



# EdenAreaROP

## GOVERNING BOARD MEETING AGENDA

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

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**Thursday, April 10, 2025**  
**5:45 pm**

### GOVERNING BOARD MEMBERS

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James Aguilar, President	San Leandro Unified School District
Juan Campos, Vice President	San Lorenzo Unified School District
Sara E. Raymond, Member	Castro Valley Unified School District
Ken Rawdon, Member	Hayward Unified School District

### MISSION STATEMENT

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



## Regular Meeting of the ROP Governing Board

Date: Thursday, April 10, 2025  
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 7)

**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.

**Page 3 – Agenda for the April 10, 2025 Regular Meeting of the ROP Governing Board**

- A. Request the Governing Board to approve the Minutes of the Regular Governing Board Meeting of March 6, 2025 (pages 9-15)
- B. Request the Governing Board to approve the Bill Warrants (pages 16-22)
- C. Request the Governing Board to approve the Personnel Action Items (pages 23-24)
- D. Request the Governing Board to approve the Quarterly Report on Williams Act Complaints and Resolutions (pages 25-26)
- E. Request the Governing Board to approve the Listed Donation-Vantage Data Centers Management CO, LLC (page 27)
- F. Request the Governing Board to approve the Amendment Agreement with Mark Miller for Construction Manager Consultation Services from October 1, 2024 through December 31, 2025 (pages 28-33)
- G. Request the Governing Board to approve the Agreement with San Jose Charters for SkillsUSA Student Transportation for the 2024-2025 School Year (pages 34-36)
- H. Request the Governing Board to approve the MOU with Castro Valley Unified School District (CVUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years (pages 37-41)
- I. Request the Governing Board to approve the MOU with Hayward Unified School District (HUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years (pages 42-46)
- J. Request the Governing Board to approve the MOU with San Leandro Unified School District (SLUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years (pages 47-51)
- K. Request the Governing Board to approve the MOU with San Lorenzo Unified School District (SLZUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years (pages 52-56)

**X. Information Items**

- A. WASC Mid-Cycle Report (page 58)
- B. Pledge of Allegiance Discussion (page 59)
- C. First Reading of Governing Board Policies, Administrative Regulations, and Board Bylaws (pages 60-244)

**XI. Action Items**

- A. Request the Governing Board to approve the Annual Independent Auditor's Report for the Fiscal Year Ending June 30, 2024 (page 246)
- B. Request the Governing Board to approve the Adoption of Resolution 9-24/25: Adopting a Conflict of Interest Code (E1 9270) (pages 247-251)
- C. Request the Governing Board to approve the English Learner (EL) Coordinator (TOSA) and Job Description (pages 252-255)

**XII. Superintendent's Report**

**XIII. Governing Board Reports**

**XIV. 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  
Government Code 54957.6  
Eden Area ROP-Designated Representative: Blaine Torpey  
Unrepresented Employee(s): All positions
- C. Public Employee Discipline/Dismissal/Release  
Government Code 54957

**XV. 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  
Government Code Section 54957.6  
Eden Area ROP-Designated Representative: Blaine Torpey  
Unrepresented Employee(s): All positions
- C. Public Employee Discipline/Dismissal/Release  
Government Code 54957

**XVI. Adjournment**

# **STUDENT OF THE MONTH**

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**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Presentation of ROP Student of the Month Awards

## **BACKGROUND**

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

## **CURRENT SITUATION**

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

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

<b>STUDENT NAME</b>	<b>HIGH SCHOOL</b>	<b>ROP PROGRAM</b>	<b>INSTRUCTOR</b>
Giovanni Zaragoza	Royal Sunset	Welding Technology	Juarez
Isabel Garcia	Hayward	Entrepreneurship	Goldin
Emily Olvera	Mt. Eden	Medical Careers	Bystrom
Joshua Sanchez Padilla	San Leandro	Construction Technology	Lopez

## **RECOMMENDATION**

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Information only

# CONSENT CALENDAR

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**Minutes of the Regular Meeting of the ROP Governing Board  
March 6, 2025**

**I. Call to Order**

James Aguilar, Board President, called the meeting to order at 5:45 p.m. on Thursday, March 6, 2025, in the Boardroom, at the Eden Area Regional Occupational Program located at 26316 Hesperian Blvd., Hayward, CA 94545.

**II. Roll Call**

Eden Area ROP Governing Board Members Present:

James Aguilar, President	San Leandro USD	
Juan Campos, Member	San Lorenzo USD	
Sara E. Raymond, Member	Castro Valley USD	arrived at 5:47 pm
Ken Rawdon, Member	Hayward USD	

Eden Area ROP Administrators Present:

Craig Lang	Director of Adult Programs and Apprenticeships
Manuschka Michaud	Principal
Anthony Oum	Fiscal Services Administrator
Mark Rizkallah	Assistant Principal-Pathways

Eden Area ROP Staff Present:

Jessica Fagundes	Career Counselor
Gabriela Juarez	Executive Assistant
Megan Bello	Merchandising Instructor
Amanda Rose	Culinary Science Instructor
Laura Jagroop	Entrepreneurship Instructor

**III. Pledge of Allegiance**

Anthony Oum led the Pledge of Allegiance.

**IV. Mission Statement**

Jenisha Kapadia 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 Action Item A from the agenda.

Trustee Sara Raymond moved to approve the agenda with the removal of Action Item A. Trustee Juan Campos seconded the motion. By the following vote, the agenda was approved as amended:

AYES:	4 (Aguilar, Campos, Rawdon, Raymond)
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

**VII. Student of the Month Awards**

The following students were honored by their teachers, ROP Staff and the Governing Board as students of the month for March 2025:

<b>STUDENT NAME</b>	<b>HIGH SCHOOL</b>	<b>ROP PROGRAM</b>	<b>INSTRUCTOR</b>
Arturo Dimas	Mt. Eden	Merchandising	Bello
Maiya Bachmann	Castro Valley	Marketing Economics	Thompson
Jenisha Kapadia	Tennyson	Culinary Science	Rose
Belen Contreras Cervantes	San Leandro	Economics of Business	Jagroop

Jessica Fagundes, Career Counselor, introduced the instructors, who in turn presented their students to the Governing Board. Each student received a framed certificate of achievement and had the opportunity to introduce their family and share a few words.

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

None.

**IX. Consent Calendar**

Trustee Juan Campos moved to approve the consent calendar items as follows:

- A. Minutes of the Special Governing Board Workshop Meeting of February 6, 2025
- B. Minutes of the Regular Governing Board Meeting of February 6, 2025
- C. Bill Warrants
- D. Personnel Action Items
- E. Receipt of the Grant Award Notification (GAN): K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL)
- F. Receipt of the Grant Award Notification (GAN): K12 Strong Workforce Program (SWP) Round 7 Priority Access Dual Enrollment (PADE)
- G. Statement of Facts Registry of Public Agencies Filing

Trustee Sara Raymond seconded the motion.

AYES: 4 (Aguilar, Campos, Rawdon, Raymond)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**X. Information Items**

**A. ROP Pathway Review-Food Service and Hospitality**

Mark Rizkallah, Assistant Principal-Pathways, introduced the presentation on the Food Service and Hospitality Pathway, which falls under the broader Hospitality, Tourism, and Recreation sector. Mr. Rizkallah explained that the Eden Area ROP offers two courses in this pathway: Culinary Science 1 and Culinary Science 2. Both are UC A–G approved under the "G" category for college prep electives. Culinary Science 1 offers college credit through articulation, and Culinary Science 2 holds a UC honors designation.

Mr. Rizkallah praised the structure and atmosphere of Chef Rose's classroom, describing it as "organized chaos" where students are consistently engaged in different roles, whether cooking, washing dishes, or doing laundry. He highlighted the students' recent success with a Valentine's Day cupcake decorating activity and commended Chef Rose for coordinating various events, including a catered lasagna lunch and a recent event at Tennyson High School. At the latter, students' culinary work was featured alongside internship highlights, demonstrating a strong connection between classroom instruction and real-world application.

Amanda Rose, Culinary Science Instructor, shared an overview of her program. Chef Rose began by emphasizing the focus on workplace readiness, with a strong emphasis on safety and sanitation. Students must master these skills, including knife safety, before entering the kitchen. Her classes introduce international cuisines and nutrition, exposing students to various aspects of the culinary industry beyond restaurant work, including potential careers in nutrition and dietetics.

Chef Rose highlighted the program's hands-on learning through catered events such as the counselors' breakfast, principals' breakfast, and a Tennyson High event. These events give students real-world experience in large-scale food service. Culinary Science 1 is articulated with Diablo Valley College, allowing students to earn college credit and skip a required course if they continue at DVC. Articulation for the second-year course is in progress. Both courses are UC A–G approved, with the second year designated as honors.

She noted the program's integration with Eden Area ROP's garden, which supports the farm-to-fork model. Students participate in composting and use garden-grown produce, helping them understand food sourcing and sustainability.

Chef Rose also mentioned the program's success in work-based learning. This year, local businesses like Boudin Bakery and Beer Papas visited, and some may offer internships. She brings alumni back to speak to current students, including those now studying at DVC, Johnson & Wales, and Job Corps.

Finally, Chef Rose shared positive labor market data, with projected growth in the food service industry and an average hourly wage of \$28.33. She emphasized that having at least an associate degree opens strong opportunities in this high-growth field.

## **B. Adult Programs Update**

Craig Lang, Director of Adult Programs and Apprenticeships, provided an overview of adult education and apprenticeship programs for fiscal year 2024–2025. Mr. Lang explained that the core programs, Dental Assisting, Electrical Day, Medical Assisting, and Welding, remain foundational, with steady enrollment numbers. The Dental Assisting program anticipates 72 graduates this year. Medical Assisting is running one cohort with 26 students. Welding is currently on hiatus due to instructor availability and equipment maintenance concerns, but Mr. Lang expressed hopes to relaunch the program next year.

He highlighted that continuing education for electricians requires three 50-hour classes annually to maintain their Electrical Trainee (ET) cards, contributing to the high enrollment numbers. The Direct Support Professional (DSP) course is also highly subscribed due to its virtual format and statewide reach.

Mr. Lang shared that several new courses launched this year, including Cybersecurity, which began in January with 14 students and shows potential for growth. Additional dental certifications have now been implemented due to secured instructors and

support from the dental board. Infection control requirements have driven enrollment in those classes.

He showcased photos of recent program cohorts and emphasized the differences between the accelerated and night electrical programs. Accelerated students complete in 6.5 months, while evening students may take up to five years due to limited class schedules. The accelerated path is ideal for those wanting to enter the workforce quickly and keep their ET cards current. Both programs meet state curriculum standards, and completers may choose union or non-union career tracks.

Mr. Lang explained that the adult school is fee-based and not eligible for federal financial aid. However, students can access funding through agencies like Rubicon, EDD, and others, because the programs are listed on the state's Eligible Training Provider List (ETPL). Scholarships through Downtown Hayward Promise Neighborhood and Learn to Earn are available to Hayward residents, with awards based on geographic eligibility. Both scholarships have been fully utilized this year.

He noted that employer interest remains strong, with many organizations recruiting directly from the programs or offering externships especially in medical and dental fields. Dental externships often lead to employment.

Mr. Lang also described his department's role as the Local Education Agency (LEA) for apprenticeship programs, including partnerships with ABC in Livermore and the Sprinkler Fitters Union. His team handles administrative duties such as instructor hiring, funding, and discipline oversight.

He announced progress on a new Dental Assisting Apprenticeship Program funded by a three-year implementation grant. The submitted standards are under review, and if approved, will allow adults to access free training and create a pathway for high school students in the existing dental program to continue into pre-apprenticeships and paid externships.

Externship opportunities are increasing this year, 20 of 26 Medical Assisting students expressed interest and were placed successfully.

Mr. Lang concluded by reiterating the program's goals to grow responsibly while maintaining high-quality instruction and strong job placement. He emphasized the importance of carefully selecting instructors who understand the program's mission and time commitment.

## **XI. Action Items**

### **A. Request the Governing Board to approve the Annual Independent Auditor's Report for the Fiscal Year Ending June 30, 2024**

Action Item A was pulled from the agenda.

### **B. Request the Governing Board to approve the 2024-2025 Second Interim Report**

Upon review of and a motion by Trustee Ken Rawdon and a second by Trustee Sara Raymond the Governing Board approved the 2024-2025 Second Interim Report.

AYES: 4 (Aguilar, Campos, Rawdon, Raymond)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**C. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies, Administrative Regulations, Board Bylaw and Exhibit**

Upon review of and a motion by Trustee Sara Raymond and a second by Trustee Ken Rawdon the Governing Board approved the second reading and adoption of governing board policies, administrative regulations, board bylaw and exhibit.

AYES: 4 (Aguilar, Campos, Rawdon, Raymond)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**D. Request the Governing Board to approve the Adoption of Resolution 7-24/25: Mid-Year Additions/Changes-Revised Signature Card**

Upon review of and a motion by Trustee Juan Campos and a second by Trustee Sara Raymond the Governing Board approved the adoption of Resolution 7-24/25: Mid-Year Additions/Changes-Revised Signature Card.

AYES: 4 (Aguilar, Campos, Rawdon, Raymond)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**E. Request the Governing Board to approve the Adoption of Resolution 8-24/25: Authorizing Filing of Application(s) for State Allocation Board-Administered Programs for the Eden Area ROP**

Upon review of and a motion by Trustee Sara Raymond and a second by Trustee Ken Rawdon the Governing Board approved the adoption of Resolution 8-24/25: Authorizing Filing of Application(s) for State Allocation Board-Administered Programs for the Eden Area ROP.

AYES: 4 (Aguilar, Campos, Rawdon, Raymond)  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 0

**XII. Superintendent's Report**

Blaine Torpey, Superintendent, shared his report with updates highlighting recent successes, partnerships, and initiatives throughout Eden Area ROP. He shared the latest Eden Area ROP Garden Blossom newsletter.

He proudly recapped a recent presentation to the San Leandro Unified School District Board, during which he highlighted Eden Area ROP student Evelyn Marquez. A second-year Dental Assisting student and former participant in the middle school summer CTE program, Evelyn is now serving as a student leader and classroom support. She has been awarded a full scholarship to the University of the Pacific's dental program, one of only 36 spots, valued at \$96,000. Superintendent Torpey emphasized that this is a powerful example of how the collective work at Eden Area ROP is transforming lives.

In February, the Eden Area ROP continued its advocacy efforts for ROP and Career Technical Education (CTE). Staff from Alameda County Supervisor Elisa Márquez's office

visited Eden Area ROP, and communications staff from both teams were connected to help expand outreach.

Superintendent Torpey also discussed progress on partnerships with Chabot College, including discussions with deans around the Middle College program and upcoming Strong Workforce Program grants. The focus areas of these grants include expanding CTE access for English Learners and prioritizing dual enrollment for Latino students. Additionally, a new partnership with the Hayward Area Recreation and Park District is being explored to create work-based learning opportunities for students over the summer.

Facilities remain a top priority. While the organization addresses ongoing maintenance with approximately \$400,000 annually, there is no bonding authority to raise funds. To address this, \$1.5 million was transferred into Fund 40 to preserve those dollars for future facility needs. Currently, about \$2.3 million is available in Fund 40. If a Prop 2 project qualifies for a 2-to-1 state match, Eden Area ROP could access nearly \$4 million. Superintendent Torpey hopes the organization may be eligible for financial hardship funding, which could potentially provide \$10–15 million needed for major facilities improvements.

In Educational Services, staff engaged in a well-received equity partnership and role-playing activity. Several CTE pathways continue to make progress in articulation agreements, Cybersecurity and Construction Technology recently completed articulation, with Construction Technology aligning with Diablo Valley College (DVC) due to the absence of a similar program at Chabot College.

Superintendent Torpey expressed particular excitement about the Careers in Education pathway becoming a dual enrollment offering with multiple courses now articulated.

CTSO (Career Technical Student Organizations) participation is thriving, with 86 students preparing to compete at the state competition in Ontario.

The Staff of the Year Committee, led by Human Resources and Ms. Henderson, has developed a comprehensive and engaging recognition plan to celebrate employees throughout the year. This year, the certificated honoree is a counselor, which makes them ineligible for the county's Teacher of the Year, but Superintendent Torpey noted the creative solution from the team: producing a professional video to celebrate the honoree, with the help of Workforce Readiness Coordinator Mr. Seegmiller, who is also a skilled videographer.

### **XIII. Governing Board Reports**

Juan Campos, San Lorenzo USD Representative, shared a brief update during the board meeting. Trustee Campos noted that San Lorenzo USD held its regular board meeting this past Tuesday, followed by the State of the District event earlier today. He attended the opening of the event but had to leave early to attend the Eden Area ROP board meeting. Trustee Campos mentioned that the district had several positive developments to share and that he would provide more detailed information at the next meeting.

Sara Raymond, Castro Valley USD Representative, shared a brief report on recent developments in her district. Trustee Raymond stated that Castro Valley USD passed a resolution last month recognizing Career Technical Education (CTE) Month and discussed CTE as an important option for students. She noted a growing level of community support for students pursuing trades and career technical pathways, including Regional Occupational Programs (ROPs). Trustee Raymond emphasized that this is a pivotal and exciting time to be engaged in this work, as more parents, including

herself, are embracing student-driven choices in career education rather than steering students down predetermined academic paths.

She also shared that Castro Valley High School is preparing to open its own culinary arts facility in the fall. Trustee Raymond noted the excitement surrounding this long-awaited development and acknowledged that while it's not yet clear how it will connect to the Eden Area ROP, it represents a positive step forward for CTE in the district.

Ken Rawdon, Hayward USD Representative, provided a brief update during his first official meeting as a board member with the Eden Area ROP Governing Board. Trustee Rawdon expressed appreciation for the warm welcome.

He acknowledged that Hayward USD is currently facing significant challenges. Trustee Rawdon reported that the district recently made \$54 million in budget cuts during their board meeting held the previous Wednesday. In addition to navigating these financial difficulties, the district is also beginning the process of identifying and securing a new superintendent.

**XIV. Recess to Closed Session**

The meeting was called into closed session at 7:17 pm.

- 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)  
Eden Area ROP-Designated Representative: Blaine Torpey  
Unrepresented Employee(s): All positions**

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

The meeting resumed to open session at 8:02 pm.

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

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

- B. Conference with Labor Negotiators, (Pursuant to Government Code Section 54957.6)  
Eden Area ROP-Designated Representative: Blaine Torpey  
Unrepresented Employee(s): All positions**

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

**XVI. Adjournment**

The meeting was adjourned at 8:02 pm.

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

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



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Sabrina Ubhoff, Accounting Technician  
**SUBJECT:** Request the Governing Board to approve the Bill Warrants

## **CURRENT SITUATION**

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The bill warrants submitted for approval are for the period of February 25, 2025 through March 26, 2025 and include test warrant numbers and voided warrants.

## **CONSENT CALENDAR**

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**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the Personnel Action Items

## **CURRENT SITUATION**

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

## **CONSENT CALENDAR**

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**DATE:** April 10, 2025  
**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**

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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**

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Attached is a report for the complaints and resolutions through April 1, 2025 as specified by Education Code 35186 (d).

## **CONSENT CALENDAR**

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

# QUARTERLY REPORT ON WILLIAMS ACT COMPLAINTS

[Education Code 35186 (d)]

Report through: April 1, 2025

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

Quarterly Report Submission (check one) →  
 Date: April 1, 2025

January  
 April  
 July  
 October

Date for information to be reported publicly at the Governing Board meeting: April 10, 2025

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
TOTALS	0	0	0

Publicly reported at the Governing Board meeting on: April 10, 2025

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



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Listed Donation-  
Vantage Data Centers Management CO, LLC

## **BACKGROUND**

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

## **CURRENT SITUATION**

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On March 19, 2025, Vantage Data Centers Management CO, LLC made a monetary donation of \$4,859.21 to the Eden Area ROP Construction Technology program.

A letter of acceptance will be sent to the donor.

## **CONSENT CALENDAR**

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**DATE:** April 10, 2024  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Amendment Agreement with Mark Miller for Construction Manager Consultation Services from October 1, 2024 through December 31, 2025

## **BACKGROUND**

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Business Services has a need for a construction manager consultant to facilitate a multitude of capital outlay projects throughout campus.

California Government Code 53060 states that "The legislative body of any ... district may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required."

## **CURRENT SITUATION**

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At the November 7, 2024 board meeting, the Board approved Action Item D, an agreement with independent contractor, Mark Miller, from October 1, 2024 through September 1, 2025, to provide construction manager consulting services. Mr. Miller has since been assigned several more capital outlay projects thereby bringing forth this amendment agreement from October 1, 2024 through December 31, 2025.

## **CONSENT CALENDAR**

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# AGREEMENT FOR SERVICE

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

This agreement for service (this "Agreement") is between the Eden Area ROP (the "Customer") and Mark A. Miller (the "Service Provider") between October 1, 2024 through ~~September 1, 2025~~ December 31, 2025 to

## Background:

- A. The Customer is of the opinion that the Service Provider has the necessary qualifications, experience and abilities to provide services to the Customer.
- B. The Service Provider is agreeable to providing such services to the Customer on the terms and conditions set out in this Agreement.
- C. Mark A. Miller has a background in assessment, procurement, budgeting and construction, working with owners to develop project scope, planning execution approaches, coordinating with affected public agencies, and working with owners, design teams, vendors and suppliers and with construction of projects, and is willing to provide services to Eden Area ROP based on this background.

**IN CONSIDERATION OF** the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to this Agreement agree as follows:

## Services Provided

- 1. The Customer hereby agrees to engage the Service Provider to provide the Customer with services (the "Services") consisting of, but not limited to, Exhibit A.

## Term of Agreement

- 2. The term of this Agreement will be from October 1, 2024 and will remain in full force and effect until ~~September 1, 2025~~, and not to exceed ~~560~~ 685 total hours, to subject to earlier termination as provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.

to  
December 31, 2025

## Performance

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

## Compensation

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- \$175.00 effective 02/01/2025
4. Eden Area ROP will pay a fee to Mark A. Miller for the services based on ~~\$195.00~~ per hour with a not to exceed of ~~\$75,600.00~~. This fee shall be payable monthly, at Net 30, upon invoicing of services. \$118,000.00
  5. Service Provider shall submit an itemized invoice to Business Services which includes: dates, time and type of worked accomplished.

## Confidentiality

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6. The Service Provider agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any confidential information with respect to the business of the Customer, which the Service Provider has obtained, except as may be necessary or desirable to further the business interests of the Customer. This obligation will survive indefinitely upon termination of this Agreement.

## Non-Competition

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7. Other than with the express written consent of the Customer, which will not be unreasonably withheld, the Service Provider will not, during the continuance of this Agreement, be directly or indirectly involved with a business which is in direct competition with the particular business line of the Customer, divert or attempt to divert from the Customer any business the Customer has enjoyed, solicited, or attempted to solicit, from other individuals or corporations, prior to termination of this Agreement.

## Ownership of Materials

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8. All materials developed, produced, or in the process of being so under this Agreement will be the property of the Customer. The use of the mentioned materials by the Customer will not be restricted in any manner.
9. The Service Provider may retain use of the said materials and will not be responsible for damages resulting from their use for work other than services contracted for in this Agreement.

## Return of Property

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10. Upon the expiration or termination of this Agreement, the Service Provider will return to the Customer any property, documentation, records, or confidential information which is the property of the Customer.

## Assignment

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11. The Service Provider will not voluntarily or by operation of law assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Customer.

## Capacity/Independent Contractor

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12. It is expressly agreed that the Service Provider is acting as an independent contractor and not as an employee in providing the services under this Agreement. The Service Provider and the Customer acknowledge that this Agreement does not create a partnership or joint venture between them, and is exclusively a contract for service.

## Modification of Agreement

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13. Any amendment or modification of this Agreement or additional obligation assumed by either party in connection with this Agreement will only be binding if evidenced in writing signed by each party or an authorized representative of each party.

## Notice

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14. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the parties of this Agreement.

## Costs and Legal Expenses

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15. In the event that legal action is brought to enforce or interpret any term of this Agreement, the prevailing party will be entitled to recover, in addition to any other damages or award, all reasonable legal costs and fees associated with the action.

## Time of the Essence

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16. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

## Entire Agreement

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17. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement except as expressly provided in this Agreement.

## Limitation of Liability

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18. It is understood and agreed that the Customer will have no liability to the Service Provider or any other party for any loss or damage (whether direct, indirect, or consequential) which may arise from the provision of the services.

## Indemnification

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19. A) **Service Provider Indemnity of Customer.** The Service Provider shall indemnify, defend and hold harmless Eden Area ROP and its Governing Board, officers, agents and employees from any and all claims and losses including those resulting in bodily injury and/or physical damage accruing against the Customer by any other party arising directly or indirectly due to the negligent or willful acts, omissions, or errors of Service Provider in performing or providing any of the services or other work product by the Service Provider.  
  
B) **Customer Indemnity of Service Provider.** The Customer shall indemnify, defend and hold harmless Service Provider from any and all claims and losses including those resulting in bodily injury and/or physical damage, accruing against Service Provider by any other party arising directly or indirectly due to negligent or willful acts, omissions or errors of the Customer, its Governing Board, officers, agents, employees and contractors.

## Inurement

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20. This Agreement will ensure to the benefit of and be binding on the parties and their respective heirs, executors, administrators, successors and permitted assigns.

## Currency

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

## Titles/Headings

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

## Gender

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23. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

## Governing Law

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24. It is the intention of the parties to this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of California, without regard to the jurisdiction in which any action or special proceeding may be instituted.

## Severability

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25. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

## Waiver

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26. The waiver by either party of a breach, default, delay or omission of any of the provisions of this Agreement by the other party will not be construed as a waiver of any subsequent breach of the same or other provisions.

## Additional Provisions

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

\_\_\_\_\_  
Mark A. Miller, Service Provider

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anthony Oum, Eden Area ROP  
Fiscal Services Administrator

\_\_\_\_\_  
Date



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Manuschka Michaud, Principal  
**SUBJECT:** Request the Governing Board to approve the Agreement with San Jose Charters for SkillsUSA Student Transportation for the 2024-2025 School Year

## **BACKGROUND**

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

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

## **CURRENT SITUATION**

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The Eden Area ROP students will compete in the SkillsUSA State Competition, April 10-13, 2025, in Ontario, CA. The attached agreement with San Jose Charters is for roundtrip bussing services to transport staff and students between Eden Area ROP and Ontario, CA.

## **CONSENT CALENDAR**

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



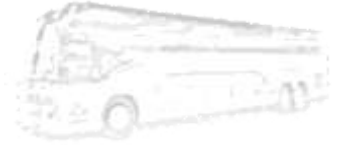
Sales Person: Sara Magana

## OFFER TO CHARTER

Reservation ID: 1819423

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

No Buses: 2  
 No Pax: 56



### Departure Information

Trip Date: 4/10/2025  
 Depart Time: 5:30  
 Address: EAROP-26316 Hesperian Blvd  
 City/Zip: Hayward CA 94545  
 Host:  
 Group Name: 11/12

### Destination Information

Address: Hampton Inn & Suites-4500 Mills Cir  
 City/Zip: Ontario CA 91764  
 Return Date: 4/13/2025  
 Return Time: 13:00  
 Drop-Off Date: 4/13/2025  
 Drop-Off Time: 21:00

### ITINERARY

05:30 am-Arrive at EAROP 26316 Hesperian Blvd., Hayward CA 94545  
 Depart EAROP 1st Stop Kettleman City (Breakfast)  
 2nd Stop Grapevine (Lunch)  
 3rd Stop Trip to Walmart Approximate arrival at Hampton Inn & Suites  
 6pm Opening Ceremonies  
 8pm Dinner/10pm in Room  
 4/11-8am 4:30pm Leadership & Skills USA Competitions  
 4pm-9pm Social Nigh (Movies, Food & Fun)  
 10pm In room

4/12-8am 4:30pm Leadership & Skills Competitions  
 4pm Trip to Ontario Mills (Movies, Food & Fun)  
 10pm In room  
 4/13- 06:30am Meet at buses dressed in formals  
 7am deprt hotel  
 7:30-12noon closing ceremony & Awards  
 12:30-1pm depart Arena  
 9pm arrive back at EAROP

Item	Qty	Price	Subtotal
56 psgr	2	\$9,090.00	\$18,180.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
Driver Tip	2	\$360.00	\$720.00
Discount:		0.00%	\$18,180.00
Bridge/Tolls:			\$0.00
Parking Fees:			\$0.00
Fuel Surcharge:			\$0.00
<b>TOTAL:</b>			<b>\$18,900.00</b>

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

Deposit Amount:	\$0.00
Deposit Date:	
Balance Due:	\$18,900.00
Balance Due Date:	4/10/2025

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

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

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

\_\_\_\_\_  
 Client's Signature

\_\_\_\_\_  
 Date

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



Sales Person: Sara Magana

## OFFER TO CHARTER

Reservation ID: 1819423

### TERMS AND CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the MOU with Castro Valley Unified School District (CVUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years

## **BACKGROUND**

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The Bay Area Community College Consortium has contracted Cabrillo Community College as the fiscal agent for the K12 Strong Workforce Program (SWP). Cabrillo Community College is responsible for distributing funds to grantees within their region. The agreement with Cabrillo Community College is for the period of January 1, 2025, and expires on June 30, 2027.

## **CURRENT SITUATION**

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The Eden Area ROP and Castro Valley USD will collaborate with Chabot College through two SWP grants to expand student opportunities. The Priority Access Dual Enrollment (PADE) Grant will focus on expanding dual enrolment opportunities for Hispanic/Latino students, while the Healthcare and Business for English Learners (HB4EL) Grant will enhance exposure, access, and enrollment for English Learners in CTE Pathways. To support these efforts, the partners will enter into a Memorandum of Understanding (MOU). Both initiatives align with the workplans submitted in NOVA, the system for reporting SWP activities.

## **CONSENT CALENDAR**

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# Strong Workforce Round 7 Program Agreement

## Castro Valley USD

Memorandum of Understanding between Eden Area Regional Occupational Program and Castro Valley Unified School District.

### I. TERMS OF MOU

This agreement shall commence on July 1, 2025, and shall extend through June 30, 2027.

### II. PURPOSE

Through the SWP “Priority Access Dual Enrollment (PADE)” Grant, the Eden Area ROP and District partners will collaborate with Chabot College to expand Dual Enrollment opportunities for Hispanic/Latino students as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

Through the SWP “Healthcare and Business for English Learners (HB4EL)” Grant, the Eden Area ROP and District partners will collaborate with Chabot College to increase exposure, access and enrollment for English Learners to CTE Pathways as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

### III. CONTRACT AMOUNT

Castro Valley Unified School District is allocated \$284,938 for the duration of the “PADE” grant. Allocation of grant funds are as follows based on grant submission.

Budget Funds			
Expenditure Type	2025-26	2026-27	Totals
1000 - Certificated Salaries	\$50,000	\$52,000	\$102,000
2000 - Classified Salaries	\$50,000	\$52,000	\$102,000
3000 - Employee Benefits	\$34,000	\$35,360	\$69,360
4000 - Books and Supplies	\$700	\$878	\$1,578

**EDEN AREA REGIONAL OCCUPATIONAL PROGRAM**  
26316 Hesperian Boulevard  
Hayward, CA 94545

<b>Budget Funds</b>			
<b>Expenditure Type</b>	<b>2025-26</b>	<b>2026-27</b>	<b>Totals</b>
<b>5000 - Services and Other Expenditures</b>	\$5,000	\$5,000	\$10,000
<b>6000 - Capital Outlay</b>	\$0	\$0	\$0
<b>7000 - Indirect Costs</b>	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$139,700</b>	<b>\$145,238</b>	<b>\$284,938</b>

Castro Valley Unified School District is allocated \$317,560 for the duration of the “HB4EL” grant. Allocation of grant funds are as follows based on grant submission.

<b>Budget Funds</b>			
<b>Expenditure Type</b>	<b>2025-26</b>	<b>2026-27</b>	<b>Totals</b>
<b>1000 - Certificated Salaries</b>	\$55,000	\$57,200	\$112,200
<b>2000 - Classified Salaries</b>	\$46,510	\$48,380	\$94,890
<b>3000 - Employee Benefits</b>	\$39,104	\$40,812	\$79,916
<b>4000 - Books and Supplies</b>	\$7,500	\$7,500	\$15,000
<b>5000 - Services and Other Expenditures</b>	\$7,500	\$8,054	\$15,554
<b>6000 - Capital Outlay</b>	\$0	\$0	\$0
<b>7000 - Indirect Costs</b>	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$155,614</b>	<b>\$161,946</b>	<b>\$317,560</b>

#### **IV. ROLE AND RESPONSIBILITIES OF EDEN AREA ROP**

- The Eden Area ROP shall provide leadership and coordination services via facilitation of monthly meetings related to the implementation of the grant objectives.
- The Eden Area ROP will submit all required invoicing and reporting for the collaborative in the NOVA system.
- Ensure that the K12 SWP legislative reporting requirements are met.

#### **V. ROLE AND RESPONSIBILITIES OF CASTRO VALLEY UNIFIED SCHOOL DISTRICT**

- As a condition of funding, all LEAs are required to do the following until an MOU is executed between CDE and CCCCO for information sharing on K-12 data:

**EDEN AREA REGIONAL OCCUPATIONAL PROGRAM**  
 26316 Hesperian Boulevard  
 Hayward, CA 94545



1. Sign an MOU with Cal-PASS Plus to facilitate the sharing of data with the Cal-PASS Plus data system (if not already done so);
  2. Maintain a current MOU with Cal-PASS Plus throughout the life of the awarded grant;
  3. Upload end-of-year data files, as applicable and required by K12 SWP, into the Cal-PASS Plus system annually by November 1.
- Provide the Eden Area ROP all the required information to complete the reporting required by the SWP grant program.
  - Participate in the leadership meetings related to implementing the grant objectives.
  - Submit invoices with the appropriate supporting documentation for reimbursement of costs in accordance with the timeline set forth by the state Chancellors Office.
    - SWP resource code: 6388
    - Grant funds should all be coded to goal 3800 or goal 6000
    - An increase of more than 10% from any line item in the budget requires prior approval from the Bay Area Community College District (BACCC).

## **VI. TERMS OF AGREEMENT**

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An effort will be directed by both parties to maintain the terms of the agreement as defined. However, if urgent circumstances beyond either parties control occur, making one party unable to fulfill its agreement, this agreement can be renegotiated or terminated with 30 days' notice.

Eden Area ROP shall indemnify, defend and hold harmless CVUSD and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt CVUSD and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

CVUSD shall indemnify, defend and hold harmless Eden Area ROP and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt Eden Area ROP and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

Under penalty of perjury, I agree to the statements above and am designated to sign this agreement on behalf of my agency.

  
\_\_\_\_\_  
**Blaine Torpey**  
Superintendent  
Eden Area Regional Occupational Program

\_\_\_\_03/12/25\_\_\_\_  
Date

\_\_\_\_\_  
**Suzy Chan**  
Assistant Superintendent, Business Services  
Castro Valley Unified School District

\_\_\_\_\_  
Date



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the MOU with Hayward Unified School District (HUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years

## **BACKGROUND**

---

The Bay Area Community College Consortium has contracted Cabrillo Community College as the fiscal agent for the K12 Strong Workforce Program (SWP). Cabrillo Community College is responsible for distributing funds to grantees within their region. The agreement with Cabrillo Community College is for the period of January 1, 2025, and expires on June 30, 2027.

## **CURRENT SITUATION**

---

The Eden Area ROP and Hayward USD will collaborate with Chabot College through two SWP grants to expand student opportunities. The Priority Access Dual Enrollment (PADE) Grant will focus on expanding dual enrollment opportunities for Hispanic/Latino students, while the Healthcare and Business for English Learners (HB4EL) Grant will enhance exposure, access, and enrollment for English Learners in CTE Pathways. To support these efforts, the partners will enter into a Memorandum of Understanding (MOU). Both initiatives align with the workplans submitted in NOVA, the system for reporting SWP activities.

## **CONSENT CALENDAR**

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# Strong Workforce Round 7 Program Agreement

## Hayward USD

Memorandum of Understanding between Eden Area Regional Occupational Program and Hayward Unified School District.

### I. TERMS OF MOU

This agreement shall commence on July 1, 2025, and shall extend through June 30, 2027.

### II. PURPOSE

Through the SWP “Priority Access Dual Enrollment (PADE)” Grant, the Eden Area ROP and District partners will collaborate with Chabot College to expand Dual Enrollment opportunities for Hispanic/Latino students as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

Through the SWP “Healthcare and Business for English Learners (HB4EL)” Grant, the Eden Area ROP and District partners will collaborate with Chabot College to increase exposure, access and enrollment for English Learners to CTE Pathways as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

### III. CONTRACT AMOUNT

Hayward Unified School District is allocated \$482,154 for the duration of the “PADE” grant. Allocation of grant funds are as follows based on grant submission.

Budget Funds	2025-26	2026-27	Totals
Expenditure Type			
1000 - Certificated Salaries	\$0	\$0	\$0
2000 - Classified Salaries	\$164,250	\$170,820	\$335,070
3000 - Employee Benefits	\$60,779	\$63,205	\$123,984
4000 - Books and Supplies	\$4,050	\$4,050	\$8,100
5000 - Services and Other Expenditures	\$7,500	\$7,500	\$15,000

EDEN AREA REGIONAL OCCUPATIONAL PROGRAM  
26316 Hesperian Boulevard  
Hayward, CA 94545

Budget Funds			
Expenditure Type	2025-26	2026-27	Totals
6000 - Capital Outlay	\$0	\$0	\$0
7000 - Indirect Costs	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$236,579</b>	<b>\$245,575</b>	<b>\$482,154</b>

Hayward Unified School District is allocated \$537,537 for the duration of the "HB4EL" grant. Allocation of grant funds are as follows based on grant submission.

Budget Funds			
Expenditure Type	2025-26	2026-27	Totals
1000 - Certificated Salaries	\$2,000	2,080	\$4,080
2000 - Classified Salaries	\$184,800	\$192,192	\$376,992
3000 - Employee Benefits	\$68,376	\$71,111	\$139,487
4000 - Books and Supplies	\$1,000	\$1,006	\$2,006
5000 - Services and Other Expenditures	\$7,392	\$7,400	\$14,792
6000 - Capital Outlay	\$0	\$0	\$0
7000 - Indirect Costs	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$263,568</b>	<b>\$273,789</b>	<b>\$537,357</b>

#### **IV. ROLE AND RESPONSIBILITIES OF EDEN AREA ROP**

- The Eden Area ROP shall provide leadership and coordination services via facilitation of monthly meetings related to the implementation of the grant objectives.
- The Eden Area ROP will submit all required invoicing and reporting for the collaborative in the NOVA system.
- Ensure that the K12 SWP legislative reporting requirements are met.

#### **V. ROLE AND RESPONSIBILITIES OF HAYWARD UNIFIED SCHOOL DISTRICT**

- As a condition of funding, all LEAs are required to do the following until an MOU is executed between CDE and CCCCO for information sharing on K-12 data:
  1. Sign an MOU with Cal-PASS Plus to facilitate the sharing of data with the Cal-PASS Plus data system (if not already done so);

2. Maintain a current MOU with Cal-PASS Plus throughout the life of the awarded grant;
  3. Upload end-of-year data files, as applicable and required by K12 SWP, into the Cal-PASS Plus system annually by November 1.
- Provide the Eden Area ROP all the required information to complete the reporting required by the SWP grant program.
  - Participate in the leadership meetings related to implementing the grant objectives.
  - Submit invoices with the appropriate supporting documentation for reimbursement of costs in accordance with the timeline set forth by the state Chancellors Office.
    - SWP resource code: 6388
    - Grant funds should all be coded to goal 3800 or goal 6000
    - An increase of more than 10% from any line item in the budget requires prior approval from the Bay Area Community College District (BACCC).

## **VI. TERMS OF AGREEMENT**

---

An effort will be directed by both parties to maintain the terms of the agreement as defined. However, if urgent circumstances beyond either parties control occur, making one party unable to fulfill its agreement, this agreement can be renegotiated or terminated with 30 days' notice.

Eden Area ROP shall indemnify, defend and hold harmless HUSD and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt HUSD and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

HUSD shall indemnify, defend and hold harmless Eden Area ROP and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt Eden Area ROP and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

Under penalty of perjury, I agree to the statements above and am designated to sign this agreement on behalf of my agency.



\_\_\_\_\_  
**Blaine Torpey**  
Superintendent  
Eden Area Regional Occupational Program

\_\_\_\_03/12/25\_\_\_\_  
Date

\_\_\_\_\_  
**Amy Nichols**  
Assistant Superintendent, Business Services  
Hayward Unified School District

\_\_\_\_\_  
Date



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the MOU with San Leandro Unified School District (SLUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years

## **BACKGROUND**

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The Bay Area Community College Consortium has contracted Cabrillo Community College as the fiscal agent for the K12 Strong Workforce Program (SWP). Cabrillo Community College is responsible for distributing funds to grantees within their region. The agreement with Cabrillo Community College is for the period of January 1, 2025, and expires on June 30, 2027.

## **CURRENT SITUATION**

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The Eden Area ROP and San Leandro USD will collaborate with Chabot College through two SWP grants to expand student opportunities. The Priority Access Dual Enrollment (PADE) Grant will focus on expanding dual enrollment opportunities for Hispanic/Latino students, while the Healthcare and Business for English Learners (HB4EL) Grant will enhance exposure, access, and enrollment for English Learners in CTE Pathways. To support these efforts, the partners will enter into a Memorandum of Understanding (MOU). Both initiatives align with the workplans submitted in NOVA, the system for reporting SWP activities.

## **CONSENT CALENDAR**

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# Strong Workforce Round 7 Program Agreement

## San Leandro USD

Memorandum of Understanding between Eden Area Regional Occupational Program and San Leandro Unified School District.

### I. TERMS OF MOU

This agreement shall commence on July 1, 2025, and shall extend through June 30, 2027.

### II. PURPOSE

Through the SWP "Priority Access Dual Enrollment (PADE)" Grant, the Eden Area ROP and District partners will collaborate with Chabot College to expand Dual Enrollment opportunities for Hispanic/Latino students as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

Through the SWP "Healthcare and Business for English Learners (HB4EL)" Grant, the Eden Area ROP and District partners will collaborate with Chabot College to increase exposure, access and enrollment for English Learners to CTE Pathways as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

### III. CONTRACT AMOUNT

San Leandro Unified School District is allocated \$259,349 for the duration of the "PADE" grant. Allocation of grant funds are as follows based on grant submission.

Budget Funds	2025-26	2026-27	Totals
Expenditure Type			
1000 - Certificated Salaries	\$0	\$0	\$0
2000 - Classified Salaries	\$90,678	\$94,305	\$184,983
3000 - Employee Benefits	\$25,390	\$26,405	\$51,795
4000 - Books and Supplies	\$6,285	\$6,286	\$12,571
5000 - Services and Other Expenditures	\$5,000	\$5,000	\$10,000

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26316 Hesperian Boulevard  
Hayward, CA 94545

<b>Budget Funds</b>			
<b>Expenditure Type</b>	<b>2025-26</b>	<b>2026-27</b>	<b>Totals</b>
6000 - Capital Outlay	\$0	\$0	\$0
7000 - Indirect Costs	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$127,353</b>	<b>131,997</b>	<b>\$259,349</b>

San Leandro Unified School District is allocated \$289,044 for the duration of the "HB4EL" grant. Allocation of grant funds are as follows based on grant submission.

<b>Budget Funds</b>			
<b>Expenditure Type</b>	<b>2025-26</b>	<b>2026-27</b>	<b>Totals</b>
1000 - Certificated Salaries	\$51,500	\$53,560	\$105,060
2000 - Classified Salaries	\$53,100	\$55,224	\$108,324
3000 - Employee Benefits	\$26,713	\$27,782	\$54,495
4000 - Books and Supplies	\$0	\$0	\$0
5000 - Services and Other Expenditures	\$10,000	\$11,165	\$21,165
6000 - Capital Outlay	\$0	\$0	\$0
7000 - Indirect Costs	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$141,313</b>	<b>147,731</b>	<b>\$289,044</b>

#### **IV. ROLE AND RESPONSIBILITIES OF EDEN AREA ROP**

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- The Eden Area ROP shall provide leadership and coordination services via facilitation of monthly meetings related to the implementation of the grant objectives.
- The Eden Area ROP will submit all required invoicing and reporting for the collaborative in the NOVA system.
- Ensure that the K12 SWP legislative reporting requirements are met.

#### **V. ROLE AND RESPONSIBILITIES OF SAN LEANDRO UNIFIED SCHOOL DISTRICT**

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- As a condition of funding, all LEAs are required to do the following until an MOU is executed between CDE and CCCCCO for information sharing on K-12 data:

1. Sign an MOU with Cal-PASS Plus to facilitate the sharing of data with the Cal-PASS Plus data system (if not already done so);
  2. Maintain a current MOU with Cal-PASS Plus throughout the life of the awarded grant;
  3. Upload end-of-year data files, as applicable and required by K12 SWP, into the Cal-PASS Plus system annually by November 1.
- Provide the Eden Area ROP all the required information to complete the reporting required by the SWP grant program.
  - Participate in the leadership meetings related to implementing the grant objectives.
  - Submit invoices with the appropriate supporting documentation for reimbursement of costs in accordance with the timeline set forth by the state Chancellors Office
    - SWP resource code: 6388
    - Grant funds should all be coded to goal 3800 or goal 6000
    - An increase of more than 10% from any line item in the budget requires prior approval from the Bay Area Community College District (BACCC).

## **VI. TERMS OF AGREEMENT**

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An effort will be directed by both parties to maintain the terms of the agreement as defined. However, if urgent circumstances beyond either parties control occur, making one party unable to fulfill its agreement, this agreement can be renegotiated or terminated with 30 days' notice.

Eden Area ROP shall indemnify, defend and hold harmless SLUSD and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt HUSD and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

SLUSD shall indemnify, defend and hold harmless Eden Area ROP and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt Eden Area ROP and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

Under penalty of perjury, I agree to the statements above and am designated to sign this agreement on behalf of my agency.

**EDEN AREA REGIONAL OCCUPATIONAL PROGRAM**  
 26316 Hesperian Boulevard  
 Hayward, CA 94545



\_\_\_\_\_  
**Blaine Torpey**  
Superintendent  
Eden Area Regional Occupational Program

\_\_\_\_03/12/25\_\_\_\_  
Date

\_\_\_\_\_  
**Kevin Collins**  
Assistant Superintendent, Business Services  
San Leandro Unified School District

\_\_\_\_\_  
Date



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the MOU with San Lorenzo Unified School District (SLzUSD) for K12 Strong Workforce Program (SWP) Round 7 Health and Business for English Learners (HB4EL) and Priority Access Dual Enrollment (PADE) for the 2025-2026 and 2026-2027 School Years

## **BACKGROUND**

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The Bay Area Community College Consortium has contracted Cabrillo Community College as the fiscal agent for the K12 Strong Workforce Program (SWP). Cabrillo Community College is responsible for distributing funds to grantees within their region. The agreement with Cabrillo Community College is for the period of January 1, 2025, and expires on June 30, 2027.

## **CURRENT SITUATION**

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The Eden Area ROP and San Lorenzo USD will collaborate with Chabot College through two SWP grants to expand student opportunities. The Priority Access Dual Enrollment (PADE) Grant will focus on expanding dual enrollment opportunities for Hispanic/Latino students, while the Healthcare and Business for English Learners (HB4EL) Grant will enhance exposure, access, and enrollment for English Learners in CTE Pathways. To support these efforts, the partners will enter into a Memorandum of Understanding (MOU). Both initiatives align with the workplans submitted in NOVA, the system for reporting SWP activities.

## **CONSENT CALENDAR**

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# Strong Workforce Round 7 Program Agreement

## San Lorenzo USD

Memorandum of Understanding between Eden Area Regional Occupational Program and San Lorenzo Unified School District.

### I. TERMS OF MOU

This agreement shall commence on July 1, 2025, and shall extend through June 30, 2027.

### II. PURPOSE

Through the SWP "Priority Access Dual Enrollment (PADE)" Grant, the Eden Area ROP and District partners will collaborate with Chabot College to expand Dual Enrollment opportunities for Hispanic/Latino students as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

Through the SWP "Healthcare and Business for English Learners (HB4EL)" Grant, the Eden Area ROP and District partners will collaborate with Chabot College to increase exposure, access and enrollment for English Learners to CTE Pathways as outlined in the workplan submitted in the NOVA, system for reporting SWP activities.

### III. CONTRACT AMOUNT

San Lorenzo Unified School District is allocated \$215,795 for the duration of the "PADE" grant. Allocation of grant funds are as follows based on grant submission.

Budget Funds	2025-26	2026-27	Totals
Expenditure Type			
1000 - Certificated Salaries	\$53,340	\$55,474	\$108,814
2000 - Classified Salaries	\$17,441	\$18,160	\$35,600
3000 - Employee Benefits	\$21,241	\$22,100	\$43,341
4000 - Books and Supplies	\$7,000	\$7,000	\$14,000
5000 - Services and Other Expenditures	\$7,000	\$7,040	\$14,040

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26316 Hesperian Boulevard  
Hayward, CA 94545

<b>Budget Funds</b>			
<b>Expenditure Type</b>	<b>2025-26</b>	<b>2026-27</b>	<b>Totals</b>
6000 - Capital Outlay	\$0	\$0	\$0
7000 - Indirect Costs	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$106,021</b>	<b>\$109,744</b>	<b>\$215,795</b>

San Lorenzo Unified School District is allocated \$309,291 for the duration of the "HB4EL" grant. Allocation of grant funds are as follows based on grant submission.

<b>Budget Funds</b>			
<b>Expenditure Type</b>	<b>2025-26</b>	<b>2026-27</b>	<b>Totals</b>
1000 - Certificated Salaries	\$94,500	\$98,265	\$192,765
2000 - Classified Salaries	\$2,600	\$13,320	\$15,920
3000 - Employee Benefits	\$29,130	\$33,476	\$62,606
4000 - Books and Supplies	\$5,000	\$5,000	\$10,000
5000 - Services and Other Expenditures	\$14,000	\$14,000	\$28,000
6000 - Capital Outlay	\$0	\$0	\$0
7000 - Indirect Costs	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$145,230</b>	<b>\$164,061</b>	<b>\$309,291</b>

#### **IV. ROLE AND RESPONSIBILITIES OF EDEN AREA ROP**

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- The Eden Area ROP shall provide leadership and coordination services via facilitation of monthly meetings related to the implementation of the grant objectives.
- The Eden Area ROP will submit all required invoicing and reporting for the collaborative in the NOVA system.
- Ensure that the K12 SWP legislative reporting requirements are met.

#### **V. ROLE AND RESPONSIBILITIES OF SAN LORENZO UNIFIED SCHOOL DISTRICT**

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- As a condition of funding, all LEAs are required to do the following until an MOU is executed between CDE and CCCCO for information sharing on K-12 data:

1. Sign an MOU with Cal-PASS Plus to facilitate the sharing of data with the Cal-PASS Plus data system (if not already done so);
  2. Maintain a current MOU with Cal-PASS Plus throughout the life of the awarded grant;
  3. Upload end-of-year data files, as applicable and required by K12 SWP, into the Cal-PASS Plus system annually by November 1.
- Provide the Eden Area ROP all the required information to complete the reporting required by the SWP grant program.
  - Participate in the leadership meetings related to implementing the grant objectives.
  - Submit invoices with the appropriate supporting documentation for reimbursement of costs in accordance with the timeline set forth by the state Chancellors Office.
    - SWP resource code: 6388
    - Grant funds should all be coded to goal 3800 or goal 6000
    - An increase of more than 10% from any line item in the budget requires prior approval from the Bay Area Community College District (BACCC).

## **VI. TERMS OF AGREEMENT**

---

An effort will be directed by both parties to maintain the terms of the agreement as defined. However, if urgent circumstances beyond either parties control occur, making one party unable to fulfill its agreement, this agreement can be renegotiated or terminated with 30 days' notice.

Eden Area ROP shall indemnify, defend and hold harmless SLzUSD and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt SLzUSD and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

SLzUSD shall indemnify, defend and hold harmless Eden Area ROP and its employees from and against any and all loss, liability, expense, claims, costs, suites and damages of every kind, nature and description directly or indirectly arising from the performance of the work. This paragraph shall not be construed to exempt Eden Area ROP and its employees from its own fraud, willful injury or violation of law whether willful or negligent.

Under penalty of perjury, I agree to the statements above and am designated to sign this agreement on behalf of my agency.

**EDEN AREA REGIONAL OCCUPATIONAL PROGRAM**  
26316 Hesperian Boulevard  
Hayward, CA 94545





\_\_\_\_\_  
**Blaine Torpey**  
Superintendent  
Eden Area Regional Occupational Program

\_\_\_\_03/12/25\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

# INFORMATION ITEMS

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**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** WASC Mid-Cycle Report

## **BACKGROUND**

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The original purpose of accreditation in the United States was designed to encourage the standardization of secondary school programs, primarily to ensure for the benefit of colleges and universities that graduating students had mastered a particular body of knowledge. However, today the process developed by the Accrediting Commission for Schools, Western Association of Schools and Colleges (WASC), involves a dual purpose that continues the expectation that schools must be worthy of the trust placed in them to provide high quality learning opportunities, but with the added requirement that they clearly demonstrate that they are about the critical business of continual self-improvement.

WASC operates on a 6-year cycle of full Self-Study reviews and typically requests a Mid-Cycle Report at the three-year interval.

## **CURRENT SITUATION**

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The WASC Mid-Cycle Report provides an update on the Eden Area ROP's progress in addressing accreditation recommendations and ongoing improvement efforts since our last Full Cycle Self-Study in October 2021.

This report outlines significant milestones, compliance updates, and areas requiring attention or decision-making. It covers an overview of progress and achievements related to accreditation, responses to accreditation recommendations, challenges and areas for improvement, compliance and regulatory updates, as well as recommendations and next steps.

It is important for the Governing Board to have the opportunity to review the Mid-Cycle Report and revised Action Plan and provide input.

## **RECOMMENDATION**

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Information only



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Pledge of Allegiance Discussion

## **BACKGROUND**

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The Eden Area Regional Occupational Program (Eden Area ROP) has recited the Pledge of Allegiance as a standing item that is included in each Governance Board agenda. While it is often included in the agendas of most public meetings, some governing boards have elected to no longer include the item.

## **CURRENT SITUATION**

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The Eden Area ROP Governance Team determined that they would like to have a discussion during the Open Session about the relevance, importance and symbology associated with the Pledge of Allegiance and its recitation at the Eden Area ROP Governing Board meetings. The purpose of this discussion is to ensure that the use of any patriotic exercise in Board meetings is being done mindfully and with room to reflect on historical context of this time in history, the best interests of Eden Area ROP students, and hopes for the future.

## **RECOMMENDATION**

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Information only



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** First Reading of Governing Board Policies, Administrative Regulations, Board Bylaw, and Exhibit

## BACKGROUND

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

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

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

## CURRENT SITUATION

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

NUMBER	TYPE	TITLE	STATUS
1113	E1	District And School Websites	Revise
1312.2	BP	Complaints Concerning Instructional Materials	Revise
1340	BP	Access to District Records	Revise
1340	AR	Access to District Records	Revise
3311	BP	Bids	Revise
3311	AR	Bids	Revise
3311.1	BP	Uniform Public Construction Cost Accounting Procedures	Revise
3311.1	AR	Uniform Public Construction Cost Accounting Procedures	Revise
3312	BP	Contracts	Revise
3516.5	BP	Emergency Schedules	Revise
3580	BP	District Records	Revise
3580	AR	District Records	Revise
4151 4251 4351	BP	Employee Compensation	Revise

<b>NUMBER</b>	<b>TYPE</b>	<b>TITLE</b>	<b>STATUS</b>
4158 4258 4358	BP	Employee Security	Revise
4158 4258 4358	AR	Employee Security	Revise
5125	BP	Student Records	Revise
5125	AR	Student Records	Revise
5131	BP	Conduct	Revise
5131.6	BP	Alcohol and Other Drugs	Revise
5131.6	AR	Alcohol and Other Drugs	Revise
5131.8	BP	Mobile Communication Devices	Revise
5141.52	BP	Suicide Prevention	Revise
5145.52	AR	Suicide Prevention	Revise
5145.13	BP	Response to Immigration Enforcement	Revise
5145.13	AR	Response to Immigration Enforcement	Revise
9260	BB	Legal Protection	Revise

## **RECOMMENDATION**

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Information only



# Eden Area ROP SUPERINTENDENT'S MEMO

**To:** Eden Area ROP Governing Board  
**From:** Blaine Torpey, Superintendent  
**Date:** April 10, 2025  
**Re:** First Reading of Board Policies, Administrative Regulations, Bylaws and Exhibits

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

Number	Type	Title	Explanation of Change	Status
1113	EI	District And School Websites	EI 1113 requires revision to address previous oversights, ensure consistency with current policies, and remove inapplicable references. Updates are also necessary to align terminology with current standards and eliminate requirements linked to policies not included in the handbook.	Revise
1312.2	BP	Complaints Concerning Instructional Materials	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 subject a student to unlawful discrimination in accordance with specified state law.	Revise
1340	BP	Access to District Records	Policy updated to delete material related to the copying of public records, as it is more appropriately placed in, and therefore moved to, the accompanying Administrative Regulation.	Revise
1340	AR	Access to District Records	Regulation updated to add that the regulation is a non-exhaustive list of records that may be defined as either public or confidential. Additionally, regulation updated to clarify that (1) the public may have access to public records unless otherwise exempt from disclosure, and (2) it is after initial proposals of exclusive employee representatives and of the district are presented at a district Governing Board meeting that they are a public record. In addition, regulation updated to include that executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor, is a public record. Regulation also updated to require that confidential home addresses, telephone numbers, or birth dates of employees may only be disclosed in the limited circumstances listed in the regulation, and to reflect <b>NEW LAW (AB 1785, 2024)</b> which prohibits districts from publicly posting online the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official without first obtaining the written permission of that individual. Additionally, regulation updated to clarify that unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status shall not be disclosed. In addition, regulation updated to reflect <b>NEW LAW (SB 1034, 2024)</b> which adds, as an unusual circumstance which would permit the district to extend its response to a California Public Records Act request, to include the need to search for, collect, and appropriately examine records during a state of emergency when the state of emergency currently affects the	Revise

Number	Type	Title	Explanation of Change	Status
			district's ability to timely respond to staffing shortages or closure of facilities where the requested records are located. Regulation also updated to clarify that if a portion of a requested record is exempt from disclosure, only the non-exempt portion of the record is available for inspection and that the record's exempt material is required to be redacted prior to disclosure. Additionally, regulation reorganized for clarity and to keep related content together.	
3311	BP	Bids	Policy updated to clarify that bidding procedures are required to be established in accordance with, and meet the requirements for, bidding procedures specified in law. Additionally, policy updated to incorporate material from the accompanying administrative regulation related to awarding contracts, protests by bidders, and instances when bids are not required, as the majority of such content is related to Governing Board actions and therefore more appropriately placed in Board policy.	Revise
3311	AR	Bids	Regulation updated to clarify that the definition of maintenance includes landscape maintenance and minor repainting. Additionally, regulation updated to reflect requirement that prequalification is required for projects that utilize state general funds. In addition, regulation updated to delete material related to awarding contracts, protests by bidders, and instances when bids are not required, as the majority of such content is related to Governing Board actions and therefore more appropriately placed, and thus incorporated, into the accompanying Board policy.	Revise
3311.1	BP	Uniform Public Construction Cost Accounting Procedures	Policy updated to add language related to authorization for the Governing Board when, after the first invitation of bids pursuant to informal or formal bidding procedures under the Uniform Public Construction Cost Accounting Act all bids are rejected, declare that a project can be performed more economically by employees of the district.	Revise
3311.1	AR	Uniform Public Construction Cost Accounting Procedures	Regulation updated to reflect <b>NEW LAW (AB 2192, 2024)</b> which (1) includes "installations" involving publicly owned, leased, or operated facility in the definition of "public project," and (2) adjusted the threshold amounts for utilizing Uniform Public Construction Cost Accounting Act procedures. Regulation also updated to clarify and expand material related to informal procedures for awarding contracts for public projects of \$220,000 or less.	Revise
3312	BP	Contracts	Policy updated to broaden philosophical statement to include that the Governing Board ensure that contracts entered into on behalf of the district conform to any applicable legal standards. Additionally, policy updated to provide that Board members and district employees involved in the making of contracts on behalf of the district comply with applicable law. In addition, policy updated to add language that executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor, is a public record unless otherwise exempt from disclosure under state or federal law. Policy also updated to reflect <b>NEW LAW (SB 1303, 2024)</b> which (1) requires, if the district utilizes a private labor	Revise



Number	Type	Title	Explanation of Change	Status
			<p>compliance entity, the entity to submit a signed declaration verifying that it does not have a conflict of interest, and (2) defines "private labor compliance entity" and "conflict of interest." Additionally, policy updated to clarify language regarding public records and that a district may not enforce a confidentiality clause that would prevent the district from making any part of the contract a public record.</p>	
3516.5	BP	Emergency Schedules	<p>Policy updated to add "health conditions" as a reason for which the Superintendent or designee is authorized by the Governing Board to close a school site, change the regular school day schedule, or take any necessary action. Additionally, policy updated to reference <b>NEW LAW (SB 1429, 2024)</b> which adds snowstorms to the list of emergencies for which a district may apply to the Superintendent of Public Instruction to obtain apportionment credit for days and minutes lost due to emergency closure and material decreases in attendance. In addition, policy updated to reflect <b>NEW LAW (SB 153, 2024)</b> and <b>NEW LAW (AB 176, 2024)</b> which require a district that submits an affidavit for a school closure necessitated by an emergency condition to (1) for an emergency event occurring after September 1, 2021 but before July 1, 2026, certify that the district has a plan for offering independent study to affected students within 10 instructional days of the first day of a school closure or material decrease in attendance, and (2) for events occurring on or after July 1, 2026, certify that an instructional continuity plan is included in the district's comprehensive safety plan and that the district offered student engagement and instruction consistent with the instructional continuity plan or certify that it did not do so due to extenuating circumstances. <b>NEW LAW (SB 153, 2024)</b> also authorizes districts, beginning July 1, 2025, to implement attendance recovery programs for students in grades transitional kindergarten-12 to make up lost instructional time and offset absences due to emergency events. Additionally, policy updated to combine material related to student and parent/guardian notifications, make more current the modalities of the district's notification system for informing students and parents/guardians of a change in the school day schedule, a school closure due to an emergency, or change in operation of school bus schedules, and reflect <b>NEW LAW (AB 2905, 2024)</b> which requires, when a district or school uses an automatic dialing-announcing device, for the device to be operated by a person who follows all procedures required by law prior to operating the device, and disconnect the device from the telephone line upon the termination of the call.</p>	Revise
3580	BP	District Records	<p>Policy updated to include protection of records against damage, loss, or theft, which may be caused by cybersecurity breaches. Additionally, policy updated to require the Superintendent or designee to (1) ensure that employees receive information and training about cybersecurity, including ways to protect district records from breaches to the district's digital infrastructure, and (2) to report a cyberattack that impacts more than 500 students or personnel to the California Cybersecurity Integration Center. In addition, policy updated to clarify that if a breach in security of district records</p>	Revise

Number	Type	Title	Explanation of Change	Status
			has resulted in the release of personal information that was either unencrypted, or encrypted under certain specified circumstances, the Superintendent or designee is required to notify individuals, as specified. Policy also updated to specify that records containing confidential address information of a participant in the Safe at Home program are required to be kept in a confidential location and not shared with the public.	
3580	AR	District Records	Regulation updated to clarify that it is any historical inventory of equipment that is required to be a continuing record; that a student's cumulative record, if not transferred, is a continuing record until the student ceases to be enrolled in the district; and that minutes of Governing Board or Board committees are classified as permanent records, including text of rules, regulations, policies or resolutions not set forth verbatim in the minutes but included by reference only. Additionally, regulation updated to delete reference to printing and physically filing records and replace with language that all records, including electronic documents, should be organized and filed for easy retrieval based on information contained in, and the purpose of, the record.	Revise
4151 4251 4351	BP	Employee Compensation	Policy updated to reflect <b>NEW LAW (AB 938, 2024)</b> which requires districts, beginning January 31, 2026, to annually complete the Salary and Benefit Schedule for Bargaining Units (Form J-90), for classified and certificated staff assigned to a district school site(s) and report the Form J-90 to the California Department of Education. Additionally, policy updated to include "fillable" language for districts to utilize to reflect the payroll schedule determined by the Governing Board. In addition, policy updated to delete material related to the compensation of employees during periods of extended closure or disruption which was COVID-19 specific, and therefore outdated. Policy also updated to correct an inaccuracy regarding overtime rate of pay, which required the deletion of material related to an overtime rate of twice the regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive work day, since the Labor Code section which provides for such overtime compensation does not apply to school districts. Additionally, policy updated to add language regarding the rate of pay for a classified employee in an exempt position who is required to work on a holiday designated in law or by the Board. In addition, policy updated to clarify that, when an employee does not respond or disputes the existence or amount of an overpayment claimed by the district, the district may only recover an overpayment after pursuing appropriate legal action, and to delete the requirement for Board approval for the district to exercise legal means to recover an overpayment, as Board approval is not required by law.	Revise
4158 4258 4358	BP	Employee Security	Policy updated to include material which authorizes a collective bargaining representative to seek a temporary restraining order on behalf of a district employee who has been subjected to harassment, unlawful violence, or a credible threat of violence in the workplace, if the collective bargaining representative serves that employee in	Revise

Number	Type	Title	Explanation of Change	Status
			employment or labor matters at the employee's workplace. Additionally, policy updated to incorporate Executive Order 14127, "Combating Emerging Firearms Threats and Improving School-Based Active-Shooter Drills," which establishes a task force to provide guidance to schools related to school-based active shooter drills. In addition, policy revised to more closely align with law and to reflect a change in provisions from the Labor Code to the Government Code.	
4158 4258 4358	AR	Employee Security	Regulation updated to reference the requirement for schools to include in their comprehensive safety plans procedures to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at school, at an activity sponsored by the school, or on a school bus serving the school. Additionally, regulation updated to add that reports of an attack, assault, or physical threat shall be forwarded immediately to the Superintendent or designee. In addition, regulation updated to reflect <b>NEW LAW (AB 2499, 2024)</b> , which requires districts to provide reasonable accommodations to an employee who is a victim, or whose family member is a victim, of domestic violence, sexual assault, stalking, or other qualifying act(s) of violence. Policy also updated to clarify material related to an employee's request, based on need, to carry or possess pepper spray on school property or at school-related activities.	Revise
5125	BP	Student Records	Policy updated to include in the first philosophical paragraph disclosure of records in the list of administrative regulations the Superintendent or designee is required to establish. Additionally, policy updated to reflect <b>NEW LAW (AB 801, 2024)</b> which requires districts to provide documentation that a student has not been enrolled in the district for at least 60 days to the operator of a website, online service or application, or mobile application that has control of student records which contain covered information that is not subject to the California Consumer Privacy Act, if the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records. In addition, policy updated to reflect <b>REVISED GUIDANCE</b> from the California Attorney General related to responding to immigration enforcement in K-12 schools. Policy also updated to broaden the applicability of the prohibition against disclosure by deleting reference to "Superintendent or designee" and replacing with "district or district employee", and add the requirement that the Superintendent or designee develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. Additionally, policy updated to add requirements related to the retention, disclosure, and security of student records, including that the Superintendent or designee (1) ensure the confidentiality of student records as required by law and establish processes and procedures to safeguard data against damage, loss, or theft, including damage, loss, or theft, which may be caused by the use of technology, including artificial intelligence, in the retention or disclosure of student records and breaches to the district's digital infrastructure, (2) ensure that employees receive information and training about	Revise

Number	Type	Title	Explanation of Change	Status
			cybersecurity, including ways to protect student records from breaches to the district's digital infrastructure, and (3) report a cyberattack to the California Cybersecurity Integration Center if the district experiences a cyberattack that impacts more than 500 students or personnel.	
5125	AR	Student Records	Regulation updated to reference <b>REVISED GUIDANCE</b> from the California Attorney General related to responding to immigration enforcement in K-12 schools. Additionally, regulation updated to reorganize definitions to appear in alphabetical order, and add that the district is prohibited from disclosing student records to a party, including a parent/guardian, who is legally prohibited from accessing records and information of a student pursuant to a restraining order. In addition, regulation updated to reflect <b>NEW LAW (SB 153, 2024)</b> which requires a district that serves students in grades 9-12 to (1) enter into a data sharing agreement with the California College Guidance Initiative (CCGI) to provide student data for use when students are planning for and applying to California public colleges and universities, and (2) provide parent/guardian notification of the sharing with CCGI of specified district data and data collected by the California Department of Education for the purposes of college admissions, academic placement, and eligibility for student financial aid. In addition, regulation updated to clarify that (1) information may be released from a student's records to appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other persons, and (2) that when a student in foster care is enrolling in a district school, the district's liaison for foster youth is required to contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain all academic and other records.	Revise
5131	BP	Conduct	Policy updated to reflect <b>NEW LAW (AB 3216, 2024)</b> which requires the Governing Board to, by July 1, 2026, develop, adopt, and update every five years a policy to limit or prohibit student use of smartphones while at a school site or under the supervision and control of district employee(s). Additionally, policy updated to expand the list of prohibited student conduct to include conduct that is prohibited by law related to suspension and expulsion.	Revise
5131.6	BP	Alcohol and Other Drugs	Policy updated to add language which requires districts to annually inform parents/guardians at the beginning of the first semester or quarter of the regular school year about the dangers associated with the use of synthetic drugs that are not prescribed by a physician, such as fentanyl, and to reflect <b>NEW LAW (AB 2690, 2024)</b> which requires districts to notify parents/guardians about the risk of social media being used as a way to market and sell synthetic drugs. Additionally, policy updated to reflect <b>NEW LAW (AB 2711, 2024)</b> which prohibits the suspension of students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports solely for that disclosure, <b>NEW LAW (SB 997, 2024)</b> which prohibits districts that serve students in middle	Revise

Number	Type	Title	Explanation of Change	Status
			<p>school, junior high school, high school, or adult school from prohibiting a student in middle school, junior high school, or high school, while on a school site or participating in school activities, from carrying fentanyl test strips while on a school site or participating in school activities, to carry fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose, and <b>NEW LAW (AB 2998, 2024)</b>, which provides that districts may not prohibit students 12 years of age or older, while on a school site or participating in school activities, from carrying or administering, for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication. In addition, policy updated to add language which authorizes a district to use alternatives to the referral of a student to a law enforcement agency in response to an incident involving the student's misuse of an opioid, to the extent any alternative utilized is not in conflict with any law requiring that referral.</p>	
5131.6	AR	Alcohol and Other Drugs	<p>Regulation updated to reflect <b>NEW LAW (AB 2865, 2024)</b> which requires instruction on the nature and effects of alcohol to include information about excessive alcohol use and the short- and long-term health risks of excessive alcohol use, which may include instruction about depression and anxiety, and <b>NEW LAW (AB 2429, 2024)</b>, which provides that, beginning with the 2026-27 school year, districts that require students to complete a course in health education for graduation from high school to include in such course instruction in the dangers associated with fentanyl use.</p>	Revise
5131.8	BP	Mobile Communication Devices	<p>Policy updated to reflect <b>NEW LAW (AB 3216, 2024)</b> which requires the Governing Board to, by July 1, 2026, develop, adopt, and update every five years a policy to limit or prohibit student use of smartphones while at a school site or under the supervision and control of district employee(s). Additionally, policy updated to add options which offer different approaches to regulating the use of smartphones and other mobile communication devices. In addition, policy updated to clarify language related to the search of a student's personal electronic device.</p>	Revise
5141.52	BP	Suicide Prevention	<p>Policy updated to reflect <b>NEW LAW (SB 1318, 2024)</b> which, if the district does not have a school mental health professional or contract with a mental health professional, encourages the Governing Board to consider when reviewing its policy on suicide prevention whether funding should be identified for purposes of hiring a school mental health professional. Additionally, policy updated to require that measures and strategies for suicide prevention, intervention, and postvention include student instruction on help-seeking strategies and resources, and expand tasks of district and/or school-site crisis intervention team(s) to include posting of suicide prevention policy, protocols, and resources on district and school websites. In addition, policy updated to include material related to addressing mental health disabilities, as well as</p>	Revise

Number	Type	Title	Explanation of Change	Status
			language regarding the establishment of a process to maintain regular contact with students, including during distance learning or school closures, and to communicate emotional wellbeing and or safety concerns. Policy also updated to include that mental health and behavioral health services be provided for in accordance with Board Policy 5141.5 - Mental Health, which includes the provision of services by way of telehealth technology.	
5145.52	AR	Suicide Prevention	Regulation updated to include definitions for "mental health professional," "student suicide crisis," and "school mental health professional." Additionally, regulation updated to reflect <b>NEW LAW (SB 1063, 2024)</b> which requires districts that issue or reissue student identification cards to include on the card the 988 Suicide and Crisis Lifeline, and authorizes districts to include the telephone number for campus police or security or, if the campus does not have a campus police or security telephone number, the local nonemergency telephone number, and/or a quick response (QR) code for the county's mental health resources website. In addition, regulation updated to include that mental health and behavioral health services be provided for in accordance with Board Policy 5141.5 - Mental Health.	Revise
5145.13	BP	Response to Immigration Enforcement	Policy updated to reflect <b>REVISED GUIDANCE</b> from the California Attorney General related to responding to immigration enforcement in K-12 schools, including the prohibition against seeking or requiring information or documents, to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or the student's family members. Additionally, policy updated to incorporate language from the accompanying administrative regulation related to the prohibition against using resources and data collected by the district to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination.	Revise
5145.13	AR	Response to Immigration Enforcement	Regulation updated to reflect <b>REVISED GUIDANCE</b> from the California Attorney General related to responding to immigration enforcement in K-12 schools, including the requirement to obtain consent to release immigration-related student information; when and how a law enforcement officer is required to register at a school in order to gain access; and what to do when a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus. Additionally, regulation updated to clarify the circumstances when there is a need for a judicial subpoena and/or judicial subpoena warrant. In addition, regulation updated to delete language moved to the accompanying Board policy related to the prohibition against using resources and data collected by the district to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. Regulation also	Revise



Number	Type	Title	Explanation of Change	Status
			updated to add new section headings for organization and ease of understanding.	
9260	BB	Legal Protection	Bylaw updated as part of CSBA's process to review policy materials that have not recently required updating based on changes to law, regulations, new guidance, or other directives, and has been amended for precision, consistency, and accuracy.	Revise

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

Status: DRAFT

Original Adopted Date: 11/04/2021 | Last Revised Date: 11/07/2024 | Last Reviewed Date: 11/07/2024

**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 Eden Area ROP'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 Sex Discrimination and Sex-Based 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. 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).
17. ~~The annual report to CDE on the use of behavioral restraints and seclusion (Education Code 49006).~~

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

State	Description
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">K-12 Pupil Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>

**State**

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

**Federal**

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

**Management Resources**

CA Civil Rights Department Publication	<a href="#">Family Care and Medical Leave and Pregnancy Disability Leave, January 2023</a>
CA Civil Rights Department Publication	<a href="#">California Law Prohibits Workplace Discrimination and Harassment, January 2024</a>
CA Civil Rights Department Publication	<a href="#">The Rights of Employees Who Are Transgender or Gender Nonconforming: Fact Sheet, November 2022</a>
CA Civil Rights Department Publication	<a href="#">Your Rights and Obligations as a Pregnant Employee, January 2023</a>

**Management Resources**

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

**Description**

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

**Cross References**

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 0410  
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**Description**

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

**Cross References****Description**

3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3290	<a href="#">Gifts, Grants And Requests</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3515	<a href="#">Campus Security</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.7	<a href="#">Firearms On School Grounds</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516.5	<a href="#">Emergency Schedules</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4040-E(2)	<a href="#">Employee Use Of Technology</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4132	<a href="#">Publication Or Creation Of Materials</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4219.21	<a href="#">Professional Standards</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4232	<a href="#">Publication Or Creation Of Materials</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4331	<a href="#">Staff Development</a>
4332	<a href="#">Publication Or Creation Of Materials</a>
4361.8	<a href="#">Family Care And Medical Leave</a>

**Cross References**

5125

5125

5125.1

5125.1

5131.2

5131.2

5131.41

6162.6

6163.4

6163.4

6163.4-E PDF(1)

6163.4-E(1)

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

**Policy 1312.2: Complaints Concerning Instructional Materials**

Status: DRAFT

Original Adopted Date: 12/07/2023 | Last Reviewed Date: 12/07/2023

The Governing Board uses a comprehensive process to adopt Eden Area Regional Occupational Program (Eden Area ROP) instructional materials that is based on selection criteria established by law and Board policy and includes opportunities for the involvement of Eden Area ROP staff, parents/guardians, and community members, and, as appropriate, students. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's student's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed.

The Eden Area ROP shall accept complaints concerning instructional materials only from staff, member district residents, or the parents/guardians of children students enrolled in Eden Area ROP. (Education Code 35160)

However, a complaint related to the use or prohibited use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library that alleges unlawful discrimination based on a violation of Education Code 243 or 244 shall be filed, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

When deliberating upon challenged materials, the Superintendent, or any designee or committee established by the Superintendent to review the materials, shall consider the degree to which the materials aligned align with the criteria for instructional materials as specified in law, Board policy, and administrative regulation. In addition, such deliberations may consider the educational philosophy and vision of the Eden Area ROP; the educational suitability of the materials including the manner in which the materials support the curriculum and appropriateness for the student's age; the professional opinions of teachers of the subject and of other competent authorities and/or experts; reviews of the materials by reputable bodies; the stated objectives in using the materials; community standards; the allegations in the complaint, including the extent to which the objections are based on the dislike of ideas contained in the materials; and the impact that keeping or removing the materials would have on student well-being.

The Superintendent, or any designee or committee established by the Superintendent to review the materials, shall not prohibit the continued use of an appropriately adopted 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 contains inclusive and/or diverse perspectives, as specified in Education Code 243.

Additionally, the Superintendent, or any designee or committee established by the Superintendent to review materials, shall not authorize the continued use of an adopted textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use would subject a student to unlawful discrimination pursuant to Education Code 220.

If the complainant finds the Superintendent's or review committee's decision unsatisfactory, the complainant may appeal the decision to the Board.

Any challenged instructional material that is reviewed by the Eden Area ROP shall not be subject to further reconsideration for 12 months, unless required by law.

Complaints related to the sufficiency of textbooks or instructional materials shall be resolved as specified in Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures.

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

5 CCR 4600-4670

Ed. Code 1240

**Description**

Uniform complaint procedures

[County superintendent of schools; duties](#)

**State**

Ed. Code 18111

**Description**[Exclusion of books by Governing board that are sectarian, partisan, or denominational character](#)

Ed. Code 220

[Prohibition of discrimination](#)

Ed. Code 240-244

Prohibition of discrimination; instructional materials

Ed. Code 35010

[Control of district; prescription and enforcement of rules](#)

Ed. Code 35160

[Powers and duties of school boards](#)

Ed. Code 35186

[Williams uniform complaint procedures](#)

Ed. Code 44805

[Teacher enforcement of course of studies; use of textbooks, rules and regulations](#)

Ed. Code 48907

[Exercise of free expression; time, place, and manner rules and regulations](#)

Ed. Code 48950

[Speech and other communication](#)

Ed. Code 51204.5

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

Ed. Code 51501

[Nondiscriminatory subject matter](#)

Ed. Code 51511

[Religious matters properly included in courses of study](#)

Ed. Code 51933

[Sexual health education and HIV prevention materials](#)

Ed. Code 60000-60005

Instructional materials; legislative intent

Ed. Code 60040-60052

[Requirements for instructional materials](#)

Ed. Code 60119

[Public hearing on sufficiency of textbooks and instructional materials](#)

Ed. Code 60200-60213

[Elementary school materials](#)

Ed. Code 60226

[Requirements for publishers and manufacturers](#)

Ed. Code 60400-60411

[High school textbooks and instructional materials](#)

Ed. Code 60510-60511

[Donation or sale of obsolete instructional materials](#)**Management Resources****Description**

California Department of Education Publication

[Guidance for Local Instructional Materials Adoption, March 2024](#)

California Department of Education Publication

[Instructional Materials, FAQ](#)

California Department of Education Publication

[Standards for Evaluating Instructional Materials for Social Content, 2013](#)

California Department of Justice Publication

[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, Jan. 2024](#)

California School Boards Association Publication

[State Roles, Responsibilities, and Process for Instructional Materials Adoption, Feb. 2024](#)

California School Boards Association Publication

[Instructional Materials Adoption: Local governing board responsibilities, Fact Sheet, Feb. 2024](#)

California School Boards Association Publication

[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Feb. 2024](#)

Website

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

Website

[Department of Justice](#)

Website

[California Department of Education, Curriculum and Instruction Resources](#)

Website

[CSBA](#)

Website

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

0410

[Nondiscrimination In District Programs And Activities](#)

**Cross References**

1250

1250

1312.1

1312.1

1312.3

1312.3

1312.3-E PDF(1)

1312.4

1312.4-E(1)

1312.4-E(2)

5145.3

5145.3

6000

6141

6141

6143

6144

6161.1

6161.1

6161.11

6161.2

9000

9005

9012

9200

9322

**Description**[Visitors/Outsiders](#)[Visitors/Outsiders](#)[Complaints Concerning District Employees](#)[Complaints Concerning District Employees](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Williams Uniform Complaint Procedures](#)[Williams Uniform Complaint Procedures](#)[Williams Uniform Complaint Procedures](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Concepts And Roles](#)[Curriculum Development And Evaluation](#)[Curriculum Development And Evaluation](#)[Courses Of Study](#)[Controversial Issues](#)[Selection And Evaluation Of Instructional Materials](#)[Selection And Evaluation Of Instructional Materials](#)[Supplementary Instructional Materials](#)[Damaged Or Lost Instructional Materials](#)[Role Of The Board](#)[Governance Standards](#)[Board Member Electronic Communications](#)[Limits Of Board Member Authority](#)[Agenda/Meeting Materials](#)



**Policy 1340: Access To District Records**

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.

The Governing Board recognizes the right of citizens to have access to public records of the Eden Area Regional Occupational Program (Eden Area ROP). The Governing Board intends to provide any person reasonable access to the public records of the Eden Area ROP during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

{cf. 3553 – Free and Reduced Price Meals}

{cf. 3580 – District Records}

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

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

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

{cf. 5020 – Parent Rights and Responsibilities}

{cf. 5125 – Student Records}

{cf. 5125.1 – Release of Directory Information}

{cf. 6162.5 – Student Assessment}

{cf. 9011 – Disclosure of Confidential/Privileged Information}

{cf. 9321 – Closed Session Purposes and Agendas}

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through an Eden Area ROP-provided device or account or through an employee's or Governing Board member's personal device or account.

{cf. 4040 – Employee Use of Technology}

{cf. 9012 – Board Member Electronic Communications}

The Eden Area ROP may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in accordance with law and as specified in the accompanying administrative regulation.

In order to help maintain the security of Eden Area ROP records, members of the public granted access shall examine records in the presence of an Eden Area ROP staff member.

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 430-438	<a href="#">Individual student records</a>
CA Constitution Article 1, Section 3	<a href="#">Right of access to governmental information</a>
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 35145	<a href="#">Public meetings</a>

**State**

Ed. Code 35170	<a href="#">Authority to secure copyrights</a>
Ed. Code 35250	<a href="#">Duty to keep certain records and reports</a>
Ed. Code 35266	Cybersecurity
Ed. Code 41020	<a href="#">Requirement for annual audit</a>
Ed. Code 42103	<a href="#">Budget notification</a>
Ed. Code 44031	<a href="#">Personnel file contents and inspection</a>
Ed. Code 44839	<a href="#">Medical certificates; periodic medical examination</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49091.10	<a href="#">Parental review of curriculum and instruction</a>
Gov. Code 11549.3	<a href="#">Office of Information Security</a>
Gov. Code 3547	<a href="#">Proposals relating to representation</a>
Gov. Code 53262	<a href="#">Employment contracts</a>
Gov. Code 54957.2	<a href="#">Minute book record of closed sessions</a>
Gov. Code 54957.5	<a href="#">Agendas and other writings distributed for discussion or consideration</a>
Gov. Code 6205-6210	Address confidentiality; victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder and dependent adult abuse
Gov. Code 6215-6216	Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 81008	<a href="#">Political Reform Act, public records; inspection and reproduction</a>
Gov. Code 8310.3	<a href="#">California Religious Freedom Act</a>
Gov. Code 8550-8669.7	California Emergency Services Act
Gov. Code 8586.5	Office of Emergency Services; California Cybersecurity Information Center

**Federal**

20 USC 1232g	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
34 CFR 99.1-99.8	<a href="#">Family Educational Rights and Privacy Act</a>

**Management Resources**

	<b>Description</b>
Attorney General Opinion	64 Ops.Cal.Atty.Gen. 186 (1981)
Attorney General Opinion	71 Ops.Cal.Atty.Gen. 235 (1988)
CA Office of the Attorney General Publication	<a href="#">Promoting a Safe &amp; Secure Learning Environment for All: Guidance &amp; Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, December 2024</a>
CA Office of the Attorney General Publication	<a href="#">Summary of the California Public Records Act, August 2004</a>
CA Office of the Attorney General Publication	<a href="#">California Department of Justice Guidelines for Access to Public Records, January 2023</a>
Court Decision	National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward (2020) 9 Cal.5th 488
Court Decision	Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440
Court Decision	Fairley v. Superior Court (1998) 66 Cal.App. 4th 1414

**Management Resources**

	<b>Description</b>
Court Decision	International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County (2007) 42 Cal.4th 319
Court Decision	Kleitman v. Superior Court (1999) 74 Cal.App. 4th 324
Court Decision	Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282
Court Decision	Los Angeles Times v. Alameda Corridor Transportation Authority (2001) 88 Cal.App.4th 1381
Court Decision	North County Parents Organization for Children with Special Needs v. Department of Education (1994) 23 Cal.App. 4th 144
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	<a href="#">Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017</a>
League of California Cities Publication	<a href="#">The People's Business: A Guide to the California Public Records Act, rev. September 2022</a>
Website	<a href="#">California Office of Emergency Services</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">League of California Cities</a>
Website	<a href="#">State Bar of California</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">CSBA</a>

**Cross References**

	<b>Description</b>
0400	<a href="#">Comprehensive Plans</a>
0440	<a href="#">District Technology Plan</a>
0440	<a href="#">District Technology Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1112	<a href="#">Media Relations</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>
1220	<a href="#">Citizen Advisory Committees</a>
1220-E PDF(1)	<a href="#">Citizen Advisory Committees</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>
2121	<a href="#">Superintendent's Contract</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3230	<a href="#">Federal Grant Funds</a>

**Cross References****Description**

3230	<a href="#">Federal Grant Funds</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3312	<a href="#">Contracts</a>
3320	<a href="#">Claims And Actions Against The District</a>
3320	<a href="#">Claims And Actions Against The District</a>
3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
3514.2	<a href="#">Integrated Pest Management</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4040-E(2)	<a href="#">Employee Use Of Technology</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.6	<a href="#">Personnel Files</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4119.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42-E PDF(1)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42-E PDF(2)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4212.6	<a href="#">Personnel Files</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4219.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4219.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4219.42-E PDF(1)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4219.42-E PDF(2)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.5-E(1)	<a href="#">Criminal Record Check</a>
4312.6	<a href="#">Personnel Files</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>

**Cross References**

4319.42  
4319.42  
4319.42-E PDF(1)  
4319.42-E PDF(2)  
4354  
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9270  
9270-E PDF(1)  
9270-E(1)  
9310  
9320  
9321  
9321-E(1)  
9321-E(2)  
9322  
9324

**Description**

[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Health And Welfare Benefits](#)  
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[Parent Rights And Responsibilities](#)  
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[Student Records](#)  
[Student Records](#)  
[Release Of Directory Information](#)  
[Release Of Directory Information](#)  
[Challenging Student Records](#)  
[Response To Immigration Enforcement](#)  
[Response To Immigration Enforcement](#)  
[Nondiscrimination/Harassment](#)  
[Nondiscrimination/Harassment](#)  
[Courses Of Study](#)  
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[Board Member Electronic Communications](#)  
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**Regulation 1340: Access To District Records**

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.

This administrative regulation is a non-exhaustive list of records that may be defined as either public or exempt and/or confidential. Other records which fall into these definitions may exist and may be identified in the future.

**Definitions**

*Public records* include any writing containing information relating to the conduct of the ~~Eden Area Regional Occupational Program's~~ (Eden Area ROP) business prepared, owned, used, or retained by the Eden Area ROP regardless of physical form or characteristics. (~~Government Code 6252~~Government Code 7920.530)

~~(cf. 3580 – District Records)~~

~~(cf. 9012 – Board Member Electronic Communications)~~

*Writing* means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (~~Government Code 6252~~Government Code 7920.545)

*Member of the public* means any person, except a member, agent, officer, or employee of the Eden Area ROP or a federal, state, or other local agency acting within the scope of such membership, agency, office, or employment. (~~Government Code 6252~~Government Code 7920.515)

**Public Records**

~~Public~~Unless otherwise exempt from disclosure, public records to which members of the public shall have access include, but are not limited to:

1. ~~1.~~ Proposed and approved Eden Area ROP budgets and annual audits (Education Code 41020, 42103)

~~(cf. 3100 – Budget)~~

~~(cf. 3460 – Financial Reports and Accountability)~~

2. ~~2.~~ Statistical compilations

3. ~~3.~~ Reports and memoranda

4. ~~4.~~ Notices and bulletins

5. ~~5.~~ Minutes of public meetings (Education Code 35145)

~~(cf. 9324 – Minutes and Recordings)~~

6. ~~6.~~ Meeting agendas (Government Code 54957.5)

~~(cf. 9322 – Agenda/Meeting Materials)~~

7. ~~7.~~ Official communications between the Eden Area ROP and other government agencies

8. ~~8.~~ Eden Area ROP and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law

~~(cf. 0400 – Comprehensive Plans)~~

~~(cf. 0420 – School Plans/Site Councils)~~

(cf. 0440 – District Technology Plan)  
(cf. 0450 – Comprehensive Safety Plan)  
(cf. 0460 – Local Control and Accountability Plan)  
(cf. 3516 – Emergencies and Disaster Preparedness Plan)  
(cf. 3543 – Transportation Safety and Emergencies)  
(cf. 7110 – Facilities Master Plan)

9. Initial proposals of exclusive employee representatives and of the Eden Area ROP, once presented at an Eden Area ROP Governing Board meeting (Government Code 3547)

(cf. 4143.1/4243.1 – Public Notice – Personnel Negotiations)

10. Records pertaining to claims and litigation against the Eden Area ROP which have been adjudicated or settled (Government Code 6254, 6254.257927.200, 7927.205)

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

11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

(cf. 9270 – Conflict of Interest)

12. Documents containing names, salaries, and pension benefits of Eden Area ROP employees

13. Employment contracts and settlement agreements (Government Code 53262)

(cf. 2121 – Superintendent's Contract)

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

(cf. 4141/4241 – Collective Bargaining Agreement)

14. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)

(cf. 5020 – Parent Rights and Responsibilities)

(cf. 6161.1 – Selection and Evaluation of Instructional Materials)

15. Executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor (Government Code 7928.801)

Access to public records of the Eden Area ROP shall be granted to Governing Board members on the same basis as any other member of the public. When Governing Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Governing Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.77921.305, 7921.310)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 6254.29, 6254.3)

### Exempt and Confidential Public Records

Records exempt from disclosure under the California Public Records Act (CPRA) include, but are not limited to:

#### Confidential Public Records

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code 234.7; Government Code 8310.3)

(cf. 5145.13 – Response to Immigration Enforcement)

Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the Eden Area

ROP in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254.7927.500)

~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)  
(cf. 9011 – Disclosure of Confidential/Privileged Information)~~

2. ~~2.~~ Records specifically generated in connection with or prepared for use in litigation to which the Eden Area ROP is a party or to respond to claims made against the Eden Area ROP pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.257927.200, 7927.205)
3. ~~3.~~ Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 62547927.700)

~~(cf. 4112.5/4212.5/4312.5) – Criminal Record Check  
(cf. 4112.6/4212.6/4312.6 – Personnel Files)~~

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees ~~may~~ shall only be disclosed as follows: (Government Code 6254.37928.300)

- a. ~~a.~~ To an agent or a family member of the employee
- b. ~~b.~~ To an officer or employee of a state agency ~~or another school Eden Area ROP~~ or county office of education when necessary for the performance of official duties
- c. ~~c.~~ To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed
- d. Upon written request of any employee, the Eden Area ROP shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the Eden Area ROP shall remove this information from any mailing list of the Eden Area ROP except a list used exclusively to contact the employee.

~~(cf. 4140/4240/4340 – Bargaining Units)~~

- e. ~~d.~~ To an agent or employee of a health benefit plan providing health services or administering claims for health services to Eden Area ROP employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

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

4. The home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official posted by the Eden Area ROP online without first obtaining the written permission of that individual (Government Code 7928.205)
4. Student records, except directory information and other records to the extent permitted ~~under the law,~~ when disclosure is authorized by law by law and Eden Area ROP policy (Education Code 49073, 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 5125.3 - Challenging Student Records)

6. ~~5.~~ Test questions, scoring keys, and other examination data except as provided by law (Government Code 62547929.605)

~~(cf. 6162.51 – State Academic Achievement Tests)~~

7. ~~6.~~ Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the Eden Area ROP relative to the acquisition of property,



or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254.7928.705)

8. ~~7.~~ Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in an unfair competitive disadvantage to the person supplying the information (Government Code 6254.7925.000)
9. ~~8.~~ Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library, to persons authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267) 7927.100, 7927.105)

(cf. 6163.1 – Library Media Centers)

10. ~~9.~~ Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254.7927.705)

(cf. 9124 – Attorney)

11. ~~10.~~ Documents prepared by or for the Eden Area ROP to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt Eden Area ROP operations and that are for distribution or consideration in closed session (Government Code 6254.7929.200)
12. ~~11.~~ Information security record if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of the Eden Area ROP (Government Code 7929.210)
13. Recall petitions, petitions for special elections to fill ~~Governing~~ Board vacancies, or petitions for the reorganization of the ~~school~~ Eden Area ROP (Government Code 6253.57924.110)

(cf. 9223 – Filling Vacancies)

14. ~~12.~~ Minutes of ~~Governing~~ Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 – Closed Session Purposes and Agendas)

15. ~~13.~~ Computer software developed by the Eden Area ROP (Government Code 6254.97922.585)
16. ~~14.~~ Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the Eden Area ROP's information technology system (Government Code 6254.19)
17. ~~15.~~ Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255) 7926.400, 7930.000-7930.215)

(cf. 5141.6 – School Health Services)

18. ~~16.~~ Any other records listed as exempt from public disclosure in the ~~California Public Records Act~~ CPRA or other statutes
19. ~~17.~~ Any other records for which the Eden Area ROP can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 7922.200, 7928.300)

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed. (Education Code 234.7; Government Code

8310.3)

### Inspection of Records and, Requests for Copies, and Recovery of Costs

Any person may request a copy or inspection of any Eden Area ROP record that is open to the public and not exempt from disclosure. (Government Code 62537922.530)

Within 10 days of receiving any request to inspect or copy an Eden Area ROP record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the Eden Area ROP's possession. The Superintendent or designee shall promptly inform the person making the request of the determination and the reasons for the decision. (Government Code 62537922.535)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 62537922.535)

1. ~~1.~~ The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. ~~2.~~ The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. ~~3.~~ The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the Eden Area ROP (e.g., two different school sites) with substantial interest in the request
4. ~~4.~~ In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data
5. The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor pursuant to the California Emergency Services Act in the jurisdiction where the Eden Area ROP is located when the state of emergency currently affects, due to the state of emergency, the Eden Area ROP's ability to timely respond to staffing shortages or closure of facilities where the requested records are located (Government Code 8567)

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 62537922.535)

Public records shall be open to inspection at all times during Eden Area ROP office hours. ~~Any~~ If a portion of the requested record(s) is exempt from disclosure, any non-exempt, reasonably segregable portion of a the record shall be made available for inspection ~~by any person requesting the record~~ after deletion of the portions ~~that are~~ exempted by law. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable, non-exempt record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 62537922.530)

If only a portion of the identified record is exempt from disclosure, the record's exempt material shall be redacted prior to disclosure.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication, ~~in~~ accordance with law. Written requests to waive the fee shall be submitted to the Superintendent or designee.

In addition to maintaining public records for public inspection during Eden Area ROP office hours, the Eden Area ROP may comply with public records requests by posting any public record on the Eden Area ROP's website and, in response to a public records request, directing the member of the public to the location on the website where the record can be found. However, if the member of the public is unable to access or reproduce the record from the website, the Eden Area ROP shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 62537922.545)

If any person requests that a public record be provided in an electronic format, the Eden Area ROP shall make that record available in any electronic format in which it holds the information. The Eden Area ROP shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the

Eden Area ROP to create copies for its own use or for use by other agencies. (Government Code [6253.97922.570](#))

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code [6253.97922.575](#))

1. ~~1.~~ The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. ~~2.~~ The request would require data compilation, extraction, or programming to produce the record.

#### Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code [6253.17922.600](#))

1. ~~1.~~ Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. ~~2.~~ Describe the information technology and physical location in which the records exist
3. ~~3.~~ Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the [Public Records Act](#) [CPRA](#) shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code [62537922.500](#), [7922.540](#))

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

State	Description
5 CCR 430-438	<a href="#">Individual student records</a>
CA Constitution Article 1, Section 3	<a href="#">Right of access to governmental information</a>
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 35145	<a href="#">Public meetings</a>
Ed. Code 35170	<a href="#">Authority to secure copyrights</a>
Ed. Code 35250	<a href="#">Duty to keep certain records and reports</a>
Ed. Code 35266	Cybersecurity
Ed. Code 41020	<a href="#">Requirement for annual audit</a>
Ed. Code 42103	<a href="#">Budget notification</a>
Ed. Code 44031	<a href="#">Personnel file contents and inspection</a>
Ed. Code 44839	<a href="#">Medical certificates; periodic medical examination</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49091.10	<a href="#">Parental review of curriculum and instruction</a>
Gov. Code 11549.3	<a href="#">Office of Information Security</a>
Gov. Code 3547	<a href="#">Proposals relating to representation</a>

**State**

Gov. Code 53262

Gov. Code 54957.2

Gov. Code 54957.5

Gov. Code 6205-6210

Gov. Code 6215-6216

Gov. Code 7920.000-7930.215

Gov. Code 81008

Gov. Code 8310.3

Gov. Code 8550-8669.7

Gov. Code 8586.5

**Description**[Employment contracts](#)[Minute book record of closed sessions](#)[Agendas and other writings distributed for discussion or consideration](#)

Address confidentiality; victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder and dependent adult abuse

Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence

[California Public Records Act](#)[Political Reform Act, public records; inspection and reproduction](#)[California Religious Freedom Act](#)

California Emergency Services Act

Office of Emergency Services; California Cybersecurity Information Center

**Federal**

20 USC 1232g

34 CFR 99.1-99.8

**Description**[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)[Family Educational Rights and Privacy Act](#)**Management Resources**

Attorney General Opinion

Attorney General Opinion

CA Office of the Attorney General Publication

CA Office of the Attorney General Publication

CA Office of the Attorney General Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

League of California Cities Publication

**Description**

64 Ops.Cal.Atty.Gen. 186 (1981)

71 Ops.Cal.Atty.Gen. 235 (1988)

[Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, December 2024](#)[Summary of the California Public Records Act, August 2004](#)[California Department of Justice Guidelines for Access to Public Records, January 2023](#)

National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward (2020) 9 Cal.5th 488

Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440

Fairley v. Superior Court (1998) 66 Cal.App. 4th 1414

International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County (2007) 42 Cal.4th 319

Kleitman v. Superior Court (1999) 74 Cal.App. 4th 324

Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282

Los Angeles Times v. Alameda Corridor Transportation Authority (2001) 88 Cal.App.4th 1381

North County Parents Organization for Children with Special Needs v. Department of Education (1994) 23 Cal.App. 4th 144

City of San Jose v. Superior Court (2017) 2 Cal.5th 608

[Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017](#)[The People's Business: A Guide to the California Public Records Act, rev. September 2022](#)

**Management Resources**

Website	<a href="#">California Office of Emergency Services</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">League of California Cities</a>
Website	<a href="#">State Bar of California</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">CSBA</a>

**Description****Cross References**

0400	<a href="#">Comprehensive Plans</a>
0440	<a href="#">District Technology Plan</a>
0440	<a href="#">District Technology Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1112	<a href="#">Media Relations</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>
1220	<a href="#">Citizen Advisory Committees</a>
1220-E PDF(1)	<a href="#">Citizen Advisory Committees</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>
2121	<a href="#">Superintendent's Contract</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3312	<a href="#">Contracts</a>
3320	<a href="#">Claims And Actions Against The District</a>
3320	<a href="#">Claims And Actions Against The District</a>
3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
3514.2	<a href="#">Integrated Pest Management</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>

**Description**

**Cross References**

3580  
3580  
4040  
4040-E(1)  
4040-E(2)  
4112.5  
4112.5-E(1)  
4112.6  
4119.23  
4119.42  
4119.42  
4119.42-E PDF(1)  
4119.42-E PDF(2)  
4154  
4154  
4212.5  
4212.5-E(1)  
4212.6  
4219.23  
4219.42  
4219.42  
4219.42-E PDF(1)  
4219.42-E PDF(2)  
4254  
4254  
4312.5  
4312.5-E(1)  
4312.6  
4319.23  
4319.42  
4319.42  
4319.42-E PDF(1)  
4319.42-E PDF(2)  
4354  
4354  
5020  
5020  
5125  
5125  
5125.1

**Description**

[District Records](#)  
[District Records](#)  
[Employee Use Of Technology](#)  
[Employee Use Of Technology](#)  
[Employee Use Of Technology](#)  
[Criminal Record Check](#)  
[Criminal Record Check](#)  
[Personnel Files](#)  
[Unauthorized Release Of Confidential/Privileged Information](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Health And Welfare Benefits](#)  
[Health And Welfare Benefits](#)  
[Criminal Record Check](#)  
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[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Exposure Control Plan For Bloodborne Pathogens](#)  
[Health And Welfare Benefits](#)  
[Health And Welfare Benefits](#)  
[Parent Rights And Responsibilities](#)  
[Parent Rights And Responsibilities](#)  
[Student Records](#)  
[Student Records](#)  
[Release Of Directory Information](#)

**Cross References**

	<b>Description</b>
5125.1	<a href="#">Release Of Directory Information</a>
5125.3	<a href="#">Challenging Student Records</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>
6143	<a href="#">Courses Of Study</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
6161.1	<a href="#">Selection And Evaluation Of Instructional Materials</a>
9010	<a href="#">Public Statements</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>
9270	<a href="#">Conflict Of Interest</a>
9270-E PDF(1)	<a href="#">Conflict Of Interest</a>
9270-E(1)	<a href="#">Conflict Of Interest</a>
9310	<a href="#">Board Policies</a>
9320	<a href="#">Meetings And Notices</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>
9324	<a href="#">Minutes And Recordings</a>

**Policy 3311: Bids**

Status: DRAFT

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

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the Eden Area Regional Occupational Program (Eden Area ROP), including when contracting for public projects involving Eden Area ROP facilities, the Governing Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Governing Board determines that it is in the best interest of the Eden Area Regional Occupational Program (Eden Area ROP), such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the Eden Area ROP in accordance with law Government Code 54202, and that meet the requirements for bidding procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Governing Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, and service required, and include all information of which the Eden Area ROP knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

**Award of Contract**

Except as authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

However, the Board may let contracts to other than only the lowest responsible bidder in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the Eden Area ROP, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in



accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

### Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

### Bids Not Required

When the Governing Board has determined that it is in the best interest of the Eden Area ROP, the Eden Area ROP may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property, to the extent authorized by law including the lease of data-processing equipment or the purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the Eden Area ROP in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. (Public Contract Code 20118)

Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the Eden Area ROP may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the Eden Area ROP and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

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

### State

Bus. Code 7056

### Description

[General engineering contractor](#)

Bus. Code 7057

[General building contractor](#)

CA Constitution, Article 2, Section 31(a)

Prohibition of discrimination in operation of public education

Code of Civil Procedure 446

[Verification of pleadings](#)

Ed. Code 17070.10-17079.30

[Leroy F. Greene School Facilities Act](#)

<b>State</b>	<b>Description</b>
Ed. Code 17250.10-17250.52	Design-build contracts
Ed. Code 17250.60-17250.69	<a href="#">Alternative design-build contracts</a>
Ed. Code 17400	Leasing Property
Ed. Code 17406	<a href="#">Lease-leaseback contract</a>
Ed. Code 17595	<a href="#">Purchase of supplies through Department of General Services</a>
Ed. Code 17602	<a href="#">Purchase of surplus property from federal agencies</a>
Ed. Code 38083	<a href="#">Purchase of perishable foodstuffs and seasonal commodities</a>
Ed. Code 38110-38120	<a href="#">Apparatus and supplies</a>
Ed. Code 39802	<a href="#">Transportation services</a>
Gov. Code 4217.10-4217.18	<a href="#">Energy conservation contracts</a>
Gov. Code 4330-4334	<a href="#">California made materials</a>
Gov. Code 53060	<a href="#">Special services and advice</a>
Gov. Code 54201-54205	<a href="#">Purchase of supplies and equipment by local agencies</a>
Gov. Code 7920.530	<a href="#">Public record; definition</a>
Pub. Cont. Code 1102	<a href="#">Emergency; definition</a>
Pub. Cont. Code 1103	<a href="#">Responsible bidder; definition</a>
Pub. Cont. Code 12200	<a href="#">Recycled goods, materials and supplies; definition</a>
Pub. Cont. Code 2000-2002	<a href="#">Responsive bidders</a>
Pub. Cont. Code 20101-20103.7	<a href="#">Public construction projects; requirements for bidding</a>
Pub. Cont. Code 20103.8	<a href="#">Award of contracts</a>
Pub. Cont. Code 20110-20118.4	<a href="#">Local Agency Public Construction Act; school districts</a>
Pub. Cont. Code 20189	<a href="#">Bidder's security; earthquake relief</a>
Pub. Cont. Code 22000-22045	<a href="#">Uniform Public Construction Cost Accounting Act</a>
Pub. Cont. Code 22152	<a href="#">Recycled product procurement</a>
Pub. Cont. Code 3000-3010	<a href="#">Roofing projects</a>
Pub. Cont. Code 3400	<a href="#">Bid specifications</a>
Pub. Cont. Code 3410	<a href="#">U.S. produce and processed foods</a>
Pub. Cont. Code 4113	<a href="#">Prime contractor; subcontractor</a>
Pub. Cont. Code 6102	<a href="#">Bribery of public official; voidable contract</a>
Pub. Cont. Code 6610	<a href="#">Bid visits</a>
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 1 (2006)
CA Department of General Services Publication	<a href="#">Office of Public School Construction, Piggyback Contracts</a>
CA Department of General Services Publication	<a href="#">Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022</a>
CA Department of Industrial Relations Publication	<a href="#">Model Prequalification Questionnaire</a>
Court Decision	City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972) 7 Cal.3d 861
Court Decision	Great West Contractors Inc. v. Irvine Unified School District (2010) 187 Cal.App.4th 1425

**Management Resources**

Court Decision	Konica Business Machines v. Regents of the University of California (1988) 206 Cal.App.3d 449
Court Decision	Los Angeles Unified School District v. Great American Insurance Co. (2010) 49 Cal.4th 739
Court Decision	Marshall v. Pasadena Unified School District (2004) 119 Cal.App.4th 1241
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of General Services</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">California Association of School Business Officials</a>

**Cross References**

	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</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>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3000	<a href="#">Concepts And Roles</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</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>
3300	<a href="#">Expenditures And Purchases</a>
3311.1	<a href="#">Uniform Public Construction Cost Accounting Procedures</a>
3311.1	<a href="#">Uniform Public Construction Cost Accounting Procedures</a>
3311.3	<a href="#">Design-Build Contracts</a>
3312	<a href="#">Contracts</a>
3314	<a href="#">Payment For Goods And Services</a>
3511.1	<a href="#">Integrated Waste Management</a>
3511.1	<a href="#">Integrated Waste Management</a>
3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
3517	<a href="#">Facilities Inspection</a>
3517-E(1)	<a href="#">Facilities Inspection</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
3600	<a href="#">Consultants</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**

7000  
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7140  
9270  
9270-E PDF(1)  
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**Description**

[Concepts And Roles](#)  
[Architectural And Engineering Services](#)  
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**Regulation 3311: Bids**

Status: DRAFT

Original Adopted Date: 03/05/2020 | Last Revised Date: 11/02/2023 | Last Reviewed Date: 11/02/2023

**Advertised/Competitive Bids**

The Eden Area Regional Occupational Program (Eden Area ROP) shall advertise for any of the following: (Public Contract Code 20111)

1. 1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving an Eden Area ROP owned, leased, or operated facility
2. 2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:
  - a. a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the Eden Area ROP
  - b. b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
  - c. c. Repairs that are not a public project, including maintenance

*Maintenance* means routine, recurring, and usual work for preserving, protecting, and keeping an Eden Area ROP facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance also includes landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems. Maintenance does not include painting, repainting, or decorating, other than touchup, or among other types of work, minor repainting; janitorial or custodial services; and protection provided by security forces. (Public Contract Code 20115, 22002)

**Instructions and Procedures for Advertised Bids**

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the Eden Area ROP, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Additionally, the Superintendent or designee also may post the notice on the Eden Area ROP's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

For lease-leaseback, design-build, and alternative design-build projects, the notice shall additionally specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; (Public Contract Code 2600, 6610)

Bid instructions and specifications shall include the following requirements and information:

1. 1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
2. 2. All bids for construction work shall be presented under sealed cover. (Public Contract Code 20111)

The Eden Area ROP may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the Eden Area ROP, a certified check made payable to the Eden Area ROP, or a bidder's bond executed by an admitted surety insurer and made payable to the Eden Area ROP. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. ~~3.~~ When a standardized proposal form is provided by the Eden Area ROP, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. ~~4.~~ Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. ~~5.~~ When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. ~~6.~~ If the Eden Area ROP requires that the bid includes prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. (Public Contract Code 20103.8) 60

In the absence of such a specification, only the method provided in Item #6a below shall be used. (Public Contract Code 20103.8)

- a. ~~a.~~ The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
- b. ~~b.~~ The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
- c. ~~c.~~ The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the Eden Area ROP before the first bid is opened. (Public Contract Code 20103.8)

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the Eden Area ROP before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. ~~7.~~ In determining the lowest bid, the Eden Area ROP shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.
  - a. ~~a.~~ When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give the bidder an opportunity to respond to the determination.
  - b. ~~b.~~ When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of the bidder's right to present evidence of the bidder's responsibility at a hearing before the Board.
8. ~~8.~~ After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

### Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial

statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly state general funds, by the School Facilities Program funds, or other future state school bond, the Eden Area ROP shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the Eden Area ROP, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the Eden Area ROP five or more business days, as determined by the Eden Area ROP, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the Eden Area ROP, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, the Eden Area ROP may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the Eden Area ROP at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

### **Award of Contract**

The Eden Area ROP shall award each contract to the lowest responsible bidder, except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the Eden Area ROP, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)



## Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, or the bid specification, the bidder may protest. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the issue.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

## Bids Not Required

Without advertising for bids and upon a determination that it is in the best interest of the Eden Area ROP, the Board may "piggyback" by authorizing another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the Eden Area ROP in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the Eden Area ROP may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the Eden Area ROP and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

Supplementary Without taking estimates or advertising for bids, supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

The Eden Area ROP may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

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



**State**

Bus. Code 7056	<a href="#">General engineering contractor</a>
Bus. Code 7057	<a href="#">General building contractor</a>
CA Constitution, Article 2, Section 31(a)	Prohibition of discrimination in operation of public education
Code of Civil Procedure 446	<a href="#">Verification of pleadings</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17250.10-17250.52	Design-build contracts
Ed. Code 17250.60-17250.69	<a href="#">Alternative design-build contracts</a>
Ed. Code 17400	Leasing Property
Ed. Code 17406	<a href="#">Lease-leaseback contract</a>
Ed. Code 17595	<a href="#">Purchase of supplies through Department of General Services</a>
Ed. Code 17602	<a href="#">Purchase of surplus property from federal agencies</a>
Ed. Code 38083	<a href="#">Purchase of perishable foodstuffs and seasonal commodities</a>
Ed. Code 38110-38120	<a href="#">Apparatus and supplies</a>
Ed. Code 39802	<a href="#">Transportation services</a>
Gov. Code 4217.10-4217.18	<a href="#">Energy conservation contracts</a>
Gov. Code 4330-4334	<a href="#">California made materials</a>
Gov. Code 53060	<a href="#">Special services and advice</a>
Gov. Code 54201-54205	<a href="#">Purchase of supplies and equipment by local agencies</a>
Gov. Code 7920.530	<a href="#">Public record; definition</a>
Pub. Cont. Code 1102	<a href="#">Emergency; definition</a>
Pub. Cont. Code 1103	<a href="#">Responsible bidder; definition</a>
Pub. Cont. Code 12200	<a href="#">Recycled goods, materials and supplies; definition</a>
Pub. Cont. Code 2000-2002	<a href="#">Responsive bidders</a>
Pub. Cont. Code 20101-20103.7	<a href="#">Public construction projects; requirements for bidding</a>
Pub. Cont. Code 20103.8	<a href="#">Award of contracts</a>
Pub. Cont. Code 20110-20118.4	<a href="#">Local Agency Public Construction Act; school districts</a>
Pub. Cont. Code 20189	<a href="#">Bidder's security; earthquake relief</a>
Pub. Cont. Code 22000-22045	<a href="#">Uniform Public Construction Cost Accounting Act</a>
Pub. Cont. Code 22152	<a href="#">Recycled product procurement</a>
Pub. Cont. Code 3000-3010	<a href="#">Roofing projects</a>
Pub. Cont. Code 3400	<a href="#">Bid specifications</a>
Pub. Cont. Code 3410	<a href="#">U.S. produce and processed foods</a>
Pub. Cont. Code 4113	<a href="#">Prime contractor; subcontractor</a>
Pub. Cont. Code 6102	<a href="#">Bribery of public official; voidable contract</a>
Pub. Cont. Code 6610	<a href="#">Bid visits</a>

**Management Resources**

Attorney General Opinion	89 Ops.Cal.Atty.Gen. 1 (2006)
CA Department of General Services Publication	<a href="#">Office of Public School Construction, Piggyback Contracts</a>

**Description****Description**

**Management Resources****Description**

CA Department of General Services Publication	<a href="#">Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022</a>
CA Department of Industrial Relations Publication	<a href="#">Model Prequalification Questionnaire</a>
Court Decision	City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972) 7 Cal.3d 861
Court Decision	Great West Contractors Inc. v. Irvine Unified School District (2010) 187 Cal.App.4th 1425
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3511.1	<a href="#">Integrated Waste Management</a>
3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
3517	<a href="#">Facilities Inspection</a>
3517-E(1)	<a href="#">Facilities Inspection</a>

**Cross References**

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7140

7140

9270

9270-E PDF(1)

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9323.2

9323.2-E(1)

**Description**[District Records](#)[District Records](#)[Consultants](#)[Selection And Evaluation Of Instructional Materials](#)[Selection And Evaluation Of Instructional Materials](#)[Supplementary Instructional Materials](#)[Concepts And Roles](#)[Architectural And Engineering Services](#)[Architectural And Engineering Services](#)[Conflict Of Interest](#)[Conflict Of Interest](#)[Conflict Of Interest](#)[Meetings And Notices](#)[Actions By The Board](#)[Actions By The Board](#)

**Policy 3311.1: Uniform Public Construction Cost Accounting Procedures**

**Status:** DRAFT

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

In awarding contracts for public works projects involving Eden Area Regional Occupational Program (Eden Area ROP) facilities, the Governing Board desires to obtain the best value to the Eden Area ROP and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Governing Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA) pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

The Governing Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

If after the first invitation of bids pursuant to informal or formal bidding procedures under UPCCAA all bids are rejected, the Board may, by passage of a resolution by three-fourths vote, declare the project can be performed more economically by the employees of the district. (Public Contract Code 22038)

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

**Emergency Actions**

When formal bids are required by law, but an emergency necessitates immediate repair or replacements, the Governing Board may, upon a three-fourths vote of the Governing Board, proceed to replace or repair a facility without adopting plans, specifications, strain sheets, or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Governing Board and/or contractor. The emergency action shall subsequently be reviewed by the Governing Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

**Description**

- Pub. Cont. Code 1102 [Emergency; definition](#)
- Pub. Cont. Code 20110-20118.4 [Local Agency Public Construction Act; school districts](#)
- Pub. Cont. Code 22000-22045 [Uniform Public Construction Cost Accounting Act](#)
- Pub. Cont. Code 22050 [Emergency contracting procedures](#)

**Management Resources**

**Description**

- CA Uniform Construction Cost Accounting Comm. Pub. [Cost Accounting Policies and Procedures Manual, 2021](#)
- CA Uniform Construction Cost Accounting Comm. Pub. [Frequently Asked Questions, September 2022](#)
- Website [CSBA District and County Office of Education Legal Services](#)
- Website [California Uniform Construction Cost Accounting Commission](#)
- Website [CSBA](#)
- Website [California Association of School Business Officials](#)

**Cross References**

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**Description**[Bids](#)[Bids](#)[Contracts](#)[Concepts And Roles](#)[Actions By The Board](#)[Actions By The Board](#)

**Regulation 3311.1: Uniform Public Construction Cost Accounting Procedures**

Status: DRAFT

Original Adopted Date: 03/05/2020

Public project, in regard to the Uniform Public Construction Cost Accounting Act (UPCCAA), means any of the following: (Public Contract Code 22002)

1. Construction, reconstruction, erection, installation, alteration, renovation, improvement, demolition, and repair work involving any Eden Area ROP-owned, leased, or operated facility
2. Painting or repainting of any Eden Area ROP-owned, leased, or operated facility

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

1. ~~1.~~ Public projects of ~~\$6075,000~~ or less may be performed by Eden Area ROP employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)
2. ~~2.~~ Contracts for public projects of ~~\$200220,000~~ or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)
  - a. ~~a.~~ The Superintendent or designee shall prepare a notice inviting informal bids, which describes the project in general terms, explains how to obtain further information about the project, and states the time and place for the submission of bids.

This notice shall be disseminated by mail, fax, or email to either or both of the following:

- i. ~~(1)~~ All contractors on a list of qualified contractors maintained by the Eden Area ROP for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due
- ii. ~~(2)~~ All construction trade journals identified pursuant to Public Contract Code 22036
- b. ~~b.~~ The Eden Area ROP shall review the informal bids that were submitted and award the contract, ~~except that~~ as follows:
  - i. The contract shall be awarded to the lowest responsible bidder  
If two or more bids are the same and the lowest, the Eden Area ROP may accept the one it chooses.
  - ii. ~~(1)~~ If all bids received through the informal process are in excess of ~~\$200220,000~~, the contract may be awarded to the lowest responsible bidder, provided that the Governing Board adopts a resolution with a ~~four-fifths~~ ~~three-fourths~~ vote to award the contract at ~~\$212,500~~ ~~235,000~~ or less and the Governing Board determines the Eden Area ROP's cost estimate is reasonable.
  - iii. At its discretion, the Eden Area ROP may reject all bids presented and declare that the project can be more economically performed by Eden Area ROP employees, provided that the Eden Area ROP notifies an apparent low bidder, in writing, of the Eden Area ROP's intention to reject the bid  
Such notice shall be mailed at least two business days prior to the hearing at which the Eden Area ROP intends to reject the bid.
  - iv. ~~(2)~~ If no bids are received through the informal bid procedure, the project may be performed by Eden Area ROP employees by force account or negotiated contract.
3. ~~3.~~ Public projects of more than ~~\$200220,000~~ shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)
  - a. ~~a.~~ Notice The Superintendent or designee shall prepare a notice inviting formal bids, ~~shall state which states~~ the time and place for receiving and opening sealed bids and distinctly describe the project.

The notice shall be disseminated in both of the following ways:

- i. (1) Through publication in a newspaper of general circulation in the Eden Area ROP's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the Eden Area ROP as places for posting its notices;

Such notice shall be published at least 14 calendar days before the date that bids will be opened.

- ii. (2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036.

Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the Eden Area ROP may give such other notice as it deems proper.

- b. The Eden Area ROP shall review the formal bids that were submitted and award the contract as follows:

- i. (1) The contract shall be awarded to the lowest responsible bidder;

If two or more bids are the same and the lowest, the Eden Area ROP may accept the one it chooses.

- ii. (2) At its discretion, the Eden Area ROP may reject all bids presented and declare that the project can be more economically performed by Eden Area ROP employees, provided that the Eden Area ROP notifies an apparent low bidder, in writing, of the Eden Area ROP's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the Eden Area ROP intends to reject the bid;

Such notice shall be mailed at least two business days prior to the hearing at which the Eden Area ROP intends to reject the bid.

- iii. (3) If no bids are received through the formal bid procedure, the project may be performed by Eden Area ROP employees by force account or negotiated contract;

(cf. 3311 – Bids)

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State

Pub. Cont. Code 1102

#### Description

[Emergency; definition](#)

Pub. Cont. Code 20110-20118.4

[Local Agency Public Construction Act; school districts](#)

Pub. Cont. Code 22000-22045

[Uniform Public Construction Cost Accounting Act](#)

Pub. Cont. Code 22050

[Emergency contracting procedures](#)

#### Management Resources

#### Description

CA Uniform Construction Cost Accounting Comm. Pub.

[Cost Accounting Policies and Procedures Manual, 2021](#)

CA Uniform Construction Cost Accounting Comm. Pub.

[Frequently Asked Questions, September 2022](#)

Website

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

Website

[California Uniform Construction Cost Accounting Commission](#)

Website

[CSBA](#)

**Management Resources**

Website

**Description**

[California Association of School Business Officials](#)

**Cross References**

3311

[Bids](#)

3311

[Bids](#)

3312

[Contracts](#)

7000

[Concepts And Roles](#)

9323.2

[Actions By The Board](#)

9323.2-E(1)

[Actions By The Board](#)



**Policy 3312: Contracts**

Status: DRAFT

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

The Governing Board recognizes its responsibility to enter into contracts on behalf of the Eden Area Regional Occupational Program (Eden Area ROP) for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of Eden Area ROP vision and goals. In exercising this authority to enter into a contract, the Governing Board shall ensure that the Eden Area ROP's interest disinterests are protected and that the terms of the contract conform to any applicable legal standards, including, thebut not limited to, bidding requirements in Public Contract Code 20111.

The Governing Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the Eden Area ROP. To be valid or to constitute an enforceable obligation against the Eden Area ROP, all such contracts must be approved and/or ratified by the Governing Board. (Education Code 17604, 17605, 35161)

~~Every contract entered into on behalf of the Eden Area ROP shall be made available for public inspection, except when the law prohibits disclosure.~~

Unless otherwise exempt from disclosure under state or federal law, executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor, are public records to which members of the public shall have access. (Government Code 7928.801)

No contract shall prohibit an Eden Area ROP employee from disparaging the goods or services of any contracting party. (Education Code 35182.5)

#### Contracts for Electronic Products or Services

The Governing Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Governing Board: (Education Code 35182.5)

- ~~1. Enters into the contract at a noticed, public hearing of the Governing Board.~~
- ~~2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.~~
- ~~3. Makes a finding that the Eden Area ROP cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.~~
- ~~4. As part of the Eden Area ROP's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning centers.~~
- ~~5. Offers parents/guardians the opportunity to request in writing that their childthe student not be exposed to the program that contains the advertising.~~

A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

#### Contracts for Digital Storage and Maintenance of Student Records

The Eden Area ROP may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the Eden Area ROP that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other Eden Area ROP employee, and do not include de-identified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

- ~~1. A statement that student records continue to be the property of and under the control of the Eden Area ROP~~

2. ~~2.~~ If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account
3. ~~3.~~ A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
4. ~~4.~~ A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. ~~5.~~ A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. ~~6.~~ A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records
7. ~~7.~~ A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. ~~8.~~ A description of how the Eden Area ROP and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. ~~9.~~ A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

### Contracts for Personal Services

In addition, the Eden Area ROP may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions exist: (Education Code 45103.1)

1. ~~1.~~ The contract is for new Eden Area ROP functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
2. ~~2.~~ The services contracted are not available within the Eden Area ROP, cannot be performed satisfactorily by Eden Area ROP employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the Eden Area ROP.
3. ~~3.~~ The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
4. ~~4.~~ The Eden Area ROP's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary Eden Area ROP hiring process.
5. ~~5.~~ The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply.
6. ~~6.~~ The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the Eden Area ROP in the location where the services are to be performed.
7. ~~7.~~ The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the Eden Area ROP's regular or ordinary hiring process would frustrate their very purpose.

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

**State**

5 CCR 15500	<a href="#">Food sales in elementary schools</a>
5 CCR 15501	<a href="#">Food sales in high schools and junior high schools</a>
5 CCR 15575-15578	<a href="#">Requirements for foods and beverages outside the federal meals program</a>
Ed. Code 14505	<a href="#">Provisions required in contracts for audits</a>
Ed. Code 17250.10-17250.55	<a href="#">Design-build contracts</a>
Ed. Code 17595-17606	<a href="#">Contracts</a>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 35161	Governing boards; powers and duties
Ed. Code 35182.5	<a href="#">Contracts for advertising</a>
Ed. Code 45103.1	<a href="#">Personal services contracts</a>
Ed. Code 45103.5	<a href="#">Contracts for management consulting services; restrictions</a>
Ed. Code 49073.1	<a href="#">Contract requirements for digital storage, maintenance and retrieval of student records</a>
Ed. Code 49431-49431.7	<a href="#">Nutritional standards</a>
Gov. Code 1090	Prohibition of financial interest in contracts by specified officers
Gov. Code 1097.6	Independent contractors
Gov. Code 12990	<a href="#">Nondiscrimination and compliance employment programs</a>
Gov. Code 53260	<a href="#">Contract provision re maximum cash settlement</a>
Gov. Code 53262	<a href="#">Employment contracts</a>
Gov. Code 7928.801	Public Records Act; contracts for goods and services
Gov. Code 84308	<a href="#">Campaign disclosure</a>
Lab. Code 1771.8	Private labor compliance entity; potential conflict of interest
Lab. Code 1775	<a href="#">Penalties for violations</a>
Lab. Code 1810-1813	<a href="#">Working hours</a>
Pub. Cont. Code 20104.50	Timely progress payments
Pub. Cont. Code 20111	<a href="#">Contracts over \$50,000; contracts for construction; award to lowest responsible bidder</a>
Pub. Cont. Code 22300	<a href="#">Performance retentions</a>
Pub. Cont. Code 4100-4114	<a href="#">Subletting and subcontracting fair practices</a>
Pub. Cont. Code 6102	<a href="#">Awarding of contracts</a>
Pub. Cont. Code 7104	<a href="#">Contracts for excavations; discovery of hazardous waste</a>
Pub. Cont. Code 7106	<a href="#">Noncollusion affidavit</a>

**Federal**

20 USC 1232g	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
7 CFR 210.1-210.33	<a href="#">National School Lunch Program</a>
7 CFR 220.1-220.21	National School Breakfast Program

**Management Resources**

CSBA Publication	<a href="#">Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006</a>
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**Description**

<a href="#">Food sales in elementary schools</a>
<a href="#">Food sales in high schools and junior high schools</a>
<a href="#">Requirements for foods and beverages outside the federal meals program</a>
<a href="#">Provisions required in contracts for audits</a>
<a href="#">Design-build contracts</a>
<a href="#">Contracts</a>
<a href="#">Prohibition of discrimination</a>
Governing boards; powers and duties
<a href="#">Contracts for advertising</a>
<a href="#">Personal services contracts</a>
<a href="#">Contracts for management consulting services; restrictions</a>
<a href="#">Contract requirements for digital storage, maintenance and retrieval of student records</a>
<a href="#">Nutritional standards</a>
Prohibition of financial interest in contracts by specified officers
Independent contractors
<a href="#">Nondiscrimination and compliance employment programs</a>
<a href="#">Contract provision re maximum cash settlement</a>
<a href="#">Employment contracts</a>
Public Records Act; contracts for goods and services
<a href="#">Campaign disclosure</a>
Private labor compliance entity; potential conflict of interest
<a href="#">Penalties for violations</a>
<a href="#">Working hours</a>
Timely progress payments
<a href="#">Contracts over \$50,000; contracts for construction; award to lowest responsible bidder</a>
<a href="#">Performance retentions</a>
<a href="#">Subletting and subcontracting fair practices</a>
<a href="#">Awarding of contracts</a>
<a href="#">Contracts for excavations; discovery of hazardous waste</a>
<a href="#">Noncollusion affidavit</a>

**Description**

<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
Title IX of the Education Amendments of 1972; discrimination based on sex
<a href="#">National School Lunch Program</a>
National School Breakfast Program

**Description**

<a href="#">Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006</a>
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**Management Resources**

Website	Financial Crisis & Management Assistance Team
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Association of School Business Officials</a>

**Cross References**

	<b>Description</b>
0100	<a href="#">Philosophy</a>
0200	<a href="#">Goals For The School District</a>
0440	<a href="#">District Technology Plan</a>
0440	<a href="#">District Technology Plan</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220-E PDF(1)	<a href="#">Citizen Advisory Committees</a>
1321	<a href="#">Solicitation Of Funds From And By Students</a>
1321	<a href="#">Solicitation Of Funds From And By Students</a>
1325	<a href="#">Advertising And Promotion</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1700	<a href="#">Relations Between Private Industry And The Schools</a>
2121	<a href="#">Superintendent's Contract</a>
3000	<a href="#">Concepts And Roles</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
3300	<a href="#">Expenditures And Purchases</a>
3311	<a href="#">Bids</a>
3311	<a href="#">Bids</a>
3311.1	<a href="#">Uniform Public Construction Cost Accounting Procedures</a>
3311.1	<a href="#">Uniform Public Construction Cost Accounting Procedures</a>
3311.3	<a href="#">Design-Build Contracts</a>
3314	<a href="#">Payment For Goods And Services</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
3511.1	<a href="#">Integrated Waste Management</a>
3511.1	<a href="#">Integrated Waste Management</a>
3554	<a href="#">Other Food Sales</a>
3554	<a href="#">Other Food Sales</a>

**Cross References**

3600

4030

4030

4112.4

4132

4200

4212.4

4232

4312.4

4332

5125

5125

5145.6

5145.6-E(1)

6162.6

7140

7140

9000

9124

9320

9322

9323

**Description**[Consultants](#)[Nondiscrimination In Employment](#)[Nondiscrimination In Employment](#)[Health Examinations](#)[Publication Or Creation Of Materials](#)[Classified Personnel](#)[Health Examinations](#)[Publication Or Creation Of Materials](#)[Health Examinations](#)[Publication Or Creation Of Materials](#)[Student Records](#)[Student Records](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Use Of Copyrighted Materials](#)[Architectural And Engineering Services](#)[Architectural And Engineering Services](#)[Role Of The Board](#)[Attorney](#)[Meetings And Notices](#)[Agenda/Meeting Materials](#)[Meeting Conduct](#)

**Policy 3516.5: Emergency Schedules**

Status: DRAFT

Original Adopted Date: 03/05/2020

In order to provide for the safety of students and staff, the Governing Board authorizes the Superintendent or designee to close a school site, change the regular school day schedule, or take any necessary action when hazardous environmental, health, or weather conditions, or other emergencies, warrant.

{cf. 0450 – Comprehensive Safety Plan}

{cf. 4157/4257/4357 – Employee Safety}

{cf. 5142 – Safety}

{cf. 6112 – School Day}

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the **Eden Area Regional Occupational Program (Eden Area ROP)** from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall notify the superintendents of Eden Area ROP's four feeder districts.

{cf. 3580 – District Records}

{cf. 6111 – School Calendar}

The Superintendent or designee shall establish a system for informing students and parents/guardians **when with timely notice in advance of any changes to the school day, a school closure, or if school buses are not operating as scheduled, the school day schedule is changed, or the school is closed.** The Eden Area ROP's notification system may include, but is not limited to, notifying local television, streaming services, and/or radio stations; posting on Eden Area ROP website(s); and/or social media account(s); sending email and text messages; and/or making telephone calls.

{cf. 1112 – Media Relations}

{cf. 1113 – District and School Web Sites}

{cf. 3542 – School Bus Drivers}

{cf. 3543 – Transportation Safety and Emergencies}

**When the Eden Area ROP makes any notification to students and/or parents/guardians utilizing an automatic dialing-announcing device, the device shall be operated by a person who shall follow all procedures required by law prior to operating the device, and disconnect the device from the telephone line upon the termination of the call. (Public Utilities Code 2874)**

Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in **the Eden Area ROP's emergency and disaster preparedness plan** Board Policy/Administrative Regulation 3516 – Emergencies and Disaster Preparedness Plan.

{cf. 3516 – Emergencies and Disaster Preparedness Plan}

The Superintendent or designee may provide a means to make up lost instructional time later during the year. **Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.**

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

**State**

Ed. Code 41420

**Description**

[Apportionment withholding; schools not maintained for 175 days](#)

**State**

Ed. Code 41422	<a href="#">Schools not maintained for 175 days</a>
Ed. Code 46010	<a href="#">Total days of attendance</a>
Ed. Code 46100-46208	<a href="#">Attendance; maximum credit; minimum day</a>
Ed. Code 46210-46211	Attendance recovery programs
Ed. Code 46390	<a href="#">Calculation of ADA in emergency</a>
Ed. Code 46391	<a href="#">Lost or destroyed ADA records</a>
Ed. Code 46392	<a href="#">Emergencies</a>
Ed. Code 46393	<a href="#">Certification of plan for independent study; instructional continuity plan</a>
Public Utilities Code 2874	Automatic dialing-announcing devices
Veh. Code 34501.6	<a href="#">School buses; reduced visibility</a>

**Management Resources**

California Department of Education Correspondence	90-01 Average Daily Attendance Credit During Periods of Emergency, February 10, 2005
California Department of Education Publication	Frequently Asked Questions - Form J-13A
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>

**Description****Cross References**

0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1112	<a href="#">Media Relations</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>
2210	<a href="#">Administrative Discretion Regarding Board Policy</a>
3514	<a href="#">Environmental Safety</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4257	<a href="#">Employee Safety</a>
4257	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5142	<a href="#">Safety</a>
5142	<a href="#">Safety</a>

**Description**

**Cross References**

6111

6112

6112

**Description**[School Calendar](#)[School Day](#)[School Day](#)



**Policy 3580: District Records**

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.

The Governing Board recognizes the importance of securing and retaining Eden Area ROP documents. The Superintendent or designee shall ensure that Eden Area ROP records are developed, maintained, and disposed of in accordance with law, Governing Board policy, and administrative regulation.

{cf. 1340 – Access to District Records}

{cf. 3440 – Inventories}

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

{cf. 5125 – Student Records}

The Superintendent or designee shall consult with Eden Area ROP legal counsel, site administrators, Eden Area ROP information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of Eden Area ROP documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

{cf. 0440 – District Technology Plan}

{cf. 3516 – Emergencies and Disaster Preparedness Plan}

{cf. 4040 – Employee Use of Technology}

{cf. 9011 – Board Member Electronic Communications}

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft, including damage, loss, or theft which may be caused by cybersecurity breaches.

{cf. 5125.1 – Release of Directory Information}

The Superintendent or designee shall ensure that employees receive information about the Eden Area ROP's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel or California Public Records Act request established on the advice of legal counsel. Additionally, the Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect Eden Area ROP records from breaches to the Eden Area ROP's digital infrastructure.

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

If the Eden Area ROP experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

### Safe at Home Program

Eden Area ROP public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used

only to establish Eden Area ROP residency requirements for enrollment and for school emergency purposes.

Records containing a participant's confidential address information shall be kept in a confidential location and not shared with the public.

(cf. 5111.1 – District Residency)

(cf. 5141 – Health Care and Emergencies)

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State

5 CCR 16020-16022

### Description

[Records; general provisions](#)

5 CCR 16023-16027

[District records; retention and destruction](#)

5 CCR 430-438

[Individual student records](#)

Civ. Code 1798.29

[District records; breach of security](#)

Code of Civil Procedure 1985.8

[Electronic Discovery Act](#)

Code of Civil Procedure 2031.010-2031.060

[Civil Discovery Act; scope of discovery demand](#)

Code of Civil Procedure 2031.210-2031.320

[Civil Discovery Act; response to inspection demand](#)

Ed. Code 35145

[Public meetings](#)

Ed. Code 35163

[Official actions, minutes and journal](#)

Ed. Code 35252-35255

[Records and reports](#)

Ed. Code 35266

Cybersecurity

Ed. Code 44031

[Personnel file contents and inspection](#)

Ed. Code 49065

[Reasonable charge for transcripts](#)

Ed. Code 49069.7

[Absolute right to access](#)

Gov. Code 11549.3

[Office of Information Security](#)

Gov. Code 12946

[Fair Employment and Housing Act: discrimination prohibited](#)

Gov. Code 6205-6210

[Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder or dependent adult abuse](#)

Gov. Code 6215-6216

Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence

Gov. Code 7920.000-7930.215

[California Public Records Act](#)

Gov. Code 8586.5

Office of Emergency Services; California Cybersecurity Information Center

Pen. Code 11170

[Retention of child abuse reports](#)

### Federal

20 USC 1232g

### Description

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

34 CFR 99.1-99.8

[Family Educational Rights and Privacy Act](#)

### Management Resources

California Secretary of State Publication

### Description

[Records Management Handbook](#)

State Ed. Tech. Directors Assoc. Pub.

[Small Districts, Big Hurdles: Cybersecurity Support for Small, Rural, and Under-resourced School Districts, October 2023](#)

Website

[Safe at Home; Schools](#)

**Management Resources**

Website	<a href="#">Federal Communications Commission, Schools and Libraries Cybersecurity Pilot Program</a>
Website	<a href="#">Cybersecurity and Infrastructure Security Agency, Government Coordinating Councils</a>
Website	<a href="#">California Office of Emergency Services</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Secretary of State</a>

**Cross References**

	<b>Description</b>
0440	<a href="#">District Technology Plan</a>
0440	<a href="#">District Technology Plan</a>
1112	<a href="#">Media Relations</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>
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1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
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1340	<a href="#">Access To District Records</a>
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4040	<a href="#">Employee Use Of Technology</a>

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4040-E(2)	<a href="#">Employee Use Of Technology</a>
4111.2	<a href="#">Legal Status Requirement</a>
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4119.21	<a href="#">Professional Standards</a>
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4119.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
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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>

**Cross References****Description**

9011	<a href="#">Disclosure Of Confidential/Privileged Information</a>
9012	<a href="#">Board Member Electronic Communications</a>
9324	<a href="#">Minutes And Recordings</a>

**Regulation 3580: District Records**

Status: DRAFT

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

**Classification of Records**

Records means all records, maps, books, papers, and documents of a school Eden Area ROP required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

~~(cf. 1340 – Access to District Records)~~

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. (5 CCR 16022)

Records of a continuing nature, ~~(such as documents that are~~ active and useful for administrative, legal, fiscal, or other purposes over a period of years), shall not be classified until such usefulness has ceased. (5 CCR 16022)

~~An~~Any historical inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from Eden Area ROP ownership. (5 CCR 16022)

~~(cf. 3440 – Inventories)~~

A student's cumulative record, ~~if not transferred,~~ is a continuing record until the student ceases to be enrolled in the Eden Area ROP. (5 CCR 16022)

~~(cf. 5125 – Student Records)~~

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254; 5 CCR 16022)

**Class 1 - Permanent Records**

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022: (5 CCR 16023)

1. ~~1.~~ Annual Reports
  - a. ~~a.~~ Official budget
  - b. ~~b.~~ Financial reports of all funds, including cafeteria and student body funds
  - c. ~~c.~~ Audit of all funds
  - d. ~~d.~~ Average daily attendance, including Period 1 and Period 2 reports
  - e. ~~e.~~ Other major annual reports, including:
    - i. ~~(1)~~ Those containing information relating to property, activities, financial condition, or transactions
    - ii. ~~(2)~~ Those declared by Governing Board minutes to be permanent

~~(cf. 3100 – Budget)~~  
~~(cf. 3452 – Student Activity Funds)~~  
~~(cf. 3460 – Financial Reports and Accountability)~~  
~~(cf. 3551 – Food Service Operations/Cafeteria Fund)~~

2. ~~2.~~ Official Actions
  - a. ~~a.~~ Minutes of the ~~Governing~~ Board or ~~Governing~~ Board committees, including the text of rules, regulations, policies, or resolutions ~~not set forth verbatim in the minutes, but~~ included by reference only

- b. ~~b.~~ The call for and the result of any elections called, conducted, or canvassed by the ~~Governing~~ Board
- c. ~~c.~~ Records transmitted by another agency pertaining to its action with respect to Eden Area ROP reorganization

~~(cf. 7214 – General Obligation Bonds)~~  
~~(cf. 9324 – Minutes and Recordings)~~

### 3. ~~3.~~ Personnel Records

Class 1 (Permanent) records include all detailed records relating to employment; assignment; amounts and dates of service rendered; termination or dismissal of an employee in any position; sick leave record; rate of compensation, salaries, or wages paid; and deductions or withholdings made and the person or agency to whom such amounts were paid.

In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as a Class 1 (Permanent) record and the detailed records may then be classified as Class 3 (Disposable) records.

Information of a derogatory nature as defined in Education Code 44031 shall be retained as a Class 1 (Permanent) record only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

~~(cf. 4112.5/4212.5/4312.5 – Criminal Record Check)~~  
~~(cf. 4112.6/4212.6/4312.6 – Personnel Files)~~

### 4. ~~4.~~ Student Records

The records of enrollment and scholarship for each student required by 5 CCR 432 and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law shall be classified as Class 1 (Permanent) records.

These include any related policy of liability insurance, except that these records cease to be Class 1 (Permanent) records one year after the claim has been settled or the statute of limitations has expired.

~~(cf. 5111.1 – District Residency)~~  
~~(cf. 5141 – Health Care and Emergencies)~~  
~~(cf. 5143 – Insurance)~~

### 5. ~~5.~~ Property Records

Class 1 (Permanent) records include all detailed records relating to land, buildings, and equipment.

In lieu of detailed records, a complete property ledger may be classified as a Class 1 (Permanent) record. The detailed records may then be classified as Class 3 (Disposable) records if the property ledger includes all fixed assets; an equipment inventory; and, for each piece of property, the date of acquisition, name of previous owner, a legal description, amount paid, and comparable data if the unit is disposed of.

~~(cf. 3280 – Sale or Lease of District-Owned Real Property)~~

## Class 2 - Optional Records

Any records considered temporarily worth keeping, but which are not Class 1 records, may be classified as Class 2 (Optional) records and shall be retained until reclassified as Class 3 (Disposable) records. If, by agreement of the ~~Governing~~ Board and Superintendent or designee, classification of the prior year records has not been made before January 1 as specified in 5 CCR 16022, all records of the prior year may be classified as Class 2 (Optional) records pending further review and classification within one year. (5 CCR 16024)

## Class 3 - Disposable Records

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) records shall be classified as Class 3



(Disposable) records. These include, but are not limited to, detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent) records; and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as a Class 3 (Disposable) record. (5 CCR 16026, 16027)

**(cf. 5113.2 – Work Permits)**

**Electronically Stored Information**

Employees shall be required to regularly purge their email accounts and Eden Area ROP-issued computers, cell phones, and other communication devices of personal electronically stored information and other information unrelated to Eden Area ROP business. The Superintendent or designee may check for appropriate use of any Eden Area ROP-owned equipment at any time.

**(cf. 4040 – Employee Use of Technology)**

Any person to whom an Eden Area ROP-owned computer, cell phone, or other electronic communication device is provided shall be notified about the Eden Area ROP's electronic information management system and, as necessary, provided training on the effective use of the device.

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 16020-16022	<a href="#">Records; general provisions</a>
5 CCR 16023-16027	<a href="#">District records; retention and destruction</a>
5 CCR 430-438	<a href="#">Individual student records</a>
Civ. Code 1798.29	<a href="#">District records; breach of security</a>
Code of Civil Procedure 1985.8	<a href="#">Electronic Discovery Act</a>
Code of Civil Procedure 2031.010-2031.060	<a href="#">Civil Discovery Act; scope of discovery demand</a>
Code of Civil Procedure 2031.210-2031.320	<a href="#">Civil Discovery Act; response to inspection demand</a>
Ed. Code 35145	<a href="#">Public meetings</a>
Ed. Code 35163	<a href="#">Official actions, minutes and journal</a>
Ed. Code 35252-35255	<a href="#">Records and reports</a>
Ed. Code 35266	Cybersecurity
Ed. Code 44031	<a href="#">Personnel file contents and inspection</a>
Ed. Code 49065	<a href="#">Reasonable charge for transcripts</a>
Ed. Code 49069.7	<a href="#">Absolute right to access</a>
Gov. Code 11549.3	<a href="#">Office of Information Security</a>
Gov. Code 12946	<a href="#">Fair Employment and Housing Act; discrimination prohibited</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder or dependent adult abuse</a>

**State**

Gov. Code 6215-6216

Gov. Code 7920.000-7930.215

Gov. Code 8586.5

Pen. Code 11170

**Description**

Address confidentiality; reproductive health care providers, employees, volunteers, patients, and other individuals who face threats or violence

[California Public Records Act](#)

Office of Emergency Services; California Cybersecurity Information Center

[Retention of child abuse reports](#)

**Federal**

20 USC 1232g

34 CFR 99.1-99.8

**Description**

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

[Family Educational Rights and Privacy Act](#)

**Management Resources**

California Secretary of State Publication

State Ed. Tech. Directors Assoc. Pub.

Website

Website

Website

Website

Website

Website

**Description**

[Records Management Handbook](#)

[Small Districts, Big Hurdles: Cybersecurity Support for Small, Rural, and Under-resourced School Districts, October 2023](#)

[Safe at Home; Schools](#)

[Federal Communications Commission, Schools and Libraries Cybersecurity Pilot Program](#)

[Cybersecurity and Infrastructure Security Agency, Government Coordinating Councils](#)

[California Office of Emergency Services](#)

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

[California Secretary of State](#)

**Cross References**

0440

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1113-E(1)

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1312.3

1312.3-E PDF(1)

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2121

3100

3100

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3311

3311

3440

**Description**

[District Technology Plan](#)

[District Technology Plan](#)

[Media Relations](#)

[District And School Websites](#)

[District And School Websites](#)

[District And School Websites](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Access To District Records](#)

[Access To District Records](#)

[Superintendent's Contract](#)

[Budget](#)

[Budget](#)

[Federal Grant Funds](#)

[Federal Grant Funds](#)

[Bids](#)

[Bids](#)

[Inventories](#)

**Cross References****Description**

3452	<a href="#">Student Activity Funds</a>
3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
3514	<a href="#">Environmental Safety</a>
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4040-E(2)	<a href="#">Employee Use Of Technology</a>
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4111.2	<a href="#">Legal Status Requirement</a>
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4112.9	<a href="#">Employee Notifications</a>
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4113	<a href="#">Assignment</a>
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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>
4119.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42-E PDF(1)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42-E PDF(2)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4151	<a href="#">Employee Compensation</a>
4211.2	<a href="#">Legal Status Requirement</a>

**Cross References****Description**

4211.2	<a href="#">Legal Status Requirement</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
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4319.42-E PDF(2)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4331	<a href="#">Staff Development</a>
4351	<a href="#">Employee Compensation</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.1	<a href="#">Release Of Directory Information</a>

**Cross References****Description**

5125.1	<a href="#">Release Of Directory Information</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>
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9011	<a href="#">Disclosure Of Confidential/Privileged Information</a>
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**Policy 4151: Employee Compensation**

**Status:** DRAFT

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

Final determination of compensation for staff members shall be solely the responsibility of the Eden Area Regional Occupational Program (Eden Area ROP) Governing Board. The Superintendent shall make recommendations for compensation based upon approved salary guides.

**Salary**

Certificated personnel shall be compensated according to their his/her placement on the current Certificated Salary Schedule. Final determination of compensation shall be the sole responsibility of the Superintendent or designee. The Superintendent shall make recommendations for compensation based upon the needs of the organization, the experience of the employee and approved salary schedules.

Paychecks will be available on the last working day of the month with certain exceptions published in the annual payroll schedule. Paychecks may be picked up by the employee or a designated person with instructions from the employee to the payroll department. Arrangements can be made to have automatic payroll deposits to a banking institution.

**Employee Benefits**

The Eden Area Regional Occupational Program (Eden Area ROP) will contribute funds annually toward the health and welfare benefits for full-time employees. Full-time employees must work six or more hours per day for at least 10 months per year.

Part-time employees will be eligible for pro-rated benefits based upon actual hours worked. Premiums for dental and vision insurance will be mandatory with acceptance of the benefit contribution.

Pursuant to Federal Law (COBRA), an employee who terminates or is terminated (except for gross misconduct) is entitled to continue group health plan coverage at the group rate plus administration fee for up to 18 months.

**Available Employee Benefits**

- ~~1.~~ Health, dental, and vision insurance
- ~~2.~~ Life and accident insurance
- ~~3.~~ Tax sheltered annuity (TSA)

The Eden Area ROP offers employees the opportunity to participate in a Tax Sheltered Annuity plan at the employee's expense. A list of Governing Board-approved annuity providers is available from the Personnel Office. The Governing Board and the Eden Area ROP assume no responsibility for any risk incurred by an employee's voluntary option to participate in an annuity plan.

- ~~4.~~ CalPERS/CalSTRS/Retirement

Any certificated or classified employee working more than four hours a day automatically becomes a member of the California State Teachers Retirement System (CalSTRS) or a member of the California Public Employees Retirement System (CalPERS). The Eden Area ROP pays an additional contribution to the employee's retirement at the CalSTRS/CalPERS determined rate as applicable.

**Optional Salary Deductions**

Employees of the Eden Area ROP may elect to have amounts withheld from earnings as payments for the following:

- Professional Dues
- Health and Accident Insurance
- Life Insurance
- Income Protection Plan
- Annuities

Deductions shall be optional with each employee.

## Overtime Compensation

Eden Area ROP employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, ~~or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.~~ However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

If the Eden Area ROP requires a classified employee in an exempt position to work on a holiday designated in law or by the Board, the employee shall be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay. (Education Code 45130)

When authorized by the Eden Area ROP, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months ~~after making the request~~ following the month the overtime was worked if the use of the compensatory time does not unduly disrupt Eden Area ROP operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

## Wage Overpayment

If the Eden Area ROP determines an employee has been overpaid, the Eden Area ROP shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the Eden Area ROP through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the Eden Area ROP. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the Eden Area ROP shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the Eden Area ROP's claimed overpayment, the Eden Area ROP ~~shall, with board approval, initiate a legal action to~~ may only recover the overpayment ~~after pursuing appropriate legal action.~~ (Education Code 44042.5)

If the employee separates from the Eden Area ROP before the overpayment is fully repaid, the Eden Area ROP shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the Eden Area ROP ~~shall, with Board approval,~~ may exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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

## State

8 CCR 11040

## Description

[Wages and hours; definitions of administrative, executive, and professional employees](#)

**State**

Ed. Code 42238.016  
 Ed. Code 44042.5  
 Ed. Code 45022-45061.5  
 Ed. Code 45023  
 Ed. Code 45028  
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 Ed. Code 45160-45169  
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 Ed. Code 45500  
 Gov. Code 3540-3549.3  
 Gov. Code 3543.2  
 Gov. Code 3543.7  
 Lab. Code 226  
 Lab. Code 232  
 Lab. Code 510

**Description**

Salary and Benefit Schedule for the Bargaining Units (Form J-90)  
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[Salaries for certificated employees](#)  
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 Overtime Compensation

**Federal**

26 CFR 1.409A-1  
 26 USC 409A  
 29 CFR 516.4  
 29 CFR 516.5-516.6  
 29 CFR 541.0-541.710  
 29 CFR 553.1-553.51  
 29 USC 201-219  
 29 USC 203  
 29 USC 207  
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Definitions and covered plans  
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[U.S. Department of Labor, Wage and Hour Division](#)  
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[CSBA](#)

**Cross References**

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**Cross References**

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**Description**[Management Of District Assets/Accounts](#)[Management Of District Assets/Accounts](#)[District Records](#)[District Records](#)[Concepts And Roles](#)[Nondiscrimination In Employment](#)[Nondiscrimination In Employment](#)[Personnel Files](#)[Temporary/Substitute Personnel](#)[Temporary/Substitute Personnel](#)[Health And Welfare Benefits](#)[Health And Welfare Benefits](#)[Appointment And Conditions Of Employment](#)[Personnel Files](#)[Health And Welfare Benefits](#)[Health And Welfare Benefits](#)[Personnel Files](#)[Health And Welfare Benefits](#)[Health And Welfare Benefits](#)[Ceremonies And Observances](#)[Ceremonies And Observances](#)

**Policy 4251: Employee Compensation**

**Status:** DRAFT

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

Final determination of compensation for staff members shall be solely the responsibility of the Eden Area Regional Occupational Program (Eden Area ROP) Governing Board. The Superintendent shall make recommendations for compensation based upon approved salary guides.

**Salary**

Certificated personnel shall be compensated according to their his/her placement on the current Certificated Salary Schedule. Final determination of compensation shall be the sole responsibility of the Superintendent or designee. The Superintendent shall make recommendations for compensation based upon the needs of the organization, the experience of the employee and approved salary schedules.

Paychecks will be available on the last working day of the month with certain exceptions published in the annual payroll schedule. Paychecks may be picked up by the employee or a designated person with instructions from the employee to the payroll department. Arrangements can be made to have automatic payroll deposits to a banking institution.

**Employee Benefits**

The Eden Area Regional Occupational Program (Eden Area ROP) will contribute funds annually toward the health and welfare benefits for full-time employees. Full-time employees must work six or more hours per day for at least 10 months per year.

Part-time employees will be eligible for pro-rated benefits based upon actual hours worked. Premiums for dental and vision insurance will be mandatory with acceptance of the benefit contribution.

Pursuant to Federal Law (COBRA), an employee who terminates or is terminated (except for gross misconduct) is entitled to continue group health plan coverage at the group rate plus administration fee for up to 18 months.

**Available Employee Benefits**

- ~~1.~~ Health, dental, and vision insurance
- ~~2.~~ Life and accident insurance
- ~~3.~~ Tax sheltered annuity (TSA)

The Eden Area ROP offers employees the opportunity to participate in a Tax Sheltered Annuity plan at the employee's expense. A list of Governing Board-approved annuity providers is available from the Personnel Office. The Governing Board and the Eden Area ROP assume no responsibility for any risk incurred by an employee's voluntary option to participate in an annuity plan.

- ~~4.~~ CalPERS/CalSTRS/Retirement

Any certificated or classified employee working more than four hours a day automatically becomes a member of the California State Teachers Retirement System (CalSTRS) or a member of the California Public Employees Retirement System (CalPERS). The Eden Area ROP pays an additional contribution to the employee's retirement at the CalSTRS/CalPERS determined rate as applicable.

**Optional Salary Deductions**

Employees of the Eden Area ROP may elect to have amounts withheld from earnings as payments for the following:

- Professional Dues
- Health and Accident Insurance
- Life Insurance
- Income Protection Plan
- Annuities

Deductions shall be optional with each employee.

## Overtime Compensation

Eden Area ROP employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, ~~or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.~~ However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

If the Eden Area ROP requires a classified employee in an exempt position to work on a holiday designated in law or by the Board, the employee shall be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay. (Education Code 45130)

When authorized by the Eden Area ROP, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months ~~after making the request~~ following the month the overtime was worked if the use of the compensatory time does not unduly disrupt Eden Area ROP operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

## Wage Overpayment

If the Eden Area ROP determines an employee has been overpaid, the Eden Area ROP shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the Eden Area ROP through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the Eden Area ROP. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the Eden Area ROP shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the Eden Area ROP's claimed overpayment, the Eden Area ROP ~~shall, with board approval, initiate a legal action to~~ may only recover the overpayment ~~after pursuing appropriate legal action.~~ (Education Code 44042.5)

If the employee separates from the Eden Area ROP before the overpayment is fully repaid, the Eden Area ROP shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the Eden Area ROP ~~shall, with Board approval,~~ may exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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8 CCR 11040

## Description

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 Ed. Code 44042.5  
 Ed. Code 45022-45061.5  
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[Classified employees; work week; overtime provisions](#)  
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[Classified School Employee Summer Assistance Program](#)  
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[Duty to meet and negotiate in good faith](#)  
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 Overtime Compensation

**Federal**

26 CFR 1.409A-1  
 26 USC 409A  
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 29 CFR 516.5-516.6  
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**Cross References**

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**Cross References****Description**

3400	<a href="#">Management Of District Assets/Accounts</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3580	<a href="#">District Records</a>
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4354	<a href="#">Health And Welfare Benefits</a>
6115	<a href="#">Ceremonies And Observances</a>
6115	<a href="#">Ceremonies And Observances</a>

**Policy 4351: Employee Compensation**

Status: DRAFT

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

Final determination of compensation for staff members shall be solely the responsibility of the Eden Area Regional Occupational Program (Eden Area ROP) Governing Board. The Superintendent shall make recommendations for compensation based upon approved salary guides.

**Salary**

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Pursuant to Federal Law (COBRA), an employee who terminates or is terminated (except for gross misconduct) is entitled to continue group health plan coverage at the group rate plus administration fee for up to 18 months.

**Available Employee Benefits**

1. Health, dental, and vision insurance
2. Life and accident insurance
3. Tax sheltered annuity (TSA)

The Eden Area ROP offers employees the opportunity to participate in a Tax Sheltered Annuity plan at the employee's expense. A list of Governing Board-approved annuity providers is available from the Personnel Office. The Governing Board and the Eden Area ROP assume no responsibility for any risk incurred by an employee's voluntary option to participate in an annuity plan.

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**Optional Salary Deductions**

Employees of the Eden Area ROP may elect to have amounts withheld from earnings as payments for the following:

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- Health and Accident Insurance
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Deductions shall be optional with each employee.

## Overtime Compensation

Eden Area ROP employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, ~~or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.~~ However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

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Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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8 CCR 11040

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26 CFR 1.409A-1  
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**Policy 4158: Employee Security**

Status: DRAFT

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

The Governing Board expects a safe and orderly work environment for all employees. As part of the Eden Area Regional Occupational Program's (Eden Area ROP) comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any Eden Area ROP district facility may be removed by the Superintendent or designee in accordance with AR Administrative Regulation 3515.2 - Disruptions.

Any employee against whom harassment, violence, or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order (TRO) on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 Government Code 12945.8 and the accompanying administrative regulation to protect the employee's safety while at work.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on Eden Area ROP property, at a school or Eden Area ROP activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, Eden Area ROP and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

### Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with Board policy, administrative regulations, and Penal Code 22810. Any employee authorized to carry or possess pepper spray on school property who is negligent or careless in the possession or handling of pepper spray is acting outside of the scope of employment and shall be subject to appropriate disciplinary measures.

### Reporting of Injurious Objects

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds Eden Area ROP property or at a school Eden Area ROP-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the Superintendent or designee immediately
2. Immediately notify the Superintendent or designee, who shall take appropriate action
3. Immediately call 911 and the Superintendent or designee

When informing the Superintendent or designee about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

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<b>State</b>	<b>Description</b>
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Code of Civil Procedure 527.8	<a href="#">Workplace violence safety</a>
Ed. Code 32210-32212	<a href="#">Willful disturbance; public schools or meetings</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	<a href="#">Liability insurance</a>
Ed. Code 35213	<a href="#">Reimbursement for loss or damage of personal property</a>
Ed. Code 44014	<a href="#">Report of assault by student against school employee</a>
Ed. Code 44807	<a href="#">Teachers' duty concerning conduct of students</a>
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
Ed. Code 48900-48926	<a href="#">Suspension and expulsion</a>
Ed. Code 49079	<a href="#">Notification to teacher; student who has engaged in acts regarding grounds for suspension or expulsion</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Gov. Code 12926	<a href="#">Definitions</a>
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Gov. Code 995-996.4	<a href="#">Defense of public employees</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
Pen. Code 18150	<a href="#">Gun violence restraining orders</a>
Pen. Code 18170	<a href="#">Gun violence restraining order issued after notice and hearing</a>
Pen. Code 22810	<a href="#">Purchase, possession, and use of tear gas</a>
Pen. Code 240-246.3	<a href="#">Assault and battery</a>
Pen. Code 241.3	<a href="#">Assault against school bus drivers</a>
Pen. Code 241.6	<a href="#">Assault on school employee including board member</a>
Pen. Code 243.3	<a href="#">Battery against school bus drivers</a>
Pen. Code 243.6	<a href="#">Battery against school employee including board members</a>
Pen. Code 245.5	<a href="#">Assault with deadly weapon against school employee including board member</a>
Pen. Code 290	<a href="#">Registration of sex offenders</a>
Pen. Code 601	<a href="#">Trespass by person making credible threat</a>
Pen. Code 626-626.11	<a href="#">Weapons on school grounds and other school crimes</a>
Pen. Code 646.9	<a href="#">Stalking</a>
Pen. Code 71	<a href="#">Threatening public officers and employees and school officials</a>
W&I Code 827	<a href="#">Limited exception to juvenile court record</a>
W&I Code 828.1	<a href="#">District police or security department; disclosure of juvenile records</a>

**Federal**

Executive Order 14127

**Description**[Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024](#)**Management Resources**

Court Decision

**Description**

City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526

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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>
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4261	<a href="#">Leaves</a>
4261	<a href="#">Leaves</a>
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4331	<a href="#">Staff Development</a>
4356.3	<a href="#">Employee Property Reimbursement</a>
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4361	<a href="#">Leaves</a>
4361	<a href="#">Leaves</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
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**Cross References**

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**Description**[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)

**Policy 4258: Employee Security**

Status: DRAFT

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

The Governing Board expects a safe and orderly work environment for all employees. As part of the Eden Area Regional Occupational Program's (Eden Area ROP) comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any Eden Area ROP district facility may be removed by the Superintendent or designee in accordance with AR Administrative Regulation 3515.2 - Disruptions.

Any employee against whom harassment, violence, or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order (TRO) on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 Government Code 12945.8 and the accompanying administrative regulation to protect the employee's safety while at work.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on Eden Area ROP property, at a school or Eden Area ROP activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, Eden Area ROP and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

### Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with Board policy, administrative regulations, and Penal Code 22810. Any employee authorized to carry or possess pepper spray on school property who is negligent or careless in the possession or handling of pepper spray is acting outside of the scope of employment and shall be subject to appropriate disciplinary measures.

### Reporting of Injurious Objects

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds Eden Area ROP property or at a school Eden Area ROP-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the Superintendent or designee immediately
2. Immediately notify the Superintendent or designee, who shall take appropriate action
3. Immediately call 911 and the Superintendent or designee

When informing the Superintendent or designee about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Code of Civil Procedure 527.8	<a href="#">Workplace violence safety</a>
Ed. Code 32210-32212	<a href="#">Willful disturbance; public schools or meetings</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	<a href="#">Liability insurance</a>
Ed. Code 35213	<a href="#">Reimbursement for loss or damage of personal property</a>
Ed. Code 44014	<a href="#">Report of assault by student against school employee</a>
Ed. Code 44807	<a href="#">Teachers' duty concerning conduct of students</a>
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
Ed. Code 48900-48926	<a href="#">Suspension and expulsion</a>
Ed. Code 49079	<a href="#">Notification to teacher; student who has engaged in acts regarding grounds for suspension or expulsion</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Gov. Code 12926	<a href="#">Definitions</a>
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Gov. Code 995-996.4	<a href="#">Defense of public employees</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
Pen. Code 18150	<a href="#">Gun violence restraining orders</a>
Pen. Code 18170	<a href="#">Gun violence restraining order issued after notice and hearing</a>
Pen. Code 22810	<a href="#">Purchase, possession, and use of tear gas</a>
Pen. Code 240-246.3	<a href="#">Assault and battery</a>
Pen. Code 241.3	<a href="#">Assault against school bus drivers</a>
Pen. Code 241.6	<a href="#">Assault on school employee including board member</a>
Pen. Code 243.3	<a href="#">Battery against school bus drivers</a>
Pen. Code 243.6	<a href="#">Battery against school employee including board members</a>
Pen. Code 245.5	<a href="#">Assault with deadly weapon against school employee including board member</a>
Pen. Code 290	<a href="#">Registration of sex offenders</a>
Pen. Code 601	<a href="#">Trespass by person making credible threat</a>
Pen. Code 626-626.11	<a href="#">Weapons on school grounds and other school crimes</a>
Pen. Code 646.9	<a href="#">Stalking</a>
Pen. Code 71	<a href="#">Threatening public officers and employees and school officials</a>
W&I Code 827	<a href="#">Limited exception to juvenile court record</a>
W&I Code 828.1	<a href="#">District police or security department; disclosure of juvenile records</a>



**Federal**

Executive Order 14127

**Description**[Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024](#)**Management Resources**

Court Decision

**Description**

City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526

Website

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

Website

[California Department of Education, Safe Schools](#)

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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>
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4231	<a href="#">Staff Development</a>
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4257	<a href="#">Employee Safety</a>
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4261	<a href="#">Leaves</a>
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4261.1	<a href="#">Personal Illness/Injury Leave</a>
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4312.9	<a href="#">Employee Notifications</a>
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5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>

**Cross References**

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**Description**[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)

**Policy 4358: Employee Security**

Status: DRAFT

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

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2. Immediately notify the Superintendent or designee, who shall take appropriate action
3. Immediately call 911 and the Superintendent or designee

When informing the Superintendent or designee about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

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

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Ed. Code 35213	<a href="#">Reimbursement for loss or damage of personal property</a>
Ed. Code 44014	<a href="#">Report of assault by student against school employee</a>
Ed. Code 44807	<a href="#">Teachers' duty concerning conduct of students</a>
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
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Ed. Code 49079	<a href="#">Notification to teacher; student who has engaged in acts regarding grounds for suspension or expulsion</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Gov. Code 12926	<a href="#">Definitions</a>
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Gov. Code 3543.2	<a href="#">Scope of representation</a>
Gov. Code 995-996.4	<a href="#">Defense of public employees</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
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Pen. Code 18170	<a href="#">Gun violence restraining order issued after notice and hearing</a>
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Pen. Code 646.9	<a href="#">Stalking</a>
Pen. Code 71	<a href="#">Threatening public officers and employees and school officials</a>
W&I Code 827	<a href="#">Limited exception to juvenile court record</a>
W&I Code 828.1	<a href="#">District police or security department; disclosure of juvenile records</a>

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4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
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4261	<a href="#">Leaves</a>
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4312.9	<a href="#">Employee Notifications</a>
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4331	<a href="#">Staff Development</a>
4356.3	<a href="#">Employee Property Reimbursement</a>
4357	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>
4361	<a href="#">Leaves</a>
4361	<a href="#">Leaves</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.2	<a href="#">Personal Leaves</a>
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5141	<a href="#">Health Care And Emergencies</a>
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5144	<a href="#">Discipline</a>
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5144.1	<a href="#">Suspension And Expulsion/Due Process</a>

**Cross References**

5144.1

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**Description**[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)



**Regulation 4158: Employee Security**

Status: DRAFT

Original Adopted Date: 03/03/2022

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. ~~Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.~~

~~In addition,~~ Additionally, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. ~~Reports of an attack, assault, or physical threat shall be forwarded immediately to the Superintendent or designee.~~ (Education Code 44014)

### Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

#### 1. Acts That Are Grounds for Suspension or Expulsion

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in ~~AR~~Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process. (Education Code 49079)

This information shall be based upon ~~Eden Area Regional Occupational Program~~ (Eden Area ROP) records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former Eden Area ROP and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

#### 2. Offenses Reported to the Eden Area ROP by a Court

- a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal ~~or designee~~. (Welfare and Institutions Code 827)
- b. The principal ~~or designee~~ shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal ~~or designee~~ thinks may need the information in order to work with the student appropriately, ~~to~~ avoid being needlessly vulnerable, or ~~to~~ protect others from vulnerability. (Welfare and Institutions Code 827)
- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. (Welfare and Institutions Code 827)

The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

- d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the Eden Area ROP. (Welfare and Institutions Code 827)

If the student is returned to a different Eden Area ROP, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new Eden Area ROP of attendance. (Welfare and Institutions Code 827)

- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

#### **Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking, or Other Qualifying Acts of Violence**

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, or other qualifying acts of violence, the Eden Area ROP shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230), but not limited to: (Government Code 12945.8)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station, including the permission to carry a telephone at work
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crimequalifying act of violence that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crimequalifying act of violence

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the Eden Area ROP. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230) or their family member. (Government Code 12945.8)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking, or other qualifying act of violence. Such certification may include: (Labor Code 230)(Government Code 12945.8)

1. A police report indicating that the employee, or a family member of the employee, was a victim
2. A court order protecting or separating the employee, or a family member of 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 licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee, or a family member of 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

Any verbal or written statement, police or court record, or other documentation identifying an employee, or a family member of the employee, as a victim shall be confidential and shall not be disclosed by the Eden Area ROP except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. ~~(Labor Code 230)~~(Government Code 12945.8)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking, other specified offense, or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. ~~(Labor Code 230)~~

If a new accommodation is needed, the Superintendent or designee shall follow the procedures described above when making the initial determination regarding effective reasonable accommodations. (Government Code 12945.8)

The Eden Area ROP shall not discharge or retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. ~~(Labor Code 230)~~(Government Code 12945.8)

### Use of Pepper Spray

The Superintendent or designee shall notify employees of the Eden Area ROP's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the to carry or possess pepper spray and for how long the need is anticipated to last. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the Eden Area ROP and, in accordance with law, a fine and/or imprisonment.
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. ~~Negligent storage of the pepper spray may subject the employee to disciplinary action.~~

Negligent storage or use of the pepper spray may subject the employee to disciplinary action.

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**Management Resources**

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**Cross References**

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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>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4156.3	<a href="#">Employee Property Reimbursement</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
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4161.8	<a href="#">Family Care And Medical Leave</a>
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4219.21	<a href="#">Professional Standards</a>
4231	<a href="#">Staff Development</a>
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4256.3	<a href="#">Employee Property Reimbursement</a>
4257	<a href="#">Employee Safety</a>

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4261	<a href="#">Leaves</a>
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5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>

**Regulation 4258: Employee Security**

Status: DRAFT

Original Adopted Date: 03/03/2022

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If the student is returned to a different Eden Area ROP, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new Eden Area ROP of attendance. (Welfare and Institutions Code 827)

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4112.9	<a href="#">Employee Notifications</a>
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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>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4156.3	<a href="#">Employee Property Reimbursement</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.2	<a href="#">Personal Leaves</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.21	<a href="#">Professional Standards</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4256.3	<a href="#">Employee Property Reimbursement</a>
4257	<a href="#">Employee Safety</a>

**Cross References****Description**

4257	<a href="#">Employee Safety</a>
4261	<a href="#">Leaves</a>
4261	<a href="#">Leaves</a>
4261.1	<a href="#">Personal Illness/Injury Leave</a>
4261.2	<a href="#">Personal Leaves</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4331	<a href="#">Staff Development</a>
4356.3	<a href="#">Employee Property Reimbursement</a>
4357	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>
4361	<a href="#">Leaves</a>
4361	<a href="#">Leaves</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.2	<a href="#">Personal Leaves</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>

**Regulation 4358: Employee Security**

Status: DRAFT

Original Adopted Date: 03/03/2022

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. ~~Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.~~

~~In addition,~~ Additionally, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. ~~Reports of an attack, assault, or physical threat shall be forwarded immediately to the Superintendent or designee.~~ (Education Code 44014)

### Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

#### 1. Acts That Are Grounds for Suspension or Expulsion

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in ~~AR~~Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process. (Education Code 49079)

This information shall be based upon ~~Eden Area Regional Occupational Program~~ (Eden Area ROP) records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former Eden Area ROP and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

#### 2. Offenses Reported to the Eden Area ROP by a Court

- a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal ~~or designee~~. (Welfare and Institutions Code 827)
- b. The principal ~~or designee~~ shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal ~~or designee~~ thinks may need the information in order to work with the student appropriately, ~~to~~ avoid being needlessly vulnerable, or ~~to~~ protect others from vulnerability. (Welfare and Institutions Code 827)
- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. (Welfare and Institutions Code 827)

The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

- d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the Eden Area ROP. (Welfare and Institutions Code 827)

If the student is returned to a different Eden Area ROP, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new Eden Area ROP of attendance. (Welfare and Institutions Code 827)

- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

#### **Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking, or Other Qualifying Acts of Violence**

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, or other qualifying acts of violence, the Eden Area ROP shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230), but not limited to: (Government Code 12945.8)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station, including the permission to carry a telephone at work
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crimequalifying act of violence that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crimequalifying act of violence

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the Eden Area ROP. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230) or their family member. (Government Code 12945.8)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking, or other qualifying act of violence. Such certification may include: (Labor Code 230)(Government Code 12945.8)

1. A police report indicating that the employee, or a family member of the employee, was a victim
2. A court order protecting or separating the employee, or a family member of 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 licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee, or a family member of 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

Any verbal or written statement, police or court record, or other documentation identifying an employee, or a family member of the employee, as a victim shall be confidential and shall not be disclosed by the Eden Area ROP except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. ~~(Labor Code 230)~~(Government Code 12945.8)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking, other specified offense, or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. ~~(Labor Code 230)~~

If a new accommodation is needed, the Superintendent or designee shall follow the procedures described above when making the initial determination regarding effective reasonable accommodations. (Government Code 12945.8)

The Eden Area ROP shall not discharge or retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. ~~(Labor Code 230)~~(Government Code 12945.8)

### Use of Pepper Spray

The Superintendent or designee shall notify employees of the Eden Area ROP's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the to carry or possess pepper spray and for how long the need is anticipated to last. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the Eden Area ROP and, in accordance with law, a fine and/or imprisonment.
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

Negligent storage or use of the pepper spray may subject the employee to disciplinary action.

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

State	Description
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Code of Civil Procedure 527.8	<a href="#">Workplace violence safety</a>
Ed. Code 32210-32212	<a href="#">Willful disturbance; public schools or meetings</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32282	School safety plans
Ed. Code 32289.6	Best practices pertaining to school shooter drills
Ed. Code 35208	<a href="#">Liability insurance</a>
Ed. Code 35213	<a href="#">Reimbursement for loss or damage of personal property</a>

**State**

Ed. Code 44014	<a href="#">Report of assault by student against school employee</a>
Ed. Code 44807	<a href="#">Teachers' duty concerning conduct of students</a>
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
Ed. Code 48900-48926	<a href="#">Suspension and expulsion</a>
Ed. Code 49079	<a href="#">Notification to teacher; student who has engaged in acts regarding grounds for suspension or expulsion</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Gov. Code 12926	<a href="#">Definitions</a>
Gov. Code 12945.8	Employee accommodations for domestic violence, sexual assault, stalking, and other qualifying acts of violence
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Gov. Code 995-996.4	<a href="#">Defense of public employees</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
Pen. Code 18150	<a href="#">Gun violence restraining orders</a>
Pen. Code 18170	<a href="#">Gun violence restraining order issued after notice and hearing</a>
Pen. Code 22810	<a href="#">Purchase, possession, and use of tear gas</a>
Pen. Code 240-246.3	<a href="#">Assault and battery</a>
Pen. Code 241.3	<a href="#">Assault against school bus drivers</a>
Pen. Code 241.6	<a href="#">Assault on school employee including board member</a>
Pen. Code 243.3	<a href="#">Battery against school bus drivers</a>
Pen. Code 243.6	<a href="#">Battery against school employee including board members</a>
Pen. Code 245.5	<a href="#">Assault with deadly weapon against school employee including board member</a>
Pen. Code 290	<a href="#">Registration of sex offenders</a>
Pen. Code 601	<a href="#">Trespass by person making credible threat</a>
Pen. Code 626-626.11	<a href="#">Weapons on school grounds and other school crimes</a>
Pen. Code 646.9	<a href="#">Stalking</a>
Pen. Code 71	<a href="#">Threatening public officers and employees and school officials</a>
W&I Code 827	<a href="#">Limited exception to juvenile court record</a>
W&I Code 828.1	<a href="#">District police or security department; disclosure of juvenile records</a>

**Federal**

Executive Order 14127	<a href="#">Combating Emerging Firearms Threats and Improving School-Based Active Shooter Drills, September 2024</a>
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**Management Resources**

Court Decision	City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, Safe Schools</a>
Website	<a href="#">CSBA</a>

**Cross References**

0450	<a href="#">Comprehensive Safety Plan</a>
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**Cross References****Description**

0450	<a href="#">Comprehensive Safety Plan</a>
1313	<a href="#">Civility</a>
3320	<a href="#">Claims And Actions Against The District</a>
3320	<a href="#">Claims And Actions Against The District</a>
3515	<a href="#">Campus Security</a>
3515.2	<a href="#">Disruptions</a>
3515.2	<a href="#">Disruptions</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
3515.7	<a href="#">Firearms On School Grounds</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</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>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
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4131	<a href="#">Staff Development</a>
4156.3	<a href="#">Employee Property Reimbursement</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
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4161.8	<a href="#">Family Care And Medical Leave</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.21	<a href="#">Professional Standards</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4256.3	<a href="#">Employee Property Reimbursement</a>
4257	<a href="#">Employee Safety</a>

**Cross References****Description**

4257	<a href="#">Employee Safety</a>
4261	<a href="#">Leaves</a>
4261	<a href="#">Leaves</a>
4261.1	<a href="#">Personal Illness/Injury Leave</a>
4261.2	<a href="#">Personal Leaves</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4331	<a href="#">Staff Development</a>
4356.3	<a href="#">Employee Property Reimbursement</a>
4357	<a href="#">Employee Safety</a>
4357	<a href="#">Employee Safety</a>
4361	<a href="#">Leaves</a>
4361	<a href="#">Leaves</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.2	<a href="#">Personal Leaves</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>

**Policy 5125: Student Records**

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, disclosure, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent in accordance with state and federal law.

(cf. 3580 – District Records)

(cf. 4040 – Employee Use of Technology)

(cf. 5125.1 – Release of Directory Information)

(cf. 5125.3 – Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the Eden Area Regional Occupational Program (Eden Area ROP). The custodian of records shall be responsible for implementing Governing Board policy and administrative regulation regarding student records. (5 CCR 431)

If student records containing covered information which is not subject to the California Consumer Privacy Act are under the control of the operator of a website, online service or application, or mobile application, and the student's parent/guardian or the student, if 18 years of age or older, requests deletion of such records, the Superintendent or designee shall provide documentation to the operator that the student has not been enrolled at the Eden Area ROP for at least 60 days. (Business and Professions Code 22584)

All appropriate personnel shall receive training regarding Eden Area ROP policies and procedures for gathering and handling sensitive student information, including which information should not be solicited.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

The Eden Area ROP shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. In accordance with Board Policy 5145.13 – Response to Immigrant Enforcement, the Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena/warrant. If an Eden Area ROP employee receives such a request, he/she the employee shall immediately report the request respond in accordance with Board Policy 5145.13 – Response to the Superintendent Immigrant Enforcement. The Superintendent shall report the request to the Governing Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

(cf. 5145.13 – Response to Immigration Enforcement)

The Superintendent or designee The Eden Area ROP or any Eden Area ROP employee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she or disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such This prohibition does not apply to information may only be compiled or exchanged with other local, state, or federal agencies if the information that is aggregated and is not personally identifiable. (Government Code 8310.3)

The Superintendent or designee shall develop protocols to comply with a court's restraining order that prohibits a party from accessing specified records and information pertaining to a student. (Family Code 6323.5)

## Student Records from Social Media

The Superintendent or designee may gather and maintain information from the social media of any Eden Area ROP student, provided that the Eden Area ROP first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled **Governing** Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

(cf. 0450 – Comprehensive Safety Plan)

(cf. 5131.2 – Bullying)

(cf. 5145.6 – Parental Notifications)

(cf. 9322 – Agenda/Meeting Materials)

(cf. 9323 – Meeting Conduct)

## Contract for Digital Storage, Management, Retention, Disclosure, and Retrieval Security of Student Records

The Superintendent or designee shall ensure the confidentiality of student records as required by law and shall establish processes and procedures to safeguard data against damage, loss, or theft, including damage, loss, or theft, which may be caused by the use of technology, including artificial intelligence and breaches to the Eden Area ROP's digital infrastructure, in the retention or disclosure of student records. Additionally, in accordance with Board Policy 5145.13 – Response to Immigration Enforcement, all Eden Area ROP staff shall avoid the disclosure of information that may indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by law.

The Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect student records from breaches to the Eden Area ROP's digital infrastructure.

If the Eden Area ROP experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

(cf. 3312 – Contracts)

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

State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	<a href="#">Individual student records</a>
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">K-12 Pupil Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>
Code of Civil Procedure 1985.3	<a href="#">Subpoena duces tecum</a>
Ed. Code 17604	<a href="#">Delegation of powers to agents</a>
Ed. Code 220.3	Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>

**State**

Ed. Code 48853.5	<a href="#">Foster youth; placement, immunizations</a>
Ed. Code 48902	<a href="#">Notification of law enforcement of specified violations</a>
Ed. Code 48904-48904.3	<a href="#">Withholding grades, diplomas, or transcripts</a>
Ed. Code 48918	<a href="#">Rules governing expulsion procedures</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49091.14	<a href="#">Parental review of curriculum</a>
Ed. Code 51745	<a href="#">Independent study</a>
Ed. Code 56041.5	<a href="#">Rights of students with disabilities</a>
Ed. Code 56050	<a href="#">Surrogate parents</a>
Ed. Code 56055	<a href="#">Foster parents</a>
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 69432.9	<a href="#">Cal Grant program; notification of grade point average</a>
Ed. Code 69475	Conditional repeal of Cal Grant program
Fam. Code 3025	<a href="#">Access to records by noncustodial parents</a>
Fam. Code 6323.5	Ex parte orders
Fam. Code 6552	<a href="#">Caregiver's authorization affidavit</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
H&S Code 120440	<a href="#">Immunizations; disclosure of information</a>
Pen. Code 245	<a href="#">Assault with deadly weapon</a>
W&I Code 16010	<a href="#">Health and education records of a minor</a>
W&I Code 681	<a href="#">Truancy petitions</a>
W&I Code 701	<a href="#">Juvenile court law</a>

**Federal**

15 USC 6501-6506	Children's Online Privacy Protection Act
16 CFR Part 312	<a href="#">Children's Online Privacy Protection Rule</a>
20 USC 1232g	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
20 USC 1232h	Protection of Pupil Rights Amendment
26 USC 152	<a href="#">Definition of dependent child</a>
34 CFR 300.501	<a href="#">Opportunity to examine records for parents of student with disability</a>
34 CFR 99.1-99.8	<a href="#">Family Educational Rights and Privacy Act</a>
42 USC 11434a	<a href="#">McKinney-Vento Homeless Assistance Act; definitions</a>

**Management Resources**

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, December 2024</a>
CSBA Publication	<a href="#">Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023</a>

**Management Resources**

Federal Register

**Description**

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

U.S. Department of Education Publication

[IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022](#)

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## Regulation 5125: Student Records

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 04/07/2022

### Definitions

Student means any individual who is or has been in attendance at the Eden Area Regional Occupational Program (Eden Area ROP) and regarding whom the Eden Area ROP maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the Eden Area ROP that are directly related to an identifiable student and maintained by the Eden Area ROP, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the Eden Area ROP. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; ; 34 CFR 99.3)

#### 1. Directory information

(cf. 5125.1 – Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

3. Records of the law enforcement unit of the Eden Area ROP, subject to 34 CFR 99.8

(cf. 3515 – Campus Security)

(cf. 3515.3 – District Police/Security Department)

4. Records created or received by the Eden Area ROP after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

#### 1. The student's name

2. The name of the student's parent/guardian or other family members

3. The address of the student or student's family

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the Eden Area ROP reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the Eden Area ROP, whether routine or as a result of special circumstances, require access to information contained in student records.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities to the Eden Area ROP, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

Contractor or consultant is anyone with a formal written agreement or contract with the Eden Area ROP regarding the provision of services or functions outsourced to by the Eden Area ROP. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the Eden Area ROP and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

### **Persons Granted Absolute Access**

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of high school students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)

2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 – Individualized Education Program)

### **Access for Limited Purpose/Legitimate Educational Interest**

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a student 18 years of age or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the Eden Area ROP may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

5. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

6. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

7. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

8. Any Eden Area ROP attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

9. An Eden Area ROP attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

10. Any probation officer, Eden Area ROP attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

11. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

12. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the Eden Area ROP (Education Code 49069.3)

(cf. 6164.6 – Identification and Education Under Section 504)

(cf. 6173.1 – Education for Foster Youth)

13. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 – Education for Homeless Children)

14. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

15. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

16. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the Eden Area ROP provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

17. Designated peace officers or law enforcement agencies in cases where the Eden Area ROP is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the Eden Area ROP, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the Eden Area ROP, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 – Noncustodial Parents)

### **Discretionary Access**

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The Eden Area ROP enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the Eden Area ROP, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 – Consultants)

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

### **De-identification of Records**

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

### **Process for Providing Access to Records**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the Eden Area ROP discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The Eden Area ROP's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the Eden Area ROP shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

### **Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining Eden Area ROP-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest
6. Law enforcement personnel seeking to enforce immigration laws



The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

### **Duplication of Student Records**

To provide copies of any student record, the Eden Area ROP may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

### **Changes to Student Records**

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No additions or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.

Any challenge to the content of a student's record shall be filed in accordance with the process specified in AR 5125.3 - Challenging Student Records. (Education Code 49070)

(cf. 5125.3 - Challenging Student Records)

### **Retention and Destruction of Student Records**

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student

2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student

4. Name and address of parent/guardian of minor student

a. Address of minor student if different from the above

b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation

(cf. 5121 - Grades/Evaluation of Student Achievement)

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction



during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))

2. A log identifying persons or organizations who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 – Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge

(cf. 6159 – Individualized Education Program)

(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 – Education for English Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or prohibition of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 – State Academic Achievement Tests)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 – Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine disciplinary data

(cf. 5144 – Discipline)

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

**Notification of Parents/Guardians**

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the Eden Area ROP speak a single primary language other than English, then the Eden Area ROP shall provide these notices in that language. Otherwise, the Eden Area ROP shall provide these notices in the student's home language insofar as practicable. The Eden Area ROP shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

(cf. 5145.6 – Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the Eden Area ROP and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. Eden Area ROP criteria for defining school officials and employees and for determining legitimate educational interest
5. Eden Area ROP policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 – Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the Eden Area ROP to comply with 20 USC 1232g

13. A statement that the Eden Area ROP forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

### **Student Records from Social Media**

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the Eden Area ROP obtained from the student's social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the Eden Area ROP, whichever occurs first

4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980

5. If the Eden Area ROP contracts with a third party to gather information on a student from social media, ensure that the contract:

a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the Eden Area ROP, the student, or the student's parent/guardian

b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the Eden Area ROP notifies the third party that the student has turned 18 years of age or is no longer enrolled in the Eden Area ROP, whichever occurs first

### Updating Name and/or Gender of Former Students

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the Eden Area ROP shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5) If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5) 1. The date of the request 2. The date the requested records were reissued to the former student 3. A list of the records that were requested by and reissued to the former student 4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender 5. The name of the employee who completed the request 6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records. (Education Code 49062.5)

### Definitions

**Access** means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

**Adult student** is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

**Attendance** includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

**Contractor or consultant** is anyone with a formal written agreement or contract with the Eden Area Regional Occupational Program (Eden Area ROP) regarding the provision of services or functions outsourced by the Eden Area ROP. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

**County placing agency** means the county social service department or county probation department. (Education Code 49061)

**Custodian of records** is the employee responsible for the security of student records maintained by the Eden Area ROP and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR

433)

*Disclosure* means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

*Legitimate educational interest* is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the Eden Area ROP, whether routine or as a result of special circumstances, require access to information contained in student records.

*Mandatory interim student records* are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

*Mandatory permanent student records* are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

*Parent/guardian* means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

*Permitted student records* are those records having clear importance only to the current educational process of the student. (5 CCR 430)

*Personally identifiable information* includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the Eden Area ROP reasonably believes knows the identity of the student to whom the student record relates

*School officials* and employees are officials or employees, including teachers, whose duties and responsibilities to the Eden Area ROP, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

*Student* means any individual who is or has been in attendance at the Eden Area ROP and regarding whom the Eden Area ROP maintains student records. (34 CFR 99.3)

*Student records* are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the Eden Area ROP that are directly related to an identifiable student and maintained by the Eden Area ROP, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the Eden Area ROP. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 34 CFR 99.3)

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are

used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

3. Records created or received by the Eden Area ROP after an individual is no longer a student and that are not directly related to the individual's attendance as a student
4. Grades on peer-graded papers before they are collected and recorded by a teacher

### **Persons Granted Absolute Access**

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069.7; Family Code 3025)

However, the Eden Area ROP shall not disclose student records to a party, including a parent/guardian, who is legally prohibited from accessing records and information of a student pursuant to a restraining order. (Family Code 6323.5)

2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with exceptional needs who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

### **Access for Limited Purpose/Legitimate Educational Interest**

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a student 18 years of age or older who is a dependent child as defined in 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)
3. School officials and employees, consistent with the definition provided in "Definitions," above (Education Code 49076; 34 CFR 99.31)
4. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with, a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)
5. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to Item #4 above (Education Code 49076)
6. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

7. Any Eden Area ROP attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)
8. An Eden Area ROP attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

9. Any probation officer, Eden Area ROP attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

10. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

11. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the Eden Area ROP. (Education Code 49069.3)

12. A student age 14 years or older who is an unaccompanied minor experiencing homelessness as defined in 42 USC 11434a (Education Code 49076)

13. An individual who completes items #1-4 of the Caregiver's Authorization Affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

14. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232g)

15. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the Eden Area ROP provide special education and disciplinary records of a student with exceptional needs who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in Item #13 above. (Education Code 49076)

16. Designated peace officers or law enforcement agencies in cases where the Eden Area ROP is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the Eden Area ROP, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.



Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act (FERPA). (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the Eden Area ROP, in writing, that such an agreement has been made. (Education Code 49061)

### **Discretionary Access**

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other persons (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)
3. Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
  - a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information
  - b. The information is destroyed when no longer needed for the purposes for which the study is conducted
  - c. The Eden Area ROP enters into a written agreement with the organization that complies with 34 CFR 99.31
4. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)
5. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the Eden Area ROP, excluding volunteers or other parties (Education Code 49076)
6. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)
7. County elections officials for the purpose of identifying students eligible to register to vote or offering such

students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or FERPA. (Education Code 49076; 20 USC 1232g; 34 CFR 99.1-99.8)

### **De-identification of Records**

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

### **Process for Providing Access to Records**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069.7; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (Education Code 49076; 5 CCR 431; 34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069.7; 5 CCR 431)

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the Eden Area ROP discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The Eden Area ROP's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the Eden Area ROP shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069.7)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

### **Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code



49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining Eden Area ROP-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest
6. Law enforcement personnel seeking immigration-related information

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

### **Duplication of Student Records**

To provide copies of any student record, the Eden Area ROP may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

### **Changes to Student Records**

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

Any request to change a student's legal name in the student's mandatory permanent student record shall be accompanied with appropriate documentation.

Any challenge to the content of a student's record shall be filed in accordance with Education Code 49070 and the process specified in Administrative Regulation 5125.3 - Challenging Student Records.

### **Retention and Destruction of Student Records**

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another Eden Area ROP, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the Eden Area ROP. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor
2. A log identifying persons or organizations who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or prohibition of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Routine discipline data
3. Verified reports of relevant behavioral patterns
4. All disciplinary notices
5. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

## Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the Eden Area ROP speak a single primary language other than English, then the Eden Area ROP shall provide these notices in that language. Otherwise, the Eden Area ROP shall provide these notices in the student's home language insofar as practicable. The Eden Area ROP shall effectively notify parents/guardians or eligible students with exceptional needs. (Education Code 48985, 49063; 5 CCR 431; 34 CFR 99.7)

The notice shall include: (Education Code 49063, 60900.5; 34 CFR 99.7, 99.34)

1. The types of student records kept by the Eden Area ROP and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. Eden Area ROP criteria for defining school officials and employees and for determining legitimate educational interest
5. Eden Area ROP policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school
12. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the Eden Area ROP to comply with 20 USC 1232g
13. A statement that the Eden Area ROP forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

## Updating Name and/or Gender of Former Students

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the Eden Area ROP shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, the Eden Area ROP shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and Administrative Regulation 5125.3 - Challenging Student Records. (Education Code 49062.5)

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

State	Description
5 CCR 16020-16027	Destruction of records of school districts
5 CCR 430-438	<a href="#">Individual student records</a>
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">K-12 Pupil Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>
Code of Civil Procedure 1985.3	<a href="#">Subpoena duces tecum</a>
Ed. Code 17604	<a href="#">Delegation of powers to agents</a>
Ed. Code 220.3	Prohibition for employee or contractor to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 35266	Reporting of cyberattacks
Ed. Code 48201	<a href="#">Transfer student's record for acts that resulted in suspension or expulsion</a>
Ed. Code 48853.5	<a href="#">Foster youth; placement, immunizations</a>
Ed. Code 48902	<a href="#">Notification of law enforcement of specified violations</a>
Ed. Code 48904-48904.3	<a href="#">Withholding grades, diplomas, or transcripts</a>
Ed. Code 48918	<a href="#">Rules governing expulsion procedures</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49091.14	<a href="#">Parental review of curriculum</a>
Ed. Code 51745	<a href="#">Independent study</a>
Ed. Code 56041.5	<a href="#">Rights of students with disabilities</a>
Ed. Code 56050	<a href="#">Surrogate parents</a>
Ed. Code 56055	<a href="#">Foster parents</a>
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 69432.9	<a href="#">Cal Grant program; notification of grade point average</a>

**State**

Ed. Code 69475  
 Fam. Code 3025  
 Fam. Code 6323.5  
 Fam. Code 6552  
 Gov. Code 7920.000-7930.215  
 H&S Code 120440  
 Pen. Code 245  
 W&I Code 16010  
 W&I Code 681  
 W&I Code 701

**Description**

Conditional repeal of Cal Grant program  
[Access to records by noncustodial parents](#)  
 Ex parte orders  
[Caregiver's authorization affidavit](#)  
[California Public Records Act](#)  
[Immunizations; disclosure of information](#)  
[Assault with deadly weapon](#)  
[Health and education records of a minor](#)  
[Truancy petitions](#)  
[Juvenile court law](#)

**Federal**

15 USC 6501-6506  
 16 CFR Part 312  
 20 USC 1232g  
 20 USC 1232h  
 26 USC 152  
 34 CFR 300.501  
 34 CFR 99.1-99.8  
 42 USC 11434a

**Description**

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

**Management Resources**

CA Office of the Attorney General Publication  
 CSBA Publication  
 Federal Register  
 U.S. Department of Education Publication  
 U.S. Department of Education Publication  
 U.S. Department of Education Publication  
 U.S. Department of Education Publication  
 U.S. Department of Education Publication  
 U.S. Department of Education Publication  
 Website  
 Website

**Description**

[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, December 2024](#)  
[Understanding Artificial Intelligence in K-12 Education: What Governance Teams Should Know, September 2023](#)  
 Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855  
[IDEA and FERPA Crosswalk: A side-by-side comparison of the privacy provisions under Parts B and C of the IDEA and FERPA, August 2022](#)  
[School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act \(FERPA\), February 2019](#)  
[An Eligible Student Guide to the Family Educational Rights and Privacy Act \(FERPA\), March 2023](#)  
[A Parent Guide to the Family Educational Rights and Privacy Act \(FERPA\), July 2021](#)  
[Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) to Student Health Records, rev. 2019](#)  
[Family Educational Rights and Privacy Act, Guidance for School Officials on Student Health Records, April 2023](#)  
[California IT in Education, Student Data Privacy](#)  
[CSBA District and County Office of Education Legal Services](#)

**Management Resources**

Website	<a href="#">U.S. Department of Education, Protecting Student Privacy</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

**Cross References**

	<b>Description</b>
0440	<a href="#">District Technology Plan</a>
0440	<a href="#">District Technology 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>
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>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3250	<a href="#">Transportation Fees</a>
3250	<a href="#">Transportation Fees</a>
3260	<a href="#">Fees And Charges</a>
3260	<a href="#">Fees And Charges</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
3312	<a href="#">Contracts</a>
3515	<a href="#">Campus Security</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4040-E(2)	<a href="#">Employee Use Of Technology</a>
4112.6	<a href="#">Personnel Files</a>
4117.7	<a href="#">Employment Status Reports</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4212.6	<a href="#">Personnel Files</a>
4219.21	<a href="#">Professional Standards</a>

**Cross References**

	<b>Description</b>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4258	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4312.6	<a href="#">Personnel Files</a>
4317.7	<a href="#">Employment Status Reports</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4319.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4358	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
5000	<a href="#">Concepts And Roles</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5021	<a href="#">Noncustodial Parents</a>
5111	<a href="#">Admission</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5121	<a href="#">Grades/Evaluation Of Student Achievement</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.2	<a href="#">Withholding Grades, Diploma Or Transcripts</a>
5125.3	<a href="#">Challenging Student Records</a>
5126	<a href="#">Awards For Achievement</a>
5126	<a href="#">Awards For Achievement</a>
5131.1	<a href="#">Bus Conduct</a>
5131.1	<a href="#">Bus Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.61	<a href="#">Drug Testing</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.21	<a href="#">Administering Medication And Monitoring Health Conditions</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.3	<a href="#">Health Examinations</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>
5142.1	<a href="#">Identification And Reporting Of Missing Children</a>
5144	<a href="#">Discipline</a>

**Cross References**

5144

5144.1

5144.1

5144.2

5144.4

5144.4

5145.12

5145.13

5145.13

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5145.3

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6162.8

6162.8

6163.4

6163.4

6163.4-E PDF(1)

6163.4-E(1)

6164.2

6178.1

6178.1

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9012

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9321-E(1)

9321-E(2)

**Description**[Discipline](#)[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process](#)[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)[Required Parental Attendance](#)[Required Parental Attendance](#)[Search And Seizure](#)[Response To Immigration Enforcement](#)[Response To Immigration Enforcement](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Sex Discrimination and Sex-Based Harassment](#)[Sex Discrimination and Sex-Based Harassment](#)[Courses Of Study](#)[Research](#)[Research](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)[Work-Based Learning](#)[Work-Based Learning](#)[Disclosure Of Confidential/Privileged Information](#)[Board Member Electronic Communications](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)



**Policy 5131: Conduct**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 02/03/2022

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using Eden Area Regional Occupational Program (Eden Area ROP) transportation.

(cf. 0450 – Comprehensive Safety Plan)

(cf. 5131.1 – Bus Conduct)

(cf. 5137 – Positive School Climate)

(cf. 6145.2 – Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Governing Board policies and administrative regulations. Students and parents/guardians shall be notified of Eden Area ROP rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. ~~1.~~ Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 – Weapons and Dangerous Instruments)

(cf. 5142 – Safety)

2. ~~2.~~ Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program

(cf. 5131.2 – Bullying)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 – Hate-Motivated Behavior)

3. ~~3.~~ Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 – Student Disturbances)

4. ~~4.~~ Willful defiance of staff's authority

5. ~~5.~~ Damage to or theft of property belonging to students, staff, or the Eden Area ROP

(cf. 3515.4 – Recovery for Property Loss or Damage)

(cf. 5131.5 – Vandalism and Graffiti)

6. ~~6.~~ Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 – Freedom of Speech/Expression)

7. ~~7.~~ Possession, use, or being under the influence of tobacco, alcohol, vaping or other prohibited substances

(cf. 5131.6 – Alcohol and Other Drugs)

(cf. 5131.62 – Tobacco)

(cf. 5131.63 – Steroids)

8. ~~8.~~ Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)

9. ~~9.~~ Use of a cell phone, smart watch, pager, smartphone or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy

~~(cf. 5131.8 – Mobile Communication Devices)  
(cf. 6163.4 – Student Use of Technology)~~

10. ~~10.~~ Plagiarism or dishonesty on school work or tests

~~(cf. 5131.9 – Academic Honesty)  
(cf. 6162.54 – Test Integrity/Test Preparation)  
(cf. 6162.6 – Use of Copyrighted Materials)~~

11. ~~11.~~ Wearing of any attire that violates Eden Area ROP dress codes

~~(cf. 5132 – Dress and Grooming)~~

12. ~~12.~~ Tardiness or unexcused absence from school

~~(cf. 5113 – Absences and Excuses)  
(cf. 5113.1 – Chronic Absence and Truancy)  
(cf. 5113.11 Attendance Supervision)  
(cf. 5113.1 – District School Attendance Review Board)~~

13. ~~13.~~ Failure to remain on school premises in accordance with school rules

~~(cf. 5112.5 – Open/Closed Campus)~~

14. Other conduct prohibited by Education Code 48900-48915-48915

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene, or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR Board Policy and Administrative Regulation 5145.12 - Search and Seizure.

~~(cf. 5145.12 – Search and Seizure)~~

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, an Eden Area ROP employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate Eden Area ROP rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Governing Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

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

~~(cf. 5020 – Parent Rights and Responsibilities)~~

~~(cf. 5127 – Graduation Ceremonies and Activities)~~

~~(cf. 5138 – Conflict Resolution/Peer Mediation)~~

~~(cf. 5144 – Discipline)~~

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

~~(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))~~

{cf. 6020 – Parent Involvement)

{cf. 6145 – Extracurricular and Cocurricular Activities)

{cf. 6159.4 – Behavioral Interventions for Special Education Students)

{cf. 6164.2 – Guidance/Counseling Services)

{cf. 6164.5 – Student Success Teams)

{cf. 6184 – Continuation Education)

{cf. 6185 – Community Day School)

Students also may be subject to discipline, in accordance with law, **Governing** Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or Eden Area ROP property, or substantially disrupts school activities.

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

#### State

5 CCR 300-307

Civ. Code 1714.1

Ed. Code 200-270

Ed. Code 32280-32289.5

Ed. Code 35181

Ed. Code 35291-35291.5

Ed. Code 44807

Ed. Code 48900-48925

Ed. Code 51512

Pen. Code 288.2

Pen. Code 313

Pen. Code 417.25-417.27

Pen. Code 647

Pen. Code 653.2

Veh. Code 23123-23124

#### Description

[Duties of students](#)

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

[Prohibition of discrimination](#)

[School safety plans](#)

[Governing board authority to set policy on responsibilities of students](#)

[Rules](#)

[Teachers' duty concerning conduct of students](#)

[Suspension and expulsion](#)

[Prohibition against electronic listening or recording device in classroom without permission](#)

[Harmful matter with intent to seduce](#)

[Harmful matter](#)

[Laser scope or laser pointer](#)

[Use of camera or other instrument to invade person's privacy; misdemeanor](#)

[Electronic communication devices; threats to safety](#)

[Prohibitions against use of electronic devices while driving](#)

#### Federal

20 USC 1681-1688

#### Description

Title IX of the Education Amendments of 1972; discrimination based on sex

#### Management Resources

California Department of Education Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

#### Description

[Bullying at School, 2003](#)

Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038

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

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

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

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

**Management Resources**

Court Decision	Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	LaVine v. Blaine School District (2000, 9th Cir.) 257 F.3d 981
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
CSBA Publication	<a href="#">Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National School Safety Center</a>
Website	<a href="#">Center for Safe and Responsible Internet Use</a>
Website	<a href="#">California Department of Education, Safe Schools</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

**Cross References**

	<b>Description</b>
0440	<a href="#">District Technology Plan</a>
0440	<a href="#">District Technology Plan</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>
1313	<a href="#">Civility</a>
3513.4	<a href="#">Drug And Alcohol Free Schools</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4219.21	<a href="#">Professional Standards</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
5000	<a href="#">Concepts And Roles</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5112.5	<a href="#">Open/Closed Campus</a>
5113	<a href="#">Absences And Excuses</a>
5113	<a href="#">Absences And Excuses</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5113.11	<a href="#">Attendance Supervision</a>

**Cross References**

5131.1  
5131.1  
5131.2  
5131.2  
5131.41  
5131.5  
5131.6  
5131.6  
5131.62  
5131.7  
5131.7  
5131.8  
5131.9  
5132  
5132  
5137  
5141.4  
5141.4  
5141.4-E PDF(1)  
5141.52  
5141.52  
5142  
5142  
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5144.2  
5144.4  
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5145.12  
5145.2  
5145.2  
5145.3  
5145.3  
5145.7  
5145.7  
5145.9  
6144  
6145

**Description**

[Bus Conduct](#)  
[Bus Conduct](#)  
[Bullying](#)  
[Bullying](#)  
[Use Of Seclusion And Restraint](#)  
[Vandalism And Graffiti](#)  
[Alcohol And Other Drugs](#)  
[Alcohol And Other Drugs](#)  
[Tobacco](#)  
[Weapons And Dangerous Instruments](#)  
[Weapons And Dangerous Instruments](#)  
[Mobile Communication Devices](#)  
[Academic Honesty](#)  
[Dress And Grooming](#)  
[Dress And Grooming](#)  
[Positive School Climate](#)  
[Child Abuse Prevention And Reporting](#)  
[Child Abuse Prevention And Reporting](#)  
[Child Abuse Prevention And Reporting](#)  
[Suicide Prevention](#)  
[Suicide Prevention](#)  
[Safety](#)  
[Safety](#)  
[Discipline](#)  
[Discipline](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process](#)  
[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)  
[Required Parental Attendance](#)  
[Required Parental Attendance](#)  
[Search And Seizure](#)  
[Freedom Of Speech/Expression](#)  
[Freedom Of Speech/Expression](#)  
[Nondiscrimination/Harassment](#)  
[Nondiscrimination/Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Sex Discrimination and Sex-Based Harassment](#)  
[Hate-Motivated Behavior](#)  
[Controversial Issues](#)  
[Extracurricular And Cocurricular Activities](#)

**Cross References**

6145

6145.5

6145.5

6145.8

6153

6153

6163.4

6163.4

6163.4-E PDF(1)

6163.4-E(1)

6164.2

**Description**[Extracurricular And Cocurricular Activities](#)[Student Organizations And Equal Access](#)[Student Organizations And Equal Access](#)[Assemblies And Special Events](#)[School-Sponsored Trips](#)[School-Sponsored Trips](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)

**Policy 5131.6: Alcohol And Other Drugs**

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee may develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

{cf. 0450 – Comprehensive Safety Plan}

{cf. 4020 – Drug and Alcohol-Free Workplace}

{cf. 5137 – Positive School Climate}

The Superintendent or designee may collaborate with the county office of education, community-based organizations, health providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation, and evaluation.

{cf. 1220 – Citizen Advisory Committees}

{cf. 1400 – Relations Between Other Governmental Agencies and the Schools}

{cf. 6020 – Parent Involvement}

Prevention and intervention programs and activities may include, but are not limited to: (20 USC 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of alcohol, tobacco, cannabis, smokeless tobacco products, vaping devices and electronic cigarettes

{cf. 5131.62 – Tobacco}

2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

3. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse

### Intervention, Referral, and Student Assistance Programs

The Governing Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her the student's parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use, including that, in accordance with Education Code 48900, students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended.

{cf. 5141.52 – Suicide Prevention}

### Opioid Antagonists

Students in middle school, junior high school, high school, or adult school, may carry fentanyl test strips or a federally approved opioid antagonist for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose, while on a school site or participating in a school activity. (Education Code 49414.6)

Additionally, students 12 years of age or older, while on a school site or participating in school activities, may carry and administer a naloxone hydrochloride nasal spray or any other opioid overdose reversal medication that is federally approved for over-the counter nonprescription use for the purpose of providing emergency treatment to

persons who are suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.35)

**Enforcement/and Discipline**

Students Unless otherwise authorized by law, students shall not possess, use, or sell alcohol, tobacco, vaping or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

{cf. 3513.3 – Tobacco-Free Schools}

{cf. 3513.4 – Drug and Alcohol-Free Schools}

{cf. 5131 – Conduct}

{cf. 5131.61 – Drug Testing}

{cf. 5131.63 – Steroids}

{cf. 5145.11 – Questioning and Apprehension by Law Enforcement}

{cf. 5145.12 – Search and Seizure}

The Superintendent or designee shall clearly communicate to all students, staff, and parents/guardians the Eden Area Regional Occupational Program (Eden Area ROP)'s policies, regulations, and rules related to the use of alcohol and other drugs.

Any student found by the Governing Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be expelled in accordance with BP/AR 5144.1 – Suspension and Expulsion/Due Process. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to appropriate behavioral interventions or student assistance programs, and may be subject to discipline on a case-by-case basis.

{cf. 5144 - Discipline}

{cf. 5144.1 – Suspension and Expulsion/Due Process}

{cf. 6145 – Extracurricular and Cocurricular Activities}

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. Code 25608	<a href="#">Alcohol on school property; use in connection with instruction</a>
Ed. Code 32282	School safety plans
Ed. Code 44049	<a href="#">Known or suspected alcohol or drug abuse by student</a>
Ed. Code 44645	<a href="#">In-service training anabolic steroids</a>
Ed. Code 48900	<a href="#">Grounds for suspension or expulsion</a>
Ed. Code 48900.5	<a href="#">Suspension, limitation on imposition; exception</a>
Ed. Code 48901	<a href="#">Smoking or use of tobacco prohibited</a>
Ed. Code 48901.5	<a href="#">Prohibition of electronic signaling devices</a>
Ed. Code 48902	<a href="#">Notification of law enforcement authorities; civil or criminal immunity</a>
Ed. Code 48909	<a href="#">Narcotics or other hallucinogenic drugs</a>
Ed. Code 48915	<a href="#">Expulsion; particular circumstances</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985.5	Fentanyl and synthetic drugs danger notification



**State**

Ed. Code 49414.35	Opioid antagonist use by students
Ed. Code 49414.4	Alternatives to law enforcement referrals for opioid misuse
Ed. Code 49414.6	Opioid antagonist possession
Ed. Code 49428.16	County Working Group on Fentanyl Education in Schools
Ed. Code 49602	<a href="#">Counseling and confidentiality of student information</a>
Ed. Code 51202	<a href="#">Instruction in personal and public health and safety</a>
Ed. Code 51203	<a href="#">Instruction on alcohol, narcotics and restricted dangerous drugs</a>
Ed. Code 51210	<a href="#">Course of study for grades 1-6</a>
Ed. Code 51220	<a href="#">Areas of study; grades 7 to 12</a>
Ed. Code 51225.38	Health education; fentanyl instruction
Ed. Code 51260-51269	<a href="#">Drug education</a>
Ed. Code 60041	<a href="#">Instructional materials</a>
Ed. Code 60110-60115	<a href="#">Instructional materials on alcohol and drug education</a>
H&S Code 11032	<a href="#">Narcotics, restricted dangerous drugs and marijuana</a>
H&S Code 11053-11059	<a href="#">Controlled substances; standards and schedules</a>
H&S Code 11353.6	<a href="#">Juvenile Drug Trafficking and Schoolyard Act</a>
H&S Code 11357	<a href="#">Unauthorized possession of marijuana; possession in school or on school grounds</a>
H&S Code 11361.5	<a href="#">Destruction of arrest or conviction records</a>
H&S Code 11372.7	<a href="#">Drug program fund; uses</a>
H&S Code 11802	<a href="#">Joint school-community alcohol abuse primary education and prevention program</a>
H&S Code 11999-11999.3	<a href="#">Alcohol and drug program funding; no unlawful use</a>
H&S Code 124175-124200	<a href="#">Adolescent family life program</a>
Pen. Code 13860-13864	<a href="#">Suppression of drug abuse in schools</a>
Veh. Code 13202.5	<a href="#">Drug and alcohol related offenses by persons under age of 21, but aged 13 or over</a>
W&I Code 828	<a href="#">Disclosure of information regarding minors</a>
W&I Code 828.1	<a href="#">Disclosure of criminal records; protection of vulnerable staff and students</a>

**Federal**

20 USC 5812	<a href="#">National education goals</a>
20 USC 7101-7122	Student Support and Academic Enrichment Grants

**Management Resources**

Website	<a href="#">U.S. Department of Education, Student Support and Academic Enrichment Program</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, Alcohol, Tobacco and Other Drug Prevention</a>
Website	<a href="#">California Healthy Kids Resource Center</a>

**Cross References**

	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1325	<a href="#">Advertising And Promotion</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3290	<a href="#">Gifts, Grants And Bequests</a>
3513.4	<a href="#">Drug And Alcohol Free Schools</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5131	<a href="#">Conduct</a>
5131.61	<a href="#">Drug Testing</a>
5131.62	<a href="#">Tobacco</a>
5137	<a href="#">Positive School Climate</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>
5145.11	<a href="#">Questioning And Apprehension By Law Enforcement</a>
5145.12	<a href="#">Search And Seizure</a>
5146	<a href="#">Married/Pregnant/Parenting Students</a>
6143	<a href="#">Courses Of Study</a>
6164.2	<a href="#">Guidance/Counseling Services</a>

**Regulation 5131.6: Alcohol And Other Drugs**

Status: DRAFT

Original Adopted Date: 06/05/2020

**Intervention**

Eden Area Regional Occupational Program (Eden Area ROP) staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the Superintendent or designee.

If the Superintendent or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she the Superintendent or designee may notify the student's parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the Superintendent or parent/guardian only when he/she the counselor believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she the counselor believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

(cf. 5022 – Student and Family Privacy Rights)

(cf. 5141 – Health Care and Emergencies)

(cf. 6164.2 – Guidance/Counseling 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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

**Description**

Bus. Code 25608	<a href="#">Alcohol on school property; use in connection with instruction</a>
Ed. Code 32282	School safety plans
Ed. Code 44049	<a href="#">Known or suspected alcohol or drug abuse by student</a>
Ed. Code 44645	<a href="#">In-service training anabolic steroids</a>
Ed. Code 48900	<a href="#">Grounds for suspension or expulsion</a>
Ed. Code 48900.5	<a href="#">Suspension, limitation on imposition; exception</a>
Ed. Code 48901	<a href="#">Smoking or use of tobacco prohibited</a>
Ed. Code 48901.5	<a href="#">Prohibition of electronic signaling devices</a>
Ed. Code 48902	<a href="#">Notification of law enforcement authorities; civil or criminal immunity</a>
Ed. Code 48909	<a href="#">Narcotics or other hallucinogenic drugs</a>
Ed. Code 48915	<a href="#">Expulsion; particular circumstances</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985.5	Fentanyl and synthetic drugs danger notification
Ed. Code 49414.35	Opioid antagonist use by students
Ed. Code 49414.4	Alternatives to law enforcement referrals for opioid misuse
Ed. Code 49414.6	Opioid antagonist possession
Ed. Code 49428.16	County Working Group on Fentanyl Education in Schools
Ed. Code 49602	<a href="#">Counseling and confidentiality of student information</a>

**State**

Ed. Code 51202	<a href="#">Instruction in personal and public health and safety</a>
Ed. Code 51203	<a href="#">Instruction on alcohol, narcotics and restricted dangerous drugs</a>
Ed. Code 51210	<a href="#">Course of study for grades 1-6</a>
Ed. Code 51220	<a href="#">Areas of study; grades 7 to 12</a>
Ed. Code 51225.38	Health education; fentanyl instruction
Ed. Code 51260-51269	<a href="#">Drug education</a>
Ed. Code 60041	<a href="#">Instructional materials</a>
Ed. Code 60110-60115	<a href="#">Instructional materials on alcohol and drug education</a>
H&S Code 11032	<a href="#">Narcotics, restricted dangerous drugs and marijuana</a>
H&S Code 11053-11059	<a href="#">Controlled substances; standards and schedules</a>
H&S Code 11353.6	<a href="#">Juvenile Drug Trafficking and Schoolyard Act</a>
H&S Code 11357	<a href="#">Unauthorized possession of marijuana; possession in school or on school grounds</a>
H&S Code 11361.5	<a href="#">Destruction of arrest or conviction records</a>
H&S Code 11372.7	<a href="#">Drug program fund; uses</a>
H&S Code 11802	<a href="#">Joint school-community alcohol abuse primary education and prevention program</a>
H&S Code 11999-11999.3	<a href="#">Alcohol and drug program funding; no unlawful use</a>
H&S Code 124175-124200	<a href="#">Adolescent family life program</a>
Pen. Code 13860-13864	<a href="#">Suppression of drug abuse in schools</a>
Veh. Code 13202.5	<a href="#">Drug and alcohol related offenses by persons under age of 21, but aged 13 or over</a>
W&I Code 828	<a href="#">Disclosure of information regarding minors</a>
W&I Code 828.1	<a href="#">Disclosure of criminal records; protection of vulnerable staff and students</a>

**Federal**

20 USC 5812	<a href="#">National education goals</a>
20 USC 7101-7122	Student Support and Academic Enrichment Grants

**Management Resources**

Website	<a href="#">U.S. Department of Education, Student Support and Academic Enrichment Program</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, Alcohol, Tobacco and Other Drug Prevention</a>
Website	<a href="#">California Healthy Kids Resource Center</a>

**Cross References**

0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1325	<a href="#">Advertising And Promotion</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3290	<a href="#">Gifts, Grants And Bequests</a>

**Cross References**

	<b>Description</b>
3513.4	<a href="#">Drug And Alcohol Free Schools</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5131	<a href="#">Conduct</a>
5131.61	<a href="#">Drug Testing</a>
5131.62	<a href="#">Tobacco</a>
5137	<a href="#">Positive School Climate</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>
5145.11	<a href="#">Questioning And Apprehension By Law Enforcement</a>
5145.12	<a href="#">Search And Seizure</a>
5146	<a href="#">Married/Pregnant/Parenting Students</a>
6143	<a href="#">Courses Of Study</a>
6164.2	<a href="#">Guidance/Counseling Services</a>

**Policy 5131.8: Mobile Communication Devices**

Status: DRAFT

Original Adopted Date: 02/03/2022

The Governing Board recognizes that the student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but and could be harmful and disruptive of the instructional program in some circumstances. The Board permits limited use When on campus or when under the supervision of district employees, students may use smartphones and other of mobile communication devices on campus in accordance with law and the following policy only as permitted under this policy.

- (cf. 0450-Comprehensive Safety Plan)
- (cf. 5131.2-Bullying)
- (cf. 5131.4-Student Disturbances)
- (cf. 5131.9-Academic Honesty)
- (cf. 5137-Positive School Climate)
- (cf. 5141.52-Suicide Prevention)
- (cf. 6163.4-Student Use of Technology)

Students may use cell phones, smart watches, pagers, smartphones or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any rules that individual applicable school sites may impose rules.

Mobile communication devices shall be turned off during instructional time.

However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education program

(cf. 6159-Individualized Education Program)

The Superintendent or designee may undertake measures or strategies in accordance with law, to limit student access to smartphones and other mobile communication devices on campus. (Education Code 48901.7)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person. When a school official reasonably suspects that a search of a student's mobile communication personal electronic device will turn up evidence of the student's violation of the law or school rules, such a search shall not be conducted searched without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in accordance with BP/AR 5145.12- Search and Seizure good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information, or when the search is otherwise permitted pursuant to Penal Cod 1546.1.

- (cf. 5145.12-Search and Seizure)
- (cf. 5145.2-Freedom of Speech/Expression)

When a student uses a mobile communication device in an unauthorized manner while at a school site or under the supervision and control of a district employee, the student may be disciplined and an the Eden Area Regional Occupational Program (Eden Area ROP) employee may temporarily confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or Eden Area ROP property or substantially disrupts school activities.

The Superintendent or designee shall inform students that the Eden Area ROP will not be responsible or liable for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

The Board shall review and, as necessary, update this policy at least once every five years. Any such review or update shall include significant stakeholder participation to ensure that the policy is responsive to the unique needs and desires of the school community.

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 300-307	<a href="#">Duties of students</a>
Civ. Code 1714.1	<a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a>
Ed. Code 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 35181	<a href="#">Governing board authority to set policy on responsibilities of students</a>
Ed. Code 35291-35291.5	<a href="#">Rules</a>
Ed. Code 44807	<a href="#">Teachers' duty concerning conduct of students</a>
Ed. Code 48900-48925	<a href="#">Suspension and expulsion</a>
Ed. Code 48901.5	<a href="#">Prohibition of electronic signaling devices</a>
Ed. Code 48901.7	<a href="#">Limitation or prohibition of student use of smartphones</a>
Ed. Code 48901.8	Limitation or prohibition of student use of social media
Ed. Code 51512	<a href="#">Prohibited use of electronic listening or recording device</a>

**State**

Pen. Code 1546.1  
 Pen. Code 288.2  
 Pen. Code 313  
 Pen. Code 647  
 Pen. Code 653.2  
 Veh. Code 23123-23124

**Federal**

20 USC 1681-1688

**Management Resources**

California Department of Education Publication  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 Court Decision  
 CSBA Publication  
 CSBA Publication  
 U.S. Department of Education Publication  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website

**Cross References**

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

**Description**

Electronic Communications Privacy Act  
[Harmful matter with intent to seduce](#)  
[Harmful matter](#)  
[Use of camera or other instrument to invade person's privacy; misdemeanor](#)  
[Electronic communication devices; threats to safety](#)  
[Prohibitions against use of electronic devices while driving](#)

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex

**Description**

[Bullying at School, 2003](#)  
 Safford Unified School District V. Redding (2009) 557 US 364  
 Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038  
 J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094  
 New Jersey v. T.L.O. (1985) 469 U.S. 325  
 Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503  
 Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010  
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)  
[Planning Together: A Playbook for Student Personal Device Policies, December 2024](#)  
[CSBA District and County Office of Education Legal Services](#)  
[National School Safety Center](#)  
[Center for Safe and Responsible Internet Use](#)  
[California Department of Education, Safe Schools](#)  
[CSBA](#)  
[U.S. Department of Education](#)

**Description**

[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Conduct](#)  
[Bullying](#)  
[Bullying](#)  
[Academic Honesty](#)  
[Positive School Climate](#)  
[Suicide Prevention](#)  
[Suicide Prevention](#)  
[Search And Seizure](#)  
[Freedom Of Speech/Expression](#)  
[Freedom Of Speech/Expression](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)  
[Student Use Of Technology](#)

**Policy 5141.52: Suicide Prevention**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 02/03/2022

The Governing Board recognizes that suicide is a leading cause of death among youth, that prevention is a collective effort that requires stakeholder engagement, and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior, its impact on students and families, and other trauma associated with suicide trauma, the Superintendent or designee shall develop measures, strategies, practices, and supports for suicide prevention, intervention, and postvention.

In developing and updating Eden Area ROP policy and procedures for suicide prevention, intervention, and postvention, the Superintendent or designee shall consult with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. (Education Code 215)

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include administrators, counselors, psychologists, social workers, nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the Eden Area Regional Occupational Program (Eden Area ROP) risk manager or insurance carrier. The Superintendent or designee may also collaborate with county and/or city governments in an effort to align Eden Area ROP policy with any existing community suicide prevention plans.

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, interns, school counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers
2. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships/relationships among students
3. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
4. Crisis intervention procedures/protocols for addressing suicide threats or attempts
5. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities/exceptional needs, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

Eden Area ROP employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging Eden Area ROP employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

The Board shall review, and update as necessary, this policy at least every five years. The Board may, at its discretion, review the policy more frequently. (Education Code 215)

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

**Description**

Ed. Code 215

[Suicide prevention policies](#)

Ed. Code 215.5

[Student identification cards; inclusion of safety hotlines](#)



**State**

Ed. Code 216	<a href="#">Suicide prevention online training programs</a>
Ed. Code 218.3	Training curriculum to support lesbian, gay, bisexual, queer, and questioning students
Ed. Code 234.6	<a href="#">Bullying and harassment prevention information</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49428.15	<a href="#">Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health</a>
Ed. Code 49428.2	Referral protocols for addressing student behavioral health concerns in grades 7-12; certification of youth behavioral health training for employees
Ed. Code 49428.5	<a href="#">Student mental health poster</a>
Ed. Code 49429	Telehealth technology in schools
Ed. Code 49602	<a href="#">Counseling and confidentiality of student information</a>
Ed. Code 49604	<a href="#">Suicide prevention training for school counselors</a>
Gov. Code 810-996.6	<a href="#">Government Claims Act</a>
Pen. Code 11164-11174.3	<a href="#">Child Abuse and Neglect Reporting Act</a>
W&I Code 5698	<a href="#">System of care for children and youth with serious emotional disturbance</a>
W&I Code 5850-5886	<a href="#">Children's Mental Health Services Act</a>

**Federal**

42 USC 290bb-33	Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021
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**Management Resources**

	<b>Description</b>
California Department of Education Publication	<a href="#">Telehealth Guidance for School Districts, July 2024</a>
California Department of Education Publication	<a href="#">Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students, February 2023</a>
California Department of Education Publication	<a href="#">Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019</a>
California Department of Education Publication	<a href="#">Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008</a>
CDC and Prevention Publication	<a href="#">School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009</a>
CDC Publication	<a href="#">Promoting Mental Health and Well-Being in Schools, December 2023</a>
Court Decision	Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554
CSBA Publication	<a href="#">Safe Schools Toolkit: Bullying and Cyberbullying, July 2024</a>
Each Mind Matters Publication	<a href="#">Making Headlines: Guide to Engaging the Media in Suicide Prevention in California, 2012</a>
Heard Alliance Publication	<a href="#">K-12 Toolkit for Mental Health Promotion and Suicide Prevention, 2021</a>
Mental Health Svcs Oversight & Accountability Pub	<a href="#">Accelerating Transformational Change: Strategic Plan for 2024-2027</a>
Mental Health Svcs Oversight & Accountability Pub	<a href="#">Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025</a>
Nat'l Assoc. of School Psychologists Publication	<a href="#">Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015</a>
Nat's Assoc. of School Psychologists Publication	<a href="#">Conducting a Virtual Suicide Assessment Checklist</a>

**Management Resources****Description**

Nat's Assoc. of School Psychologists Publication	<a href="#">Comprehensive School Suicide Prevention in a Time of Distance Learning, 2020</a>
Suicide Prevention Resource Center Publication	<a href="#">After a Suicide: A Toolkit for Schools, 2nd Edition, 2018</a>
U.S. Dept. of Health & Human Services Publication	<a href="#">Preventing Suicide: A Toolkit for High Schools, 2012</a>
U.S. Dept. of Health & Human Services Publication	<a href="#">National Strategy for Suicide Prevention, 2021</a>
USDOE Ofc for Civil Rights, USDOJ Civil Rights Pub	<a href="#">Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021</a>
Website	<a href="#">SchoolSafety.gov</a>
Website	<a href="#">California Department of Public Health, Office of Suicide Prevention</a>
Website	<a href="#">Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS)</a>
Website	<a href="#">CalHOPE Schools Initiative</a>
Website	<a href="#">California Surgeon General, Safe Spaces: Trauma-Informed Training</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Suicide Prevention Messaging</a>
Website	<a href="#">National Action Alliance for Suicide Prevention</a>
Website	<a href="#">Mental Health Services Oversight and Accountability Commission</a>
Website	<a href="#">HEARD Alliance</a>
Website	<a href="#">Each Mind Matters: California's Mental Health Movement</a>
Website	<a href="#">Crisis Text Line</a>
Website	<a href="#">California School Climate, Health, and Learning Surveys (CaSCHLS)</a>
Website	<a href="#">California Mental Health Services Authority</a>
Website	<a href="#">Suicide Prevention Lifeline</a>
Website	<a href="#">Suicide Prevention Resource Center</a>
Website	<a href="#">National Child Traumatic Stress Network</a>
Website	<a href="#">Substance Abuse and Mental Health Services Administration</a>
Website	<a href="#">Trevor Project</a>
Website	<a href="#">American Academy of Pediatrics</a>
Website	<a href="#">American Association of Suicidology</a>
Website	<a href="#">American Foundation for Suicide Prevention</a>
Website	<a href="#">American Psychological Association</a>
Website	<a href="#">California Department of Education, Mental Health</a>
Website	<a href="#">California Department of Health Care Services, Mental Health Services</a>
Website	<a href="#">Centers for Disease Control and Prevention, Mental Health</a>
Website	<a href="#">National Association of School Psychologists</a>
Website	<a href="#">National Institute for Mental Health</a>
Website	<a href="#">American School Counselor Association</a>

**Cross References****Description**

0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1112	<a href="#">Media Relations</a>

**Cross References****Description**

1220	<a href="#">Citizen Advisory Committees</a>
1220-E PDF(1)	<a href="#">Citizen Advisory Committees</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3515	<a href="#">Campus Security</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4331	<a href="#">Staff Development</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>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.8	<a href="#">Mobile Communication Devices</a>
5137	<a href="#">Positive School Climate</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>
5142	<a href="#">Safety</a>
5142	<a href="#">Safety</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(1)	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
6145.8	<a href="#">Assemblies And Special Events</a>

**Cross References**

6164.2

**Description**

[Guidance/Counseling Services](#)

**Regulation 5141.52: Suicide Prevention**

Status: DRAFT

Original Adopted Date: 06/05/2020 | Last Revised Date: 02/03/2022

**Definitions**

*Mental health professional* means an individual licensed or registered, or an intern or associate working towards licensure, by the Board of Behavioral Sciences or the Board of Psychology in the Department of Consumer Affairs. (Education Code 215)

*Student suicide crisis* means any of the following: (Education Code 215)

1. A student who is exhibiting suicidal thoughts or behaviors
2. A student who has completed a suicide risk assessment and is determined to be at risk of suicide
3. A student who is attempting to physically harm themselves or others

*School mental health professional* means a school employee with a clear or preliminary pupil personnel services credential with a specialization in school counseling, school social work, or school psychology, a credentialed school nurse, or a licensed, registered, or associate marriage and family therapist, professional clinical counselor, clinical social worker, educational psychologist, or psychologist under the supervision of a school employee with a pupil personnel services or administrative services credential. (Education Code 215)

**Staff Development**

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials Training materials may also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Additionally, staff development shall include research and information related to the following topics:

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with disabilities exceptional needs, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe or traumatic stressor or loss, family instability, impulsivity, and other factors
3. Identification of students who may be at risk of suicide, including, but not limited to, warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum, promoting mental and emotional health, reducing the stigma associated with mental illness, and using safe and effective messaging about suicide
6. The importance of early prevention and intervention in reducing the risk of suicide
7. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
8. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for constant monitoring and supervision of the student, during the time the student is in the school's physical custody, while the immediate referral of the student to medical or mental health services is being processed

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

### **Student Identification Cards**

Student identification cards for students in grades 9-12 shall include the 988 Suicide and Crisis Lifeline and National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line, and/or campus police or security, a local suicide prevention hotline telephone number, and/or a quick response (QR) code for the county's mental health resources website. (Education Code 215.5)

### **Intervention**

Students shall be encouraged to notify a teacher, principal, counselor, designated reporter, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal, school counselor, or designated reporter, who shall implement Eden Area ROP intervention protocols as appropriate.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, discussed, or referred to with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment, or to report child abuse and neglect as required by Penal Code 11164-11174.3. (Education Code 49602)

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision and providing comfort to the student until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate steps to ensure the student's readiness for return to school and determine the need for ongoing support.

### **Postvention**

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The Superintendent or designee shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed.

Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how to best discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the Eden Area ROP-designated spokesperson who shall not divulge confidential information. The Eden Area ROP's response shall not sensationalize suicide and shall focus on the Eden Area ROP's postvention plan and available resources.

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

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**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Ed. Code 215	<a href="#">Suicide prevention policies</a>
Ed. Code 215.5	<a href="#">Student identification cards; inclusion of safety hotlines</a>
Ed. Code 216	<a href="#">Suicide prevention online training programs</a>
Ed. Code 218.3	Training curriculum to support lesbian, gay, bisexual, queer, and questioning students
Ed. Code 234.6	<a href="#">Bullying and harassment prevention information</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Ed. Code 49428.15	<a href="#">Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health</a>
Ed. Code 49428.2	Referral protocols for addressing student behavioral health concerns in grades 7-12; certification of youth behavioral health training for employees
Ed. Code 49428.5	<a href="#">Student mental health poster</a>
Ed. Code 49429	Telehealth technology in schools
Ed. Code 49602	<a href="#">Counseling and confidentiality of student information</a>
Ed. Code 49604	<a href="#">Suicide prevention training for school counselors</a>
Gov. Code 810-996.6	<a href="#">Government Claims Act</a>
Pen. Code 11164-11174.3	<a href="#">Child Abuse and Neglect Reporting Act</a>
W&I Code 5698	<a href="#">System of care for children and youth with serious emotional disturbance</a>
W&I Code 5850-5886	<a href="#">Children's Mental Health Services Act</a>

<b>Federal</b>	<b>Description</b>
42 USC 290bb-33	Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2021

<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">Telehealth Guidance for School Districts, July 2024</a>
California Department of Education Publication	<a href="#">Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students, February 2023</a>
California Department of Education Publication	<a href="#">Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019</a>
California Department of Education Publication	<a href="#">Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008</a>

## Management Resources

## Description

CDC and Prevention Publication	<a href="#">School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009</a>
CDC Publication	<a href="#">Promoting Mental Health and Well-Being in Schools, December 2023</a>
Court Decision	Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554
CSBA Publication	<a href="#">Safe Schools Toolkit: Bullying and Cyberbullying, July 2024</a>
Each Mind Matters Publication	<a href="#">Making Headlines: Guide to Engaging the Media in Suicide Prevention in California, 2012</a>
Heard Alliance Publication	<a href="#">K-12 Toolkit for Mental Health Promotion and Suicide Prevention, 2021</a>
Mental Health Svcs Oversight & Accountability Pub	<a href="#">Accelerating Transformational Change: Strategic Plan for 2024-2027</a>
Mental Health Svcs Oversight & Accountability Pub	<a href="#">Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025</a>
Nat'l Assoc. of School Psychologists Publication	<a href="#">Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015</a>
Nat's Assoc. of School Psychologists Publication	<a href="#">Conducting a Virtual Suicide Assessment Checklist</a>
Nat's Assoc. of School Psychologists Publication	<a href="#">Comprehensive School Suicide Prevention in a Time of Distance Learning, 2020</a>
Suicide Prevention Resource Center Publication	<a href="#">After a Suicide: A Toolkit for Schools, 2nd Edition, 2018</a>
U.S. Dept. of Health & Human Services Publication	<a href="#">Preventing Suicide: A Toolkit for High Schools, 2012</a>
U.S. Dept. of Health & Human Services Publication	<a href="#">National Strategy for Suicide Prevention, 2021</a>
USDOE Ofc for Civil Rights, USDOJ Civil Rights Pub	<a href="#">Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19, October 2021</a>
Website	<a href="#">SchoolSafety.gov</a>
Website	<a href="#">California Department of Public Health, Office of Suicide Prevention</a>
Website	<a href="#">Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS)</a>
Website	<a href="#">CalHOPE Schools Initiative</a>
Website	<a href="#">California Surgeon General, Safe Spaces: Trauma-Informed Training</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Suicide Prevention Messaging</a>
Website	<a href="#">National Action Alliance for Suicide Prevention</a>
Website	<a href="#">Mental Health Services Oversight and Accountability Commission</a>
Website	<a href="#">HEARD Alliance</a>
Website	<a href="#">Each Mind Matters: California's Mental Health Movement</a>
Website	<a href="#">Crisis Text Line</a>
Website	<a href="#">California School Climate, Health, and Learning Surveys (CalSCHLS)</a>
Website	<a href="#">California Mental Health Services Authority</a>
Website	<a href="#">Suicide Prevention Lifeline</a>
Website	<a href="#">Suicide Prevention Resource Center</a>
Website	<a href="#">National Child Traumatic Stress Network</a>
Website	<a href="#">Substance Abuse and Mental Health Services Administration</a>
Website	<a href="#">Trevor Project</a>
Website	<a href="#">American Academy of Pediatrics</a>
Website	<a href="#">American Association of Suicidology</a>



**Management Resources**

Website	<a href="#">American Foundation for Suicide Prevention</a>
Website	<a href="#">American Psychological Association</a>
Website	<a href="#">California Department of Education, Mental Health</a>
Website	<a href="#">California Department of Health Care Services, Mental Health Services</a>
Website	<a href="#">Centers for Disease Control and Prevention, Mental Health</a>
Website	<a href="#">National Association of School Psychologists</a>
Website	<a href="#">National Institute for Mental Health</a>
Website	<a href="#">American School Counselor Association</a>

**Cross References**

	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1112	<a href="#">Media Relations</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220-E PDF(1)	<a href="#">Citizen Advisory Committees</a>
1240	<a href="#">Volunteer Assistance</a>
1240	<a href="#">Volunteer Assistance</a>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3515	<a href="#">Campus Security</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4331	<a href="#">Staff Development</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>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.6	<a href="#">Alcohol And Other Drugs</a>
5131.8	<a href="#">Mobile Communication Devices</a>
5137	<a href="#">Positive School Climate</a>
5141	<a href="#">Health Care And Emergencies</a>
5141	<a href="#">Health Care And Emergencies</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>

**Cross References**

5141.4

5141.4-E PDF(1)

5142

5142

5145.3

5145.3

5145.7

5145.7

5145.71

5145.71-E(1)

5145.9

6145.8

6164.2

**Description**[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Safety](#)[Safety](#)[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](#)[Hate-Motivated Behavior](#)[Assemblies And Special Events](#)[Guidance/Counseling Services](#)

**Policy 5145.13: Response To Immigration Enforcement**

Status: DRAFT

Original Adopted Date: 06/05/2020

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

Eden Area Regional Occupational Program (Eden Area ROP) staff shall not solicit or collect information or documents, and shall not seek or require information or documents to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of students a student or their the student's family members or provide assistance with immigration enforcement, except as may be required by state and federal law. (Education Code 234.7)

{cf. 5111 – Admission}

{cf. 5111.1 – District Residency}

No In accordance with law, Board Policy 0410 - Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 - Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities, nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the Eden Area ROP's programs and activities on the basis of his/her immigration status the student's or family's immigration status or for the refusal to provide information related to the student's or family's immigration status. (Education Code 200, 220, 234.1)

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 national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

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

{cf. 5131.2 – Bullying}

{cf. 5145.3 – Nondiscrimination/Harassment}

{cf. 5145.9 – Hate-Motivated Behavior}

The Superintendent or designee shall notify parents/guardians regarding their student's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

{cf. 5145.6 – Parental Notifications}

Consistent with requirements of the California Office of the Attorney General, the The Superintendent or designee shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to Eden Area ROP records, sites, or students for the purpose of immigration enforcement.

{cf. 1340 – Access to District Records}

{cf. 3580 – District Records}

{cf. 5125 – Student Records}

{cf. 5125.1 – Release of Directory Information}

Teachers, school administrators, and other school staff shall receive The Superintendent or designee may provide training to staff regarding immigration issues, including information on responding to a request from an immigration a law enforcement officer to visit a school site or to have access to a student.

{cf. 4131 – Staff Development}

{cf. 4231 – Staff Development}

{cf. 4331 – Staff Development}

The Superintendent or designee shall report to the Governing Board in a timely manner any requests for information

or access to a school site by **an officer or employee of** a law enforcement **agency officer** for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

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

<b>State</b>	<b>Description</b>
Ed. Code 200	<a href="#">Equal rights and opportunities in state educational institutions</a>
Ed. Code 220	<a href="#">Prohibition of discrimination</a>
Ed. Code 234.1	<a href="#">Student protections relating to discrimination, harassment, intimidation, and bullying</a>
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 48204.4	<a href="#">Evidence of residency for school enrollment</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Gov. Code 8310.3	<a href="#">California Religious Freedom Act</a>
Pen. Code 422.55	<a href="#">Definition of hate crime</a>
Pen. Code 627-627.10	<a href="#">Access to school premises</a>

<b>Federal</b>	<b>Description</b>
20 USC 1232g	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>

<b>Management Resources</b>	<b>Description</b>
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, December 2024</a>
Court Decision	Plyler v. Doe (1982) 457 U.S. 202
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Immigration and Customs Enforcement, Online Detainee Locator System</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">U.S. Immigration and Customs Enforcement</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">California Civil Rights Department</a>

<b>Cross References</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
1250	<a href="#">Visitors/Outsiders</a>
1250	<a href="#">Visitors/Outsiders</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>

**Cross References**

5111

5125

5125

5125.1

5125.1

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5141.4-E PDF(1)

5142

5142

5145.12

5145.3

5145.3

5145.6

5145.6-E(1)

6143

**Description**[Admission](#)[Student Records](#)[Student Records](#)[Release Of Directory Information](#)[Release Of Directory Information](#)[Health Care And Emergencies](#)[Health Care And Emergencies](#)[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Child Abuse Prevention And Reporting](#)[Safety](#)[Safety](#)[Search And Seizure](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Courses Of Study](#)

**Regulation 5145.13: Response To Immigration Enforcement**

Status: DRAFT

Original Adopted Date: 06/05/2020

Responding to Requests for Immigration-Related Information or Documents

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the Eden Area ROP will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

(cf. 1340 – Access to District Records)

(cf. 3580 – District Records)

(cf. 5125 – Student Records)

(cf. 5125.1 – Release of Directory Information)

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, Eden Area ROP staff shall:

1. Notify the Superintendent or designee about the information request
2. Provide students and families with appropriate notice and a description of the immigration officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the Eden Area ROP or in cases involving investigations of child abuse, neglect, or dependency

(cf. 5141.4 – Child Abuse Prevention and Reporting)

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 national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

Upon receiving any verbal or written request for information or documents related to a student's or family's immigration or citizenship status, Eden Area Regional Occupational Program (Eden Area ROP) staff shall:

1. Record or otherwise document the request and notify the Superintendent or designee about the request
2. Provide the student's parent/guardian or, if the student is at least 18 years old, the student, with notice, a description of the request, and any documentation provided to the Eden Area ROP describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

Information or documents related to a student's immigration or citizenship status shall not be disclosed to a law enforcement officer without consent by the parent/guardian or, if the student is at least 18 years old, by the student, a court order, or judicial subpoena/warrant. To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian, or student if the student is at least 18 years old
2. A description of the records to be disclosed
3. The reason for the release of information
4. The parties or class of parties receiving the information
5. A copy of the records to be released, if requested by the parent/guardian or student

In accordance with law and Board Policy 5125 - Student Records, the Superintendent or designee shall annually notify parents/guardians that the Eden Area ROP will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena/warrant.

### Responding to Requests for Access to Students or School Grounds

Eden Area ROP staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

(cf. 5145.12 – Search and Seizure)

All visitors and outsiders, including immigration enforcement officers, shall register with the Superintendent or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the Superintendent or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)

(cf. 1250 – Visitors/Outsiders)

Eden Area ROP staff shall receive parent/guardian consent or, if the student is at least 18 years old, the student's consent, before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes, unless the officer presents a court order or a judicial warrant.

A student's parent/guardian shall be immediately notified when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes, unless prohibited by a court order or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

A law enforcement officer who requests to enter Eden Area ROP property which is not open to all visitors shall register in accordance with Board Policy 1250 - Visitors/Outsiders, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)

As early as possible, Eden Area ROP staff shall notify the Superintendent or designee of any immigration enforcement-related request by a law enforcement officer for access to a student or to Eden Area ROP property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

### Responding to Law Enforcement Officers on Eden Area ROP Property

Eden Area ROP staff shall report the presence of any law enforcement officer on Eden Area ROP property for immigration enforcement officers purposes to the appropriate administrators.

(cf. 3515.3 – District Police/Security Department)

As early as possible, Eden Area ROP staff shall notify the Superintendent or designee of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, Eden Area ROP staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, Eden Area ROP staff shall take the following actions when such an officer is actually or imminently present on Eden Area ROP property for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent, principal, or designee, except under exigent circumstances that necessitate immediate action
2. Request to see and record or otherwise document the officer's credentials, including his/her the officer's name and badge number, and the phone number of the officer's supervisor, and note or make a copy

of all such information

3. Ask the officer for, his/her and then record or otherwise document, the officer's reason for being on school grounds and document the response Eden Area ROP property
4. Request that the officer produce any documentation that authorizes his/her the officer's school access, make copies of all such documentation, and retain at least one copy for Eden Area ROP records
5. Make a copy of all documents produced by the officer and retain one copy for school records Contact and consult with the Eden Area ROP's legal counsel or Superintendent or designee
6. Follow the direction from the Eden Area ROP's legal counsel or Superintendent or designee

If the officer declares that exigent circumstances exist and demands immediate access to the campus, Eden Area ROP staff shall comply with the officer's orders and immediately contact the Superintendent or designee and then the Eden Area ROP's legal counsel.

7. If Regardless of whether the officer does not declare declares that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows: Eden Area ROP staff shall not attempt to physically impede the officer, even if the officer appears to be acting outside the law or in excess of the officer's stated or documented authorization. If an officer enters the premises without consent, Eden Area ROP staff shall document the officer's actions while on campus but only to the extent that it does not impede the officer's actions.

- a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, Eden Area ROP staff shall inform the agent that they cannot consent to any request without first consulting with the Eden Area ROP's legal counsel or other designated Eden Area ROP official.
- b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, Eden Area ROP staff shall promptly comply with the warrant. If feasible, Eden Area ROP staff shall consult with the Eden Area ROP's legal counsel or Superintendent or designee before providing the officer with access to the person or materials specified in the warrant.
- c. If the officer has a subpoena for production of documents or other evidence, Eden Area ROP staff shall inform the Eden Area ROP's legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.

8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, Eden Area ROP staff shall document the officer's actions while on campus.

9. After the encounter with the officer, leaves Eden Area ROP property, Eden Area ROP staff shall promptly make written notes of all interactions with the officer, including:

1. A list or copy of the officer's credentials and contact information, if known
2. The identity of all school personnel who other Eden Area ROP staff known to have communicated with the officer
3. Details A description of the officer's request and activities
4. Whether the officer presented The type of documentation, such as a warrant or subpoena, to accompany his/her that authorized the officer's request or actions, what was requested in by the warrant or subpoena documentation, and whether the warrant or subpoena documentation was signed by a judge
5. Eden Area ROP staff's response to the officer's request
6. Any further action taken by the officer
7. A photo or copy Copies of any documents presented by the officer

10. Provide Eden Area ROP staff shall promptly provide a copy of these notes and any associated documents Eden



Area ROP staff has collected from the officer to the Eden Area ROP's legal counsel or other designated Eden Area ROP official designated by the Superintendent.

The Eden Area ROP's legal counsel or other designated official the Superintendent or designee shall submit a timely report to the Governing Board regarding the officer's requests and actions and the Eden Area ROP's responses. (Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

### Responding to the Detention or Deportation of Student's Family Member Parent/Guardian

The Superintendent or designee shall encourage students and their families parents/guardians to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable at any time. The Superintendent or designee shall notify students' families parents/guardians that the Eden Area ROP will only use information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

(cf. 5141 – Health Care and Emergencies)

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if Eden Area ROP personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The In an instance where a student's parent/guardian was detained or deported, the Superintendent or designee shall notify the student, whose parent/guardian was detained or deported as well as the individuals designated in the student's emergency contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance at the Eden Area ROP, provided that if the student and student's parent/guardian who was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure detained or deported satisfy the conditions as specified in (Education Code 48204.4).

(cf. 5111.1 – District Residency)

The Superintendent or designee may refer a student or his/her the student's family members to other resources for assistance, including, but not limited to, an ICE U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

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

State	Description
Ed. Code 200	<a href="#">Equal rights and opportunities in state educational institutions</a>
Ed. Code 220	<a href="#">Prohibition of discrimination</a>
Ed. Code 234.1	<a href="#">Student protections relating to discrimination, harassment, intimidation, and bullying</a>
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 48204.4	<a href="#">Evidence of residency for school enrollment</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Gov. Code 8310.3	<a href="#">California Religious Freedom Act</a>

**State**

Pen. Code 422.55  
 Pen. Code 627-627.10

**Description**

[Definition of hate crime](#)  
[Access to school premises](#)

**Federal**

20 USC 1232g

**Description**

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

**Management Resources**

CA Office of the Attorney General Publication

**Description**

[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, December 2024](#)

Court Decision

[Plyler v. Doe \(1982\) 457 U.S. 202](#)

Website

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

Website

[U.S. Immigration and Customs Enforcement, Online Detainee Locator System](#)

Website

[California Office of the Attorney General](#)

Website

[CSBA](#)

Website

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

Website

[U.S. Immigration and Customs Enforcement](#)

Website

[California Department of Education](#)

Website

[California Civil Rights Department](#)

**Cross References**

0410

[Nondiscrimination In District Programs And Activities](#)

1250

[Visitors/Outsiders](#)

1250

[Visitors/Outsiders](#)

1340

[Access To District Records](#)

1340

[Access To District Records](#)

3515.3

[District Police/Security Department](#)

3515.3

[District Police/Security Department](#)

5111

[Admission](#)

5125

[Student Records](#)

5125

[Student Records](#)

5125.1

[Release Of Directory Information](#)

5125.1

[Release Of Directory Information](#)

5141

[Health Care And Emergencies](#)

5141

[Health Care And Emergencies](#)

5141.4

[Child Abuse Prevention And Reporting](#)

5141.4

[Child Abuse Prevention And Reporting](#)

5141.4-E PDF(1)

[Child Abuse Prevention And Reporting](#)

5142

[Safety](#)

5142

[Safety](#)

5145.12

[Search And Seizure](#)

**Cross References**

5145.3

5145.3

5145.6

5145.6-E(1)

6143

**Description**[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Courses Of Study](#)

**Bylaw 9260: Legal Protection**

Status: DRAFT

Original Adopted Date: 06/05/2020

**Liability Insurance**

The Governing Board shall provide insurance necessary to protect Governing Board members and employees while acting from liability caused by a negligent act or omission that occurs within the scope of their the Board member's office or employment in accordance with Education Code 35208.

(cf. 3530 – Risk Management/Insurance)

**Protection Against Personal Liability**

No Governing Board member shall be liable for any harm caused by his/her the Board member's negligent act or omission when acting within the scope of Eden Area Regional Occupational Program (Eden Area ROP) the Board member's responsibilities, including, but not limited to, Board responsibilities as specified in Board Bylaw 9000 – Role Of The Board. Additionally, no Board member shall be vicariously liable for injuries caused by the Eden Area ROP's acts or omissions. (Education Code 35208; Government Code 820.9)

In addition, no Board member shall be liable for any harm caused by the Board member's act or omission must be if the Board member was acting within the scope of the Board member's responsibilities, made in conformity with federal, state, and local laws, and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 67367946)

The This protection against liability shall not apply when: (20 USC 67367946)

1. 1. The Governing Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. 2. The Governing Board member caused harm by operating a motor vehicle.
3. 3. The Governing Board member was not properly licensed, if required, by the State for such activities.
4. 4. The Governing Board member was found by a court to have violated a federal or state civil rights law.
5. 5. The Governing Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. 6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Governing Board member has been convicted in a court.
7. 7. The misconduct involved a sexual offense for which the Governing Board member has been convicted in a court.

Nothing in this Board bylaw is intended to protect a Board member from criminal or civil liability for injury caused by the Board member's own wrongful conduct, for certain violations of law, including the Brown Act, or for liability from the requirement to reimburse the Eden Area ROP under certain circumstances as specified in law. (Government Code 820.9, 825, 825.6, 54959, 54960)

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Ed. Code 17029.5	<a href="#">Contract funding: board liability</a>
Ed. Code 35208	<a href="#">Liability insurance</a>
Ed. Code 35214	<a href="#">Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)</a>
Gov. Code 1090-1098	<a href="#">Prohibitions applicable to specified officers</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>

**State**

Gov. Code 815.3  
Gov. Code 820-823  
Gov. Code 825-825.6  
Gov. Code 87100-89503

**Description**

[Intentional torts](#)  
[Tort claims act](#)  
Indemnification of elected officials  
[Conflicts of interest](#)

**Federal**

18 USC 16  
20 USC 7941-7948

**Description**

[Crime of violence; definition](#)  
Teacher liability protection

**Management Resources**

Court Decision  
Website

**Description**

Caldwell v. Montoya (1995) 10 Cal 4th 972  
[CSBA District and County Office of Education Legal Services](#)

**Cross References**

3530  
3530  
4119.1  
4219.1  
4319.1  
9000  
9124  
9323.2  
9323.2-E(1)

**Description**

[Risk Management/Insurance](#)  
[Risk Management/Insurance](#)  
[Civil And Legal Rights](#)  
[Civil And Legal Rights](#)  
[Civil And Legal Rights](#)  
[Role Of The Board](#)  
[Attorney](#)  
[Actions By The Board](#)  
[Actions By The Board](#)

# ACTION ITEMS

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**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Anthony Oum, Fiscal Services Administrator  
**SUBJECT:** Request the Governing Board to approve the Annual Independent Auditor's Report for the Fiscal Year Ending June 30, 2024

## **BACKGROUND**

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Pursuant to the standards for financial and compliance audits, the Eden Area ROP is audited by an independent auditor in compliance with the Government Auditing Standards, issued by the Controller General of the United States, and Standards and Procedures for Audits of California K-12 Local Educational Agencies, as prescribed by the State Controller.

## **CURRENT SITUATION**

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For the Fiscal Year ending June 30, 2024, the Eden Area ROP exhibits compliance with the Governmental Accounting Standards Board (GASB) Statement No. 34 – Basic Financial Statement – and Management's Discussion and Analysis – for State and Local Governments. Included in the report is the Eden Area ROP management analysis of the Program's overall financial position called the Management Discussion and Analysis (MD&A). Per GASB Statement No. 34, fund financial statements now focus on major funds and they are prepared using the full accrual accounting method, including the reporting of major classes of capital assets.

The report is included under separate cover and is available for review by the public upon request.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the Annual Independent Auditor's Report for the fiscal year ending June 30, 2024.



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**SUBJECT:** Request the Governing Board to approve the Adoption of Resolution 9-24/25: Adopting a Conflict of Interest Code (Form E1 9270)

## **BACKGROUND**

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As a public education institution, it is legally required that an agency's conflict of interest code reflects the current structure of the agency and properly identifies all officials and employees who should be filing a Form 700. To ensure the codes remain current and accurate, each agency is required to review its conflict-of-interest code at least every other year - state agencies in odd-numbered years and local agencies in even-numbered years.

## **CURRENT SITUATION**

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At the December 12, 2024 Board meeting, the Board approved the resolution for the Conflict of Interest Code as part of our standard review cycle.

The Eden Area ROP is now presenting this resolution ahead of the next scheduled review in 2026 to align with recent updates from the California School Boards Association (CSBA) to Board Bylaw (BB) 9270 and Exhibit (E1) 9270: Conflict of Interest. These updates were approved by the Eden Area ROP Board on March 6, 2025. The attached resolution reflects the approved revisions to ensure compliance with the updated guidance.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the Adoption of Resolution 9-24/25: Adopting a Conflict of Interest Code (Form E1 9270).





# Eden Area ROP

## RESOLUTION NO. 9

### Adopting a Conflict of Interest Code (E1 9270)

**WHEREAS**, the Political Reform Act, Government Code 87300-87313, require each public agency in California including each school district, to adopt a conflict of interest code;

**WHEREAS**, a district is permitted to create its conflict of interest code by incorporating by reference the terms of 2 CCR 18730, along with a list of District Officials to whom the code applies and disclosure categories, in accordance with Government Code 87300 and 87306;

**WHEREAS**, the Governing Board of the Eden Area Regional Occupational Program (Eden Area ROP) has previously adopted a local conflict of interest code in this manner; and

**WHEREAS**, the Eden Area ROP has recently reviewed its list of District Officials, and the duties of each, and has determined that changes to the current conflict of interest code are necessary

**NOW THEREFORE BE IT RESOLVED** that the Governing Board of the Eden Area ROP adopts the following Conflict of Interest Code, including the accompanying Appendix of District Officials and Disclosure Categories

**BE IT FURTHER RESOLVED**, any earlier resolutions, bylaws, and/or appendices containing the Eden Area ROP's conflict of interest code are hereby rescinded and superseded by this Resolution and Appendix.

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 10<sup>th</sup> day of April 2025, by the following vote:

Board Member	Ayes	Noes	Abstentions	Absent
James Aguilar	_____	_____	_____	_____
Juan Campos	_____	_____	_____	_____
Sara E. Raymond	_____	_____	_____	_____
Kenneth Rawdon	_____	_____	_____	_____
<b>Totals</b>	_____	_____	_____	_____

Blaine Torpey, Superintendent  
 ROP Governing Board Clerk, Eden Area ROP  
 Alameda County, State of California

**Resolution No.9: Adopting a Conflict of Interest Code**  
 Page 1 of 4



## **Conflict of Interest Code (“Code”) of the Eden Area Regional Occupational Program (Eden Area ROP)**

The Political Reform Act (PRA) (Government Code 81000-87505) requires the Eden Area ROP to adopt a conflict of interest code. 2 CCR 18730 contains the terms of a conflict of interest code, which may be amended by the Fair Political Practices Commission (FPPC) to conform to amendments in the PRA. Therefore, the terms of 2 CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This Code and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Eden Area ROP.

District Officials, defined as those positions listed herein, shall file a Form 700 (also known as a Statement of Economic Interest) in accordance with the disclosure categories listed in the attached Appendix. The Form 700 shall be filed with the Eden Area ROP's filing officer and/or, if so required, with the Eden Area ROP's code reviewing body. The Eden Area ROP's filing officer shall make the statements available for public review and inspection.

### **APPENDIX**

#### **Disclosure Categories**

1. Category 1: A District Official designated “Category 1” shall disclose the following:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the Eden Area ROP
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the Eden Area ROP, or manufacture or sell supplies, books, machinery, or equipment of the type used by the Eden Area ROP
2. Category 2: A District Official designated Category 2 shall disclose the following:
  - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs

For a principal in this category, the principal's department is the principal's entire school.

3. Category 3 (Applicable to positions that "manage public investments," as defined by Government Code 87200): A District Official designated "Category 3" shall disclose, in accordance with Government Code 87200- 87210, the following:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the Eden Area ROP
  - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments

### **Designated Positions**

<b>District Officials</b>	<b>Disclosure Category</b>
Governing Board Members	1 or 3
Superintendent	1 or 3
Director of Adult Programs and Apprenticeships	2
Principal	2
Assistant Principal	2
Fiscal Services Administrator	1
Human Resources Administrator	2

### **Disclosures for Consultants**

The Superintendent or designee shall annually determine, on a case-by-case basis, which Eden Area ROP consultants, if any, shall constituent District Officials and who shall disclose financial interests. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the Eden Area ROP, makes a governmental decision whether to: (2 CCR 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law

3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the Eden Area ROP to enter into, modify, or renew a contract that requires Eden Area ROP approval
5. Grant Eden Area ROP approval to a contract that requires Eden Area ROP approval and in which the Eden Area ROP is a party, or to the specifications for such a contract
6. Grant Eden Area ROP approval to a plan, design, report, study, or similar item
7. Adopt or grant Eden Area ROP approval of Eden Area ROP policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the Eden Area ROP, serves in a staff capacity with the Eden Area ROP and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the Eden Area ROP that would otherwise be performed by an individual holding a position specified in the Eden Area ROP's conflict of interest code. (2 CCR 18700.3)



**DATE:** April 10, 2025  
**TO:** ROP Governing Board  
**FROM:** Blaine Torpey, Superintendent  
**PREPARED BY:** Mercedes Henderson, Human Resources Administrator  
**SUBJECT:** Request the Governing Board to approve the English Learner (EL) Coordinator (TOSA) Position and Job Description

## **BACKGROUND**

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The Eden Area ROP in collaboration with our partner districts was awarded a Round 7 Strong Workforce Program (SWP) Grant that is designed to increase English Learner student exposure, access, enrollment in Career Technical Education pathways specifically in the BACCC Healthcare and Business Sectors.

The Eden Area ROP English Learners (EL) Coordinator will supports the implementation of the K12 Strong Workforce Program Grant: Health and Business for English Learners (HB4EL). The EL Coordinator will increase English Learner student exposure to CTE, support increasing EL enrollment in CTE (specifically Health and Business sectors), and support building the institutional capacity of our consortium, in collaboration with Chabot College, to create EL specific K14 Pathway Maps with a focus on Long Term English Learners and Newcomers.

## **CURRENT SITUATION**

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To coordinate the intended services, Health and Business for English Learners (HB4EL) has been approved to fund a two-year (July 1, 2025 – June 30, 2027) Eden Area ROP Teacher on Special Assignment (TOSA) English Learner (EL) Coordinator.

The job description and position are being submitted for approval.

## **RECOMMENDATION**

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It is recommended that the Governing Board approve the English Learner (EL) Coordinator (TOSA) position and job description.

## JOB DESCRIPTION

**Mission Statement:**

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

<b>Job Title:</b>	<b>English Learner (EL) Coordinator (TOSA)</b>	<b>Reports to:</b>	<b>Educational Services Administrator</b>
<b>Job Location:</b>	<b>Hayward Center</b>	<b>Department:</b>	<b>Educational Services</b>

**Position Overview**

**Purpose:**

The English Learners (EL) Coordinator supports the implementation of the K12 Strong Workforce Program Grant: Health and Business for English Learners (HB4EL) July 1, 2025 – June 30, 2027. The EAROP EL TOSA will increase English Learner student exposure to CTE, support increasing EL enrollment in CTE (specifically Health and Business Sectors), and support building the institutional capacity of our consortium, in collaboration with Chabot College, to create EL specific K14 Pathway Maps with a focus on Long Term English Learners and Newcomers. This includes training CTE Instructors on EL instructional best practices, coordinating grant related activities and collecting, monitoring and evaluating data.

**Duties and Responsibilities:**

- Create a community of practice for partner district and Chabot College English Learner coordination staff
- Support the coordination of fields trips, Sector Days, and Work Based Learning opportunities for middle school and high school EL students
- Coordinate and provide Shadow Day opportunities for 8<sup>th</sup> and 9<sup>th</sup> grade students in ELD courses in Health and Business Sector Pathways
- Provide EL students at K12 sites with ELD class presentations on CTE, K14 Pathway Maps, and Health and Business Sector pathways.
- Provide PD for K12 Counselors on CTE access points for EL students at different classification levels
- Develop PD workshops to support EL/CTE instructional strategies
- Lead quarterly meetings between K12 and Chabot EL/ESL staff
- Coordinate K12 Health Sector Pathways and Chabot EL/Healthcare grant activities
- Coordinate the development and dissemination of information in EL student and family home languages including family information events
- Coordinate EL specific and culturally responsive WBL for EL students at K12 sites
- Monitor and evaluate enrollment and completion data
- Monitor deliverables and compliance in accordance with the Bay Area Community College Consortium (BACCC) and the Eden Area ROP Educational Services Department
- Develop effective relationships with staff and district partners to ensure the success of programs
- Represent the Eden Area ROP and partner districts interests at Bay Area Community College Consortium bi-weekly meetings
- Visit sites and classrooms related to grant goals and objectives
- Oversee and participate in the promotion of the Eden Area ROP with public entities and agencies
- Communicates regularly with educational services to discuss ways to most effectively assist curriculum, instruction and professional learning needs
- Monitor and review legal requirements and compliance related to programs and districts
- Establish and maintain clear communication and cooperative working relationships with staff, local school districts, regional and state administrators and other agencies through workshops, conferences, presentations, and site visitations
- Present concepts, status, and information to a variety of groups (e.g. funding requests, grant applications etc.) for the purpose of gaining the required administrative approval
- Responsible for classroom backup/coverage when necessary

## JOB DESCRIPTION

- Assist Educational Services administrators with all events
- Oversee grant programs budgets
- Make presentations to the Governing Board as needed
- Other duties as assigned

<b>Employment Type:</b>	<b>Full Time</b>	<b>Employment Category:</b>	<b>Certificated</b>
<b>Work Year:</b>	<b>185 work days</b>	<b>Days/Hours:</b>	<b>Monday-Friday 8:00am-4:00pm</b>

### Position Qualifications

#### Knowledge:

- English Learner pedagogy and best practices
- Career Technical Education
- Public school curriculum
- Community organizations
- Public and private funding sources
- Eden Area ROP practices and procedures, Eden Area ROP mission, goals and policies
- Operational and instructional principles of CTE/adult programs including work-based learning

#### Abilities:

- Demonstrate positive leadership and management skills
- Effective communication with students, staff and community
- Collaborate and maintain effective working relationships with self-directed decision-making ability
- Provide strong leadership with high personal/professional integrity
- Network, build strong partnerships and coordinate with district administrators, state level organizations, local legislators, City Councils, service clubs and Chambers of Commerce

#### Soft Skills:

- Trustworthiness; maintain confidentiality of privileged and sensitive information
- Strong, consistent work ethic; must be punctual and reliable
- Strong, positive communication and interaction skills when dealing with co-workers, students, administrators, parents and/or the community
- Problem solver; able to resolve problems quickly and professionally
- Extremely organized and successfully meeting deadlines

#### Education:

Bachelor's degree

#### Experience:

- Five (5) years' experience in a public school environment, with proven English Learner expertise
- Successful teaching and leadership experience, ROP experience with similar structure and demographics desired

#### Certifications/Credentials:

- Basic Driver License
- Valid CA Teacher Credential

#### Additional Requirements:

- Private transportation

## JOB DESCRIPTION

<b>Salary Schedule Placement:</b>	<b>Salary Placement Based on Education and Experience</b>	<b>Annual Benefits:</b>	<b>\$12,621.16</b> <b>*Mandatory Vision &amp; Dental deducted</b>
<b>Terms of Employment:</b>	<b>Year to year based on successful annual evaluation.</b>	<b>Governing Board Approved</b>	<b>TBD</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.