can train staff to run reports from AGS Prime to be uploaded into RAPIDS)
- Contractors shall update AGS Prime with key apprentice information and upload any related forms including but not limited to Exit wage, Completion Date, and completion information including credential received, whether apprentice remained with the employer, and information about the apprentice's new job title

# COMMUNICATION

---



# Alameda County Office of Education

Alysse Castro, Superintendent

---

September 16, 2024

Blaine Torpey, Superintendent  
Members of the Governing Board  
Eden Area ROP (EAROP) via email

RE: 2024-25 Adopted Budget Review

Dear Superintendent Torpey and Members of the Board,

Based on ACOE's review of EAROP's 2024-25 Adopted Budget and Multiyear Budget Projection, we have determined that EAROP complies with the approval criteria per Education Code Section 42127, and EAROP's Adopted Budget has been approved.

We appreciate the continued hard work and commitment of the ROP staff, the Board, and the community. Please contact us with any questions or concerns.

In community,

A handwritten signature in black ink, appearing to read 'Alysse Castro'.

Alysse Castro  
Alameda County Superintendent of Schools

cc: Anthony Oum, Fiscal Services Administrator, Eden Area ROP  
Allan Garde, Associate Superintendent of Business Services, ACOE  
Shirene Moreira, Chief of District Business and Advisory Services, ACOE  
Joan Laursen, Director III, District Business & Advisory Services, ACOE  
Nathan Lau, Director I, District Advisory Services, ACOE