San Ysidro School District
Governing Board

AGENDA

Thursday,
November 9, 2023
5:00 p.m.

WELCOME
Welcome to the meeting of the San Ysidro School District Governing Board. As a courtesy to others, we ask that you turn the volume off on your cell phones and put them on vibrate during the Board meeting. Your cooperation is appreciated.

The Regular Meeting of the Governing Board will be held on Thursday, November 9, 2023, to conduct its business meeting in person at **Willow Elementary School - Auditorium, 226 Willow Road, San Ysidro, CA 92173** and by teleconference. Pursuant to AB2449, Trustee Irene Lopez will be attending the meeting virtually due to just cause. The Public may view this meeting by accessing the following link https://www.youtube.com/channel/UCGyF01068pwbhe-B5xnyl-A/videos. Public wanting to address the Governing Board telephonically may submit the Public Comment Request Form: https://forms.gle/uvWmXYgWbgwYm2Sy5 on or before Thursday, November 9, 2023 at 5:00 p.m. Any meeting participant who engages in disorderly conduct which disturbs the peace and good order of the meeting, or refuses to comply with the lawful orders of the Board may be ordered removed from the meeting, and may be guilty of a misdemeanor (Cal. Penal Code Sec. 403). To listen to this meeting in Spanish, please call 1 518-836-5338 and enter the access code 968 037 502#. Closed Session to be held at 5:00 p.m. to 6:00 p.m., and will reconvene into Open Session at 6:00 p.m. Closed Session will be conducted in accordance with applicable sections of California Law.

Willow School
Auditorium
226 Willow Road
San Ysidro, CA 92173

GENERAL ADMINISTRATION

SAN YSIDRO SCHOOL DISTRICT
4350 Otay Mesa Road San Ysidro, CA 92173
Phone Number: (619) 428-4476 Fax Number: (619) 428-1505

REGULAR MEETING OF THE GOVERNING BOARD
THURSDAY, SEPTEMBER 7, 2023
5:00 p.m.

Pursuant to Government Code Sections 54954 and 54954.2 and Education Code Section 35140, the Regular Meeting of the Governing Board was held on Thursday, September 7, 2023, to conduct its business meeting at **Vista Del Mar Middle School - Auditorium, 4885 Del Sol Blvd, San Diego, CA 92154.** Any meeting participant who engages in disorderly conduct which disturbs the peace and good order of the meeting, or refuses to comply with the lawful orders of the Board may be ordered removed from the meeting, and may be guilty of a misdemeanor (Cal. Penal Code Sec. 403). Closed Session to be held at 5:00 p.m. to 6:00 p.m., and will reconvene into Open Session at 6:00 p.m. Closed Session will be conducted in accordance with applicable sections of California Law.

THIS MEETING WILL BE TAPE RECORDED

MINUTES

1. CALL TO ORDER Who: Pallasigue Time: 5:00 p.m.

2. ROLL CALL by Gina A. Potter, Ed.D., Superintendent & Secretary to the Board
Board Members Present:
Mrs. Rosaleah Pallasigue, Board President
Mrs. Irene Lopez, Board Vice-President - *Arrived at 5:09 p.m.*
Mrs. Zenaida Rosario, Board Clerk - *Absent due to illness*
Mr. Rudy Lopez, Member
Mr. Antonio Martinez, Member

3. AGENDA
The Board approved the agenda with the following corrections:
- Pulled General Administration Agenda Item **13.18 LIMITED 1-TIME DELEGATION OF AUTHORITY – SINGLE CONTRACT: 2-SITE PLAYGROUND INSTALLATION AT LA MIRADA AND SMYTHE SITES**

Motion: Martinez Second: Pallasigue Vote: 3-0

4. PUBLIC COMMENT/COMMUNICATIONS ON CLOSED SESSION ITEMS
Please submit public comment forms prior to start of meeting at 5:00 p.m. Per Board Policy #9323, three (3) minutes may be allotted to each speaker and five (5) minutes for organizations to address
Closed Session Items Only. (Closed Session Items may be continued to the end of meeting if necessary.)

There were no public comments.

Board President Rosaleah Pallasigue made a motion to recess to Closed Session, seconded by Board Member Antonio Martinez. The vote was 3-0.

5. GOVERNING BOARD – RECESSED to CLOSED SESSION at 5:02 p.m. in accordance with section 54954.5 regarding:

5.1 GOVERNMENT CODE SECTION 54957.6 (Potter)
CONFERENCE WITH LABOR NEGOTIATORS
Agency Negotiators: Substitute Executive Director of Human Resources, Glenn Heath
Employee Organizations:
San Ysidro Education Association/CTA

California School Employees Association, Chapter 154
Unrepresented:
Administrators, Classified Management, Confidential/Supervisory

5.2 GOVERNMENT CODE SECTION 54957 (Potter)
PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/REASSIGNMENT

5.3 CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Legal Counsel)
Pursuant to Government Code Section 54956.9(d)(1)
Case: San Diegans for Open Government vs. San Ysidro School District, et. al.
Case No. 37-2017-00048800-CU-MC-CTL

5.4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Legal Counsel)
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:
No. of cases: 1

RECONVENED into OPEN SESSION at 6:07 p.m. to take action on items discussed in closed session, or to make disclosures of action taken in closed session, if any, as required by Government Code section 54957.7 and section 54957.1.

The Board had nothing to report from Closed Session.

6. CALL TO ORDER Who: Pallasigue Time: 6:07 p.m.

7. ROLL CALL by Gina A. Potter, Ed.D., Superintendent & Secretary to the Board
Board Members Present:
Mrs. Rosaleah Pallasigue, Board President
Mrs. Irene Lopez, Board Vice-President - *Arrived at 5:09 p.m.*
Mrs. Zenaida Rosario, Board Clerk - *Absent due to illness*
Mr. Rudy Lopez, Member
Mr. Antonio Martinez, Member

8. FLAG SALUTE by Rosaleah Pallasigue, Board President

9. BOARD RECOGNITION/DISTINGUISHED CHAMPIONS (Inzunza)
9.1 Instructional Media Resource Aides - Presented by Assistant Superintendent of Educational Leadership and Pupil Services, Russell Little
9.2 Vista Del Mar Middle School - "No Place for Hate" Team - Presented by Assistant Superintendent of Educational Leadership and Pupil Services, Russell Little & Vista Del Mar Middle School Principal Irene Herrera-Cevallos
9.3 Juanita Nuñez, 2023-2024 Project Lead The Way (PLTW) National Outstanding Teacher Award - Presented by Assistant Superintendent of Educational Leadership and Pupil Services, Russell Little

10. PUBLIC COMMENT/COMMUNICATIONS ON OPEN SESSION ITEMS

PLEASE SUBMIT PUBLIC COMMENT FORMS PRIOR TO START OF MEETING
Per Board Policy #9323, three (3) minutes may be allotted to each speaker and five (5) minutes for organizations to address **all of their items**. If translation services are required, please state that, and an additional one (1) minute will be allotted. **Approach the lectern and give your name.**

The public has the opportunity to address the Board on any item appearing on the agenda or not on the agenda. Persons wishing to address the Board are asked to fill out a ***Public Comment Form*** located at the sign-in area, and submit the completed form to the administrative assistant prior to start of the meeting.

Those who have a group concern are encouraged to select a spokesperson to address the Board. A copy of the full agenda is available for view at the Superintendent's Office located at 4350 Otay Mesa Road, San Ysidro, California. Also, at the district website: www.sysdschools.org.

Lilian Espinosa, Parent, Commented: 1) Expressed concerns regarding her children not being able to attend their home school of Ocean View Hills School due to the school being at capacity.

Georgina Ibarra, Custodian, Commented: 1) She has worked 15 years with the district. 2) Commented that Ocean View Hills offers a lot of after school program classes and always has high enrollment. 3) Shared concern regarding custodians cleaning a classroom or building, then it being occupied by the after school program and having to clean it again. 4) Asked if the district can look at compensation for these additional services.

Conrad Saul, Custodian, Commented: 1) He has worked 7 years with the district as a part time custodian at Vista Del Mar. 2) Expressed concerns with additional duties being added to the workload due to after school programs. 3) Asked if the district can provide additional pay or help with the additional duties.

Xochitl Campillo, Custodian, Commented: 1) She has worked for 16 years with the district as a custodian. 2) Supports all after school programs because it helps our students, however custodians haven't been compensated for additional duties and the workload increases. 3) My goal is to always have a clean school for our staff, students, parents and community. 4) Asked the district if custodians can look at compensation or help with the additional duties.

David Roman-Nichols, Parent, Commented: 1) Expressed concerns that the bathrooms are closed during passing periods and asked if the district can add staff to help with supervision so they are open. 2) Expressed concerns with drop off procedures at Vista Del Mar Middle School and asked if the district can add split starts next school year.

Fernanda Rios, CSEA Secretary, Commented: 1) Expressed concerns with district organizational structure specifically with the workload for the two Assistant Superintendents, Director of MOTF and Child Nutrition Services Coordinator. 2) Expressed concerns with longevity increases across the management team.

Karla Montanez-Meza, CSEA President, Commented: 1) Expressed concerns with custodian duties after school due to the after school programs and ELOP. Asked if custodians can be compensated for these additional duties.

11. ITEMS FROM THE BOARD & SUPERINTENDENT

Board President Pallasigue, Commented: 1) Thanked everyone for attending the board meeting. 2) Commended CSEA for advocating for their members. 3) Praised parents for advocating for their children.

Board Vice President Irene Lopez, Commented: 1) Thanked Vista Del Mar Principal Irene Herrera-Cevallos for hosting the board meeting. 2) Praised Juanita Nunez for her dedication to our district and students in the classroom. 3) Mentioned working together as a team to come up with solutions regarding the after school program. Perhaps teaching our children how to keep areas clean. 4) She would like to see other enrichment programs being brought back for our students such as art, drama, etc. 5) Understands the issue at Ocean View Hills due to overflow. 6) Expressed the importance of psychologists, social workers and counselors to address social-mental needs for our students.

Board Member Martinez, Commented: 1) Thanked Vista Del Mar Principal Irene Herrera-Cevallos for hosting the board meeting. 2) Commended Vista Del Mar Middle School's No Place for Hate message. 3) Thanked custodians for coming to the board meeting and speaking up regarding concerns. 4) Recommended an easel where parents can write their concerns and a Cabinet member would then be assigned to follow up. 5) Will begin to visit schools.

Board Member Rudy Lopez, Commented: 1) Thanked Vista Del Mar Principal Irene Herrera-Cevallos for hosting the board meeting. 2) Thanked everyone for attending the board meeting.

Superintendent Potter, Commented: 1) Thanked Vista Del Mar Principal Irene Herrera-Cevallos and team for hosting the board meeting. 2) Mentioned that the No Place for Hate pilot schools will be La Mirada Elementary and Vista Del Mar Middle School. 3) Thanked both parents for sharing their concerns. Mentioned that Assistant Superintendent Russell Little will be working with each of them to address their concerns. 4) Mentioned that the district values every custodian and is listening to their concerns. Shared that the state provided all districts with an increase of ELOP funding which caused the Pathways programs increased in all seven schools. Mentioned that Director of Educational Services Luis Ramos, Assistant Superintendent Dr. Iniguez and CSEA President Karla Montanez Meza will work together to come up with solutions. Asked custodians to provide Karla Montanez Meza with ideas and solutions and a meeting will be scheduled to begin to discuss. 5) Back to School Nights have been phenomenal. 6) Mentioned that only 38 teachers in the United States are selected to be the Project Lead The Way National Teacher of the Year and Juanita Nunez is commended for being one of them.

12. CONFERENCE SESSION

Reports/Presentations

12.1 2022-2023 Unaudited Actuals - Presented by Chief Business Official, Marilyn Adrianzen

13. GENERAL ADMINISTRATION

13.1 MINUTES (Potter)
The Board approved the minutes of the Regular Board Meeting of August 10, 2023 and minutes of the Special Board Meeting of August 28, 2023.

Motion: I. Lopez Second: Martinez Vote: 4-0

13.2 RESOLUTION NO. 23/24-0014 - NATIONAL HISPANIC HERITAGE MONTH (Potter)
The Board adopted Resolution No. 23/24-0014 designating September 2023 as National Hispanic Heritage Month in the San Ysidro School District.

Motion: Martinez Second: R. Lopez Vote: 4-0

13.3 NOMINATIONS - CSBA DIRECTORS-AT-LARGE AFRICAN AMERICAN AND AMERICAN INDIAN (Potter)
The Board accepted nominations for the CSBA Director-at-Large African American and American American.

Board President Rudy Lopez made a motion to nominate Chris Clark (Folsom-Cordova USD) for African American Director at Large and Christina Cameron-Otero (Needles USD) for American Indian at Large.

Motion: R. Lopez Second: Martinez Vote: 4-0

13.4 CONSOLIDATED APPLICATION FOR 2023-2024 (Adrianzen)
The Board approved the submission of the 2023-2024 Consolidated Application for categorical funding of Title I, II, III and IV.

Motion: R. Lopez Second: Martinez Vote: 4-0

13.5 UNAUDITED ACTUALS FINANCIAL REPORT FOR FISCAL YEAR 2022-23 (Adrianzen)
The Board approved the Unaudited Actuals Financial Report for fiscal year 2022-23.

Motion: I. Lopez Second: R. Lopez Vote: 4-0

13.6 RESOLUTION NO. 23/24-0015 ADOPTING THE "GANN" LIMIT (Adrianzen)
The Board approved Resolution No. 23/24-0015 adopting the Appropriation Limit (Gann Limit) for 2022-23 and 2023-24 Estimated Appropriations Limitation.

Motion: R. Lopez Second: I. Lopez Vote: 4-0

13.7 EDUCATION PROTECTION ACCOUNT EXPENDITURE REPORT FOR FISCAL YEAR 2022-23 (Adrianzen)
Information Only.

13.8 MEMORANDUM OF UNDERSTANDING BETWEEN SAN YSIDRO DISTRICT AND CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION REGARDING RETROACTIVE PAY FOR THE PATHWAYS PROGRAM (Heath)
The Board approved the Memorandum of Understanding between San Ysidro District and California School Employees Association regarding the retroactive pay for the Pathways Program.

Motion: Martinez Second: I. Lopez Vote: 4-0

13.9 OPEN PUBLIC HEARING – SAN YSIDRO EDUCATION ASSOCIATION'S INITIAL PROPOSAL TO SAN YSIDRO SCHOOL DISTRICT FOR SUCCESSOR CONTRACT NEGOTIATIONS (Heath)
The Board Opened the Public Hearing for the San Ysidro Education Association to open Article 9: Class Size, Article 13: Safety Conditions, Article 17: Consultation/Workload, and Article 18: Compensation and Fringe Benefits with the San Ysidro School District for successor negotiations.

There were no public comments.

Motion: Martinez Second: I. Lopez Vote: 4-0

13.10 CLOSE PUBLIC HEARING – SAN YSIDRO EDUCATION ASSOCIATION'S INITIAL PROPOSAL TO SAN YSIDRO SCHOOL DISTRICT FOR SUCCESSOR CONTRACT NEGOTIATIONS (Heath)
The Board Closed the Public Hearing for the San Ysidro Education Association to open Article 9: Class Size, Article 13: Safety Conditions, Article 17: Consultation/Workload, and Article 18: Compensation and Fringe Benefits with the San Ysidro School District for successor negotiations.

Motion: Martinez Second: R. Lopez Vote: 4-0

13.11 OPEN PUBLIC HEARING – SAN YSIDRO SCHOOL DISTRICT'S INITIAL PROPOSAL TO SAN YSIDRO EDUCATION ASSOCIATION FOR SUCCESSOR CONTRACT NEGOTIATIONS (Heath)
The Board Opened the Public for the San Ysidro School District to reopen Article 10: Hours, Article 12: Transfer and Reassignment, Article 15/Appendix G: Observation/Evaluation Procedures, and Article 28: Term with the San Ysidro Education Association.

There were no public comments.

Motion: I. Lopez Second: Martinez Vote: 4-0

13.12 CLOSE PUBLIC HEARING – SAN YSIDRO SCHOOL DISTRICT'S INITIAL PROPOSAL TO SAN YSIDRO EDUCATION ASSOCIATION FOR SUCCESSOR CONTRACT NEGOTIATIONS (Heath)
The Board Closed the Public Hearing for the San Ysidro School District to reopen Article 10 Hours, Article 12 Transfer and Reassignment, Article 15/Appendix G Observation/Evaluation Procedures, and Article 28 Term with the San Ysidro Education Association.

Motion: Martinez Second: I. Lopez Vote: 4-0

13.13 REVISED TEMPORARY CERTIFICATED MANAGEMENT CONTRACT/OFFER OF EMPLOYMENT FOR SUBSTITUTE/COACH FOR VARIOUS CERTIFICATED MANAGEMENT POSITIONS (Heath)
The Board approved the revised offer of employment contract for Manuela Colom as Substitute/Coach for Various Certificated Management Positions, effective as early as July 5, 2023.

Motion: Martinez Second: Pallasigue Vote: 4-0

13.14 APPROVE REVISED LOCAL CONTROL ACCOUNTABILITY PLAN (LCAP) WITH CORRECTIONS FOR SCHOOL YEAR 2023-2024 (Little)
The Board approved the Revised Local Control Accountability Plan (LCAP) with corrections for School Year 2023-2024.

Motion: Martinez Second: I. Lopez Vote: 4-0

13.15 BOND PERFORMANCE REPORT FOR GENERAL OBLIGATION BONDS MEASURES T & U (Adrianzen)
Information only.

13.16 REVISED ORGANIZATIONAL CHART (Potter)
The Board approved the revised Organizational Chart.

Motion: R. Lopez Second: Pallasigue Vote: 4-0

13.17 AB1200 MANAGEMENT AND CONFIDENTIAL STAFF (Adrianzen)
The Board approved/ratified the submittal of AB1200 for Management and Confidential Staff with the exception of the provision on the Doctoral Stipend language to the San Diego County Office of Education related to compensation and benefits.

Motion: Martinez Second: Pallasigue Vote: 4-0

13.18 LIMITED 1-TIME DELEGATION OF AUTHORITY – SINGLE CONTRACT: 2-SITE PLAYGROUND INSTALLATION AT LA MIRADA AND SMYTHE SITES (Iniguez) -
This agenda item was PULLED
Grant limited 1-time delegation of authority – single contract for the 2-Site Playground Installation project as long as the lowest responsible and responsive bid is at or below $1,500,000 with executed contract and other bid or award related actions taken to be presented for ratification and award at the next regularly scheduled Board meeting following the action.

13.19 OPEN ANNUAL PUBLIC HEARING REGARDING SUFFICIENCY OF INSTRUCTIONAL MATERIALS AND WILLIAMS SETTLEMENT LEGISLATION (Little)
The Board Opened the annual public hearing regarding Sufficiency of Instructional Materials and Williams Settlement Legislation for the 2023-2024 fiscal year.

There were no public comments.

Motion: Martinez Second: I. Lopez Vote: 4-0

13.20 CLOSE ANNUAL PUBLIC HEARING REGARDING SUFFICIENCY OF INSTRUCTIONAL MATERIALS AND WILLIAMS SETTLEMENT LEGISLATION (Little)
The Board Closed the annual public hearing regarding Sufficiency of Instructional Materials and Williams Settlement Legislation for the 2023-2024 fiscal year.

Motion: Pallasigue Second: I. Lopez Vote: 4-0

13.21 RESOLUTION 23/24-0012 DETERMINING SUFFICIENCY OF INSTRUCTIONAL MATERIALS FOR FISCAL YEAR 2023-2024 (Little)
The Board adopted Resolution No. 23/24–0012 determining Sufficiency of Instructional Materials for fiscal year 2023-2024.

Motion: I. Lopez Second: R. Lopez Vote: 4-0

13.22 RESOLUTION 23/24-0013 TO SUPPORT RED RIBBON WEEK, OCTOBER 23 – 31, 2023: "BE KIND TO YOUR MIND, LIVE DRUG FREE" (Little)
Approve Resolution No. 23/24-0013 to support the activities during the Red Ribbon week on October 23-31, 2023, with expenditures at the cost of $1,600.00 for bracelets from the General fund.

Motion: Martinez Second: I. Lopez Vote: 4-0

13.23 AB1200 FOR SUPERINTENDENT (Adrianzen)
The Board approved/ratified the submittal of AB1200 to the San Diego County of Education to provide a near equivalent salary schedule increase and health benefits to the Superintendent.

Motion: Pallasigue Second: Martinez Vote: 4-0

13.24 SEVENTH AMENDMENT TO EMPLOYMENT AGREEMENT WITH SUPERINTENDENT (Pallasigue/Adrianzen)
The Board took action on the seventh amendment of the Superintendent employment agreement. Superintendent's end date was extended to June 30, 2027. The contract will be amended to increase the Superintendent's salary by 4% retroactively to July 1, 2022. She will also receive a one-time 2% off-schedule payment based on the updated salary as of July 1, 2022. She will not receive an annual doctoral degree stipend in the amount of $1,500. Should she still be employed as Superintendent for the District as of the 10th anniversary of her hire date, she shall receive a 10-year longevity incentive salary increase of 3.6%. These changes are consistent with the negotiated salary modifications to the other labor groups.

Motion: Martinez Second: Pallasigue Vote: 4-0

14. CONSENT CALENDAR

The Board approved the Consent Calendar with the following changes:

1. Pulled Consent Calendar Item 14C.6 for discussion and to be voted on separately.

Motion: Martinez Second: R. Lopez Vote: 4-0

14A. PERSONNEL – CLASSIFIED

RESIGNATION (Heath)
The Board approved the resignation for the following as recommended by staff:

14A.1 Instructional Aide
14A.2 Testing Assistant

EMPLOYMENT (Heath)
The Board approved /ratified the employment for the following as recommended by staff:

14A.3 Administrative Secretary II – Vivian Villanueva, Child Development Center
14A.4 Campus Aide – Leticia Zamudio, Ocean View Hills
14A.5 Child Nutrition Services – Stephanie Garcia, Sunset
14A.6 Custodian – Jorge Olivas, San Ysidro Middle School
14A.7 Health Clerk – Claudia Renteria, Ocean View Hills
14A.8 Instructional Aide – Caroline Cothern, Willow
14A.9 Instructional Aide Special Education
a. Janet DeShazer, Ocean View Hills
b. Marth Gomez, Willow
14A.10 Instructional Health Care Assistants
a. Valerie Dahler, Smythe
b. Belen Manriquez-Belen, Child Development Center

RECRUITMENT (Heath)
The Board approved /ratified to establish recruitment for the following as recommended by staff:

14A.11 Campus Aides
14A.12 Instructional Aides

14B. PERSONNEL – CERTIFICATED

RESIGNATION (Heath)
The Board approved /ratified the resignation for the following as recommended by staff:

14B.1 Special Day Class Teacher (Mild/Moderate)

EMPLOYMENT (Heath)
The Board approved /ratified the employment for the following as recommended by staff:

14B.2 Classroom Teacher K-8 (Social Science) – Touyee Vang, Vista Del Mar
14B.3 Language, Speech, and Hearing Specialist – Dinah Marrujo, Ocean View Hills

RECRUITMENT (Heath)
The Board approved /ratified to establish recruitment for the following as recommended by staff:

14B.4 Classroom Teacher K-6 (TK)
14B.5 Classroom Teacher K-8 (Social Sciences)
14B.6 Resource Teacher

14C. PERSONNEL – MANAGEMENT AND CONFIDENTIAL

APPROVE REVISED JOB DESCRIPTIONS (Heath)
The Board approved the revised job descriptions for the following as recommended by staff:

14C.1 Coordinator of Federal and State Programs and Language Acquisition
14C.2 Director of Human Resources
14C.3 Director of Maintenance, Operations, Transportation and Facilities

RECRUITMENT (Heath)
The Board approved to establish recruitment for the following as recommended by staff:

14C.4 Director of Human Resources
14C.5 Director of Maintenance, Operations, Transportation and Facilities

EMPLOYMENT (Heath)
The Board approved the employment for the following as recommended by staff:

14C.6 Child Nutrition Services Production Coordinator – Ana Bush, Child Nutrition Services - Pulled to be voted on separately.

Motion: Martinez Second: R. Lopez Vote: 4-0

14D. CURRICULUM & INSTRUCTION

14D.1 EDUCATIONAL FIELD TRIPS FOR SCHOOL YEAR 2023-24 (Little)
The Board approved the educational field trips to different destinations for students in grades Transitional Kindergarten to Eighth from all schools for the 2023-24 school year. Student fees and transportation services will be covered from Fundraising, Donations, Museum Grants and the Supplemental and Concentration Fund as needed.

14D.2 ANNUAL LICENSE SUBSCRIPTIONS FOR SAN YSIDRO MIDDLE SCHOOL (Little/Bojorquez)
The Board approved /ratified the renewal or implementation of 1-year license subscriptions for San Ysidro Middle School at the total cost of $5,656.98 from the Title I fund.

14D.3 PROFESSIONAL DEVELOPMENTS (Little)
The Board approved /ratified the attendance and participation of District staff to the various professional developments as attached.

14E. BUSINESS

14E.1 PURCHASING REPORT (Adrianzen)
The Board approved /ratified the following purchase orders incurred by the District during the period August 1, 2023 through August 31, 2023. This includes all agreements along with those with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources.

14E.2 EXPENDITURE REPORT (Adrianzen)
The Board approved/ratified the expenditures incurred by the District during the period of August 1, 2023 through August 31, 2023 for a total expenditure of $1,922,096.88. This includes all agreements along with those with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources.

14E.3 APPROVE/RATIFY AGREEMENTS WITHIN DELEGATION OF AUTHORITY LIMITS (Adrianzen)
The Board approved /ratified the agreements on the attached list with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources or at no cost to the district.

14E.4 ACCEPTANCE OF DONATIONS (Adrianzen)
The Board accepted donations valued at $2,000.00 to help support and enrich our educational programs.

14E.5 APPROVAL OF CONSULTANT LIST BASED ON REQUEST FOR QUALIFICATIONS NO. 2307 (Iniguez)
The Board approved the list of consultants resulting from RFQ No. 2307.

14E.6 MASTER AGREEMENTS WITH VARIOUS PROFESSIONAL CONSULTANTS (Iniguez)
The Board approved master agreements with 7 approved firms (RFQ No. 2307) to provide professional consulting services for capital improvement and maintenance projects. Authorize staff to finalize agreements with each firm based on the form of contract provided with any minor modifications having legal oversight. Authorize Superintendent or Chief Business Official to execute Work Authorizations for tasks followed by Board ratification and approval.

14E.7 AMENDMENT NO. 3 TO THE LORD ARCHITECTURE, INC. MASTER AGREEMENT FOR CAPITAL FACILITY PROJECTS (Iniguez)
The Board approved Amendment No. 3 to the Lord Architecture, Inc. Master Contract for the initial site study of Ocean View Hills School in anticipation of the addition of 2 classrooms and approve the hourly rates through 2026. Cost implications will be funded by developer fees.

14E.8 AGREEMENT WITH NATIONAL UNIVERSITY FOR PAID INTERNSHIP CREDENTIAL PROGRAM (Heath)
The Board approved/ratified the agreement between San Ysidro School District and National University to support the paid internship credential programs effective July 1, 2023 to June 30, 2028.

14E.9 AGREEMENT WITH NATIONAL UNIVERSITY – UNPAID STUDENT TEACHING PRACTICUM (Heath)
The Board approved/ratified the agreement with National University to support the student teaching and practicum programs effective July 1, 2023 to June 30, 2028.

14E.10 MEMBERSHIP TO THE CALIFORNIA LATINO SCHOOL BOARDS ASSOCIATION (CLSBA) 2023-2024 (Potter)
The Board approved/ratified the Membership for the Superintendent & Board Members to the California Latino School Boards Association (CLSBA) for 2023-2024 at an approximate cost of $600.00 from the General fund.

14E.11 SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACTS WITH THE INSTITUTE FOR EFFECTIVE EDUCATION - MISSION VALLEY ACADEMY (Little/Madera)
The Board approved /ratified the San Diego County Nonpublic Master Contracts with The Institute for Effective Education - Mission Valley Academy for school year 2023-2024 to provide individualized education for students with exceptional needs. Cost implications of $87,406.20 will be paid from the Special Education Fund.

14E.12 AMENDMENT TO THE SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACTS WITH THE INSTITUTE FOR EFFECTIVE EDUCATION - CHILDREN'S WORKSHOP (Little/Madera)

The Board approved/ratified the amended San Diego County Nonpublic Master Contract with The Institute for Effective Education - Children's Workshop for school year 2023-2024. An Individual Services Agreement is added to provide individualized education for students with exceptional needs. The new contract total is estimated at $217,728.00 to be paid from the Special Education fund.

14E.13 SAN DIEGO COUNTY NONPUBLIC AGENCY MASTER CONTRACT WITH THE STEPPING STONES GROUP, LLC - APPENDIX B REVISED (Little/Madera)

The Board approved/ratified the revised San Diego County Nonpublic Agency Master Contract Appendix B with The Stepping Stones Group for school year 2023-24. Cost implications will be paid from the Special Education fund.

14E.14 SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACT WITH KYO AUTISM THERAPY, LLC (Little/Madera)

The Board approved/ratified the San Diego County Nonpublic Master Contract with Kyo Autism Therapy, LLC to provide consulting services for behavior intervention for the 2023-2024 school year. Cost implications will be paid from the Special Education fund.

14E.15 LICENSE AGREEMENT WITH IMAGINE LEARNING, LLC FOR SUNSET ELEMENTARY (Little/Burciaga)

The Board approved/ratified the license agreement with Imagine Learning, LLC for supplemental resources for students at Sunset Elementary during the 2023-24 school year at the total cost of $39,000.00 from the Title I fund.

14E.16 SERVICE AGREEMENT WITH 6CRICKETS INC. FOR THE EXPANDED LEARNING MANAGEMENT BASIC TOOL PLATFORM (Little)

The Board approved/ratified the service agreement with 6crickets for the Expanded Learning Management Basic Tool platform to support the district's expanded learning program operations at the cost of $27,000.00 from the ELO-P fund.

14E.17 AMENDMENT TO THE CENTRAL STATE UNIVERSITY, COLLEGE OF EDUCATION AGREEMENT (Heath)

The Board approved the amendment to the Central State University, College of Education agreement to provide educational field experiences.

14E.18 MEMORANDUM OF UNDERSTANDING WITH THE PARENT INSTITUTE FOR QUALITY EDUCATION (PIQE) (Little)

The Board approved the Memorandum of Understanding with the Parent Institute for Quality Education for services at all schools during the 2023-24 school year at the total cost of $88,350.00 from the Title I fund.

14E.19 AGREEMENT WITH UNIVERSITY OF ST. AUGUSTINE FOR HEALTH SCIENCES (Heath)

The Board approved/ratified the agreement with the University of St. Augustine for Health Sciences for university students' fieldwork.

Board President Pallasigue made a motion to adjourn, seconded by Board Member Martinez. The vote was 4-0.

15. ADJOURNMENT Time: 7:23 p.m.

Respectfully Submitted,

Gina A. Potter, Ed.D., Superintendent

SAN YSIDRO SCHOOL DISTRICT
4350 Otay Mesa Road San Ysidro, CA 92173
Phone Number: (619) 428-4476 Fax Number: (619) 428-1505

REGULAR MEETING OF THE GOVERNING BOARD
THURSDAY, OCTOBER 19, 2023
5:00 p.m.

Pursuant to Government Code Sections 54954 and 54954.2 and Education Code Section 35140, the Regular Meeting of the Governing Board will be held on Thursday, October 19, 2023, to conduct its business meeting at **Smythe Elementary School - Auditorium, 1880 Smythe Avenue, San Ysidro, CA 92173.** Any meeting participant who engages in disorderly conduct which disturbs the peace and good order of the meeting, or refuses to comply with the lawful orders of the Board may be ordered removed from the meeting, and may be guilty of a misdemeanor (Cal. Penal Code Sec. 403). Closed Session to be held at 5:00 p.m. to 6:00 p.m., and will reconvene into Open Session at 6:00 p.m. Closed Session will be conducted in accordance with applicable sections of California Law.

THIS MEETING WILL BE TAPE RECORDED

MINUTES

1. CALL TO ORDER Who: Rosario Time: 5:01 p.m.

2. ROLL CALL by Gina A. Potter, Ed.D., Superintendent & Secretary to the Board
Board Members Present:
Mrs. Rosaleah Pallasigue, Board President - *Absent*
Mrs. Irene Lopez, Board Vice-President - *Absent due to illness*
Mrs. Zenaida Rosario, Board Clerk
Mr. Rudy Lopez, Member
Mr. Antonio Martinez, Member

3. AGENDA
The Board approved the agenda with the following corrections:
- Tabled Consent Calendar Agenda Item 14B.1 - School Counselor - Leave of Absence

Motion: Martinez Second: R. Lopez Vote: 3-0

4. PUBLIC COMMENT/COMMUNICATIONS ON CLOSED SESSION ITEMS
Please submit public comment forms prior to start of meeting at 5:00 p.m. Per Board Policy #9323, three (3) minutes may be allotted to each speaker and five (5) minutes for organizations to address
Closed Session Items Only. (Closed Session Items may be continued to the end of meeting if necessary.)

There were no public comments.

Board Member Antonio Martinez made a motion to recess to Closed Session, seconded by Board Member Rudy Lopez. The vote was 3-0.

5. GOVERNING BOARD – RECESSED to CLOSED SESSION at 5:03 p.m. in accordance with section 54954.5 regarding:

5.1 CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Legal Counsel)
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Student v. San Ysidro School District
OAH Case No. 2021070742

5.2 CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Legal Counsel)
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Student v. San Ysidro School District
OAH Case No. 2021070743

5.3 GOVERNMENT CODE SECTION 54957.6 (Heath/Iniguez/Little/Sanchez)
CONFERENCE WITH LABOR NEGOTIATORS
Agency Negotiators: Glenn Heath, Substitute Executive Director of Human Resources, Dr. Jose Iniguez, Assistant Superintendent of Administrative Support, School Support and Safety and Russell Little, Assistant Superintendent of Educational Leadership and Pupil Services
Employee Organizations:
San Ysidro Education Association/CTA
California School Employees Association, Chapter 154
Unrepresented:
Administrators, Classified Management, Confidential/Supervisory

5.4 GOVERNMENT CODE SECTION 54957 (Heath)
PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/REASSIGNMENT

5.5 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Legal Counsel)
Initiation of litigation pursuant to Paragraph (4) of Subdivision (d) of Government Code § 54956.9 : Consideration of One (1) Potential Case—Social Media Adolescent Addiction/Personal Products Liability Litigation (Social Media Litigation)

5.6 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Legal Counsel)
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:
No. of cases: 1

RECONVENED into OPEN SESSION at 6:10 p.m. to take action on items discussed in closed session, or to make disclosures of action taken in closed session, if any, as required by Government Code section 54957.7 and section 54957.1.

Joseph Sanchez, Legal Counsel, on behalf of the Board, took the following action in Closed Session:

1) Closed Session Agenda Item 5.1: The Board approved an amendment to extend the timeline in a settlement agreement in Office of Administrative Hearings Case No. 2021070742. The motion was made by Board Member Rudy Lopez, seconded by Board Member Martinez with 3 votes in favor and 2 Board Members absent.
2) Closed Session Agenda Item 5.2: The Board approved an amendment to extend the timeline in a settlement agreement in Office of Administrative Hearings Case No. 202107043. The motion was made by Board Member Rudy Lopez, seconded by Board Member Martinez with 3 votes in favor and 2 Board Members absent.
3) Closed Session Agenda Item 5.6: The board voted unanimously to enter into a class action regarding social media. The motion was made by Board Member Rudy Lopez and seconded by Board Member Rosario. The vote was 3-0.

6. CALL TO ORDER Who: Rosario Time: 6:10 p.m.

7. ROLL CALL by Gina A. Potter, Ed.D., Superintendent & Secretary to the Board
Mrs. Rosaleah Pallasigue, Board President - *Absent*
Mrs. Irene Lopez, Board Vice-President - *Absent due to illness*
Mrs. Zenaida Rosario, Board Clerk
Mr. Rudy Lopez, Member
Mr. Antonio Martinez, Member

8. FLAG SALUTE by Sebastian Flores, Smythe 6th grade student

9. BOARD RECOGNITION/DISTINGUISHED CHAMPIONS (Inzunza)

9.1 Smythe Elementary School - Student & Staff Recognitions - Presented by Smythe Elementary School Principal, Dr. Rebecca Bravo

- Student Recognitions
  - Jayden Chan-Student Achievement
  - Sebastian Flores-Social Emotional Skills
- Staff Recognitions
  - Sylvia Lugo-Outstanding Service to Community of Smythe -Parent Engagement
  - Susana Anaya-Outstanding Service to Community of Smythe- Safety, Climate and Student Engagement
  - Jeff Marshall-Outstanding Service to Community of Smythe- Safety, Climate and Student Engagement
  - Martha Murillo -Outstanding Service to Community of Smythe-Student Achievement
  - Ana Hurtado - First Grade team dedication to serving students through Student Achievement and English Language Proficiency
  - Sandra Garcia - First Grade team dedication to serving students through Student Achievement and English Language Proficiency
  - Carly Hale - First Grade team dedication to serving students through Student Achievement and English Language Proficiency
  - Alejandro Valencia - Outstanding Service to Community of Smythe- Safety, Climate and Student Engagement
  - Karla Garcia-Outstanding Service to Community of Smythe- Safety, Climate and Student Engagement
  - Cindy Barron - Outstanding Service to Community of Smythe-Parent Engagement
  - Banely Arevalo Robles -Outstanding Service to Community of Smythe- Safety, Climate and Student Engagement

9.2 Maintenance, Operations, Transportation and Facilities Department - Presented by Assistant Superintendent of Administrative Support, School Support and Safety, Dr. Jose Iniguez

- Maintenance - Jose Leon (Lead Maintenance), Jesus Sanchez, Eliseo Alba, Cruz Delgado, Tony Barriga and
- Jose Morales
- Grounds - Daniel Camberos (Lead Gardener), Moises Camberos, Ernesto Marquez and Gianfranco Fimbres
- Warehouse - Izmael Sierra (Warehouse Distribution Associate)
- Custodial - Fidel Castro (Lead Custodian) and David Gomez (District Custodian)
- Publication - Andrew Macias
- Transportation - Joanna Velasco (Transportation Operations Technician), Hector Vasquez (Bus Driver), Jasmin Lopez (Bus Driver), Martha Lucy Silva (Bus Driver), Gabriel Lugo (Bus Driver), Rebeca Moreno (Bus Driver), Daniel Sandoval (Mechanic) Giselle Martinez (Bus Aide), Alma Castaneda (Bus Aide) Sara Torres (Bus Aide), Maria Aguilar Gamez (Bus Aide), Cecilia Castellanos (Bus Aide) and Yesel Reyes (Bus Aide)

9.3 Child Nutrition Services Department - Presented by Assistant Superintendent of Administrative Support, School Support and Safety, Dr. Jose Iniguez

- District Office: Ana Bush (Area Production Lead), Sadeer Sahib (Accounting Technician) and Miguel Garcia (Delivery Driver)
- La Mirada: Leticia Cueva (Lead Child Nutrition Specialist), Mayra Madrigal and Amanda Calderon
- Smythe: Edith Ortega (Lead Child Nutrition Specialist), Dolores Moreno, Marizela Benitez, Mirna Cervantes and Rosa Molina
- Willow: Margarita Meza (Lead Child Nutrition Specialist), Veronica Ramirez, Deberah Cortez, Marlyn Moreno and Ivette Monje

- Sunset: Ana Del Real (Lead Child Nutrition Specialist), Magda Guerrero, Gloria Guerrero, Eugenia Gomez and Stephanie Garcia
- Ocean View Hills: Maria Sanchez (Lead Child Nutrition Specialist), Maria Del Carmen Mejia, Evelia Barbaza, Mayra Modrigal and Monica Guerrero
- Vista Del Mar: Esmeralda Villanueva (Lead Child Nutrition Specialist), Miriam Lopez, Alejandra Ianni
- San Ysidro Middle School: Yesenia Charles (Lead Child Nutrition Specialist), Melba Emazon and Elvira Dircio

9.4 Educational Services Department - Presented by Assistant Superintendent of Educational Leadership and Pupil Services, Russell Little

- Director of Educational Services: Luis Ramos
- Resource Teachers: Sandra Guzman, Cynthia Mosqueda, Adriana Aguilar and Carolina Hernandez
- Administrative Secretary III: Elizabeth Originales
- Administrative Secretary I: Marta Rodriguez de Torres
- Data Support Specialist: Jacob Rodriguez

10. PUBLIC COMMENT/COMMUNICATIONS ON OPEN SESSION ITEMS

PLEASE SUBMIT PUBLIC COMMENT FORMS PRIOR TO START OF MEETING
Per Board Policy #9323, three (3) minutes may be allotted to each speaker and five (5) minutes for organizations to address **all of their items**. If translation services are required, please state that, and an additional one (1) minute will be allotted. **Approach the lectern and give your name.**

The public has the opportunity to address the Board on any item appearing on the agenda or not on the agenda. Persons wishing to address the Board are asked to fill out a ***Public Comment Form*** located at the sign-in area, and submit the completed form to the administrative assistant prior to start of the meeting.
Those who have a group concern are encouraged to select a spokesperson to address the Board. A copy of the full agenda is available for view at the Superintendent's Office located at 4350 Otay Mesa Road, San Ysidro, California. Also, at the district website: www.sysdschools.org.

Pablo Sainz Garibaldi-Ferretti, SYSD Translator and Interpreter & Author/Journalist, Commented: 1) October is Italian American Heritage and Culture month. He mentioned being Italian Mexican, but celebrates the contributions of people from Italian descent that help make the great Italian state. He invited everyone to visit Little Italy to get a taste of Italy in San Diego. 2) He mentioned that October is also Filipino American history month. He celebrates all the contributions Filipinos have made to our country. Filipinos were an integral part of the farm workers' movement in the 1960's and 1970's. He thanked Filipinos for all their hard work.

Hector Vasquez, Employee, Commented: 1) Thanked board members for the recognition. 2) Thanked Dr. Iniguez for his support with the transportation department.

11. ITEMS FROM THE BOARD & SUPERINTENDENT

Board Member Rudy Lopez, Commented: 1) Thanked Smythe Principal Dr. Rebecca Bravo and staff for hosting the board meeting. 2) Thanked parent engagement distinguished champions for their hard work and dedication to our community. 3) Began visiting schools, attending coffee with principals and engages with parents. 4) Began attending DPAC and DELAC meetings.

Board Member Martinez, Commented: 1) Thanked Smythe Principal Dr. Rebecca Bravo for hosting the board meeting and displaying beautiful artwork in the auditorium. 2) Thanked everyone in the district for their hard work behind the scenes. 3) Thanked Willow School Elementary Principal Maria Connie Rodriguez and Assistant Superintendent Dr. Iniguez for hosting him while he visited the school. 4) Board members had a special board meeting and re-prioritized construction projects (i.e. SYMS modernization and Beyer site construction). 5) He would like to be part of Writer's Tea as it happens this year.

Board Clerk Rosario, Commented: 1) Shared her personal teacher journey. 2) In 1983, she was assigned to Smythe as a student teacher. 3) Thanked Carolina Flores for all the hours she dedicated in her classroom and being her mentor. 4) Praised the passion and commitment in our San Ysidro community and shared her personal teacher journey. 5) Shared the importance of teaching children with different cultures.

Superintendent Potter, Commented: 1) Thanked Smythe Principal Dr. Rebecca Bravo and staff for hosting the board meeting. 2) Touched by the outreach of teacher Cindy Barron for helping one of her students who is going through a rough time. 3) Thanked the board for being dedicated leaders of our district and for their compassion to the students we serve..

12. CONFERENCE SESSION

Reports/Presentations

12.1 Meeting the Facilities Needs of New Development in Otay Mesa" or "Exploring Funding Opportunities with New Developments in Otay Mesa", Presented by Steve Gald, Executive Vice President, KeyAnalytics

12.2 Government Accounting Standards Board (GASB) 75 and Other Post-Employment Benefits (OPEB) - Presented by Sandy DeKalb ASA, EA, MAAA, Nyhart

13. GENERAL ADMINISTRATION

13.1 MINUTES (Potter)

The Board approved the minutes of the Special Board Meetings of September 21, 2023 and October 2, 2023.

Motion: Martinez Second: R. Lopez Vote: 3-0

13.2 GASB 75 STATEMENT AND OPEB REPORT FOR FISCAL YEAR 2022-23 (Potter)

Information Only. *(A representative from Nyhart Company was present to answer questions from the Governing Board.)*

13.3 TEMPORARY MANAGEMENT/ADMINISTRATIVE CONTRACT/OFFER OF EMPLOYMENT

FOR SUBSTITUTE IN MANAGEMENT/ADMINISTRATIVE POSITIONS (Heath)

The Board approved the offer of employment for Erin English as Substitute for Management/Administrative positions, effective as early as November 1, 2023.

Motion: Martinez Second: R. Lopez Vote: 3-0

14. CONSENT CALENDAR

The Board approved the Consent Calendar with the following changes:

1) Pulled Consent Calendar items 14C.1 and 14C.2 for discussion and to be voted on separately.

Motion: Martinez Second: R. Lopez Vote: 3-0

14A. PERSONNEL – CLASSIFIED

LEAVE OF ABSENCE (Heath)
The Board approved/ratified the leave of absence without pay for the following as recommended by staff:

14A.1 Instructional Aide

RESIGNATION (Heath)
The Board approved/ratified the resignation for the following as recommended by staff:

14A.2 Instructional Aide

RECRUITMENT (Heath)
The Board approved/ratified to establish recruitment for the following as recommended by staff:

14A.3 Gardener
14A.4 Instructional Aide

EMPLOYMENT (Heath)
The Board approved/ratified the employment for the following as recommended by staff:

14A.5 Child Nutrition Specialist – Vivian Torres, Ocean View Hills
14A.6 Custodians
a. Alejandro Bastidas, San Ysidro Middle School
b. Priscilla Ramirez, San Ysidro Middle School
14A.7 Gardeners
a. Angel Alvarez, Maintenance, Operations, Transportation, and Facilities
b. Jossue Cruz, Maintenance, Operations, Transportation, and Facilities
14A.8 Instructional Aides
a. Samantha Galindo, Ocean View Hills
b. Silvia Rodriguez, Child Development Center
14A.9 Instructional Aides Special Education
a. Erika Aleman, Child Development Center
b. Marely Navarro, Ocean View Hills
14A.10 Testing Assistant – Claudia Kim, Educational Services
14A.11 Substitute Bus Driver – Herlinda Chavez, Transportation
14A.12 Substitute Campus Aides
a. Janette Garcia, All Sites
b. Sandra Kawanishi, All Sites
14A.13 Substitute Clerks
a. Janette Garcia, All Sites
b. Silvia Rodriguez, All Sites
14A.14 Substitute Custodian
a. Alejandro Bastidas, All Sites
14A.15 Substitute Instructional Aides
a. Nora Arocho, All Sites
b. Janette Garcia, All Sites
c. Nancy Murillo, All Sites
d. Maria Leslie Raqueno, All Sites
e. Silvia Rodriguez, All Sites
f. Mayra Ruiz-Zapien, All Sites
14A.16 Substitute Maintenance – Gabriel Brambila, MOTF

14B. PERSONNEL – CERTIFICATED

LEAVE OF ABSENCE (Heath)
The Board denied the leave of absence without pay for the following as recommended by staff:

14B.1 School Counselor - *This agenda item was tabled*

RESIGNATION (Heath)
The Board approved/ratified the resignation for the following as recommended by staff:

14B.2 Classroom Teacher K-6 (TK)
14B.3 Classroom Teacher K-8 (English)
14B.4 Temporary Intervention Support Teacher (Math)
14B.5 Temporary Preschool Permit Teacher

EMPLOYMENT (Heath)
The Board approved/ratified the employment for the following as recommended by staff:

14B.6 Classroom Teacher K-6 (TK) – Melanie Zavala, Ocean View Hills
14B.7 Resource Teacher – Liana Davis, Educational Services
14B.8 Resource Permit Teacher – Lenika Flores, Child Development Center
14B.9 Special Day Class Teacher (Moderate/Severe) – Jonathan Yniguez, Smythe
14B.10 Temporary Intervention Support Teacher – Nicole Duncombe, Ocean View Hills
14B.11 Substitute Teachers
a. Afrah Abed Naji, All Sites
b. Victoria Boone, All Sites
c. Mariana Cabrera, All Sites
d. Fabriana Cafalli, All Sites
e. Nelly Cameron, All Sites
f. Venus Cappello, All Sites
g. Karla Cardenas Miranda, All Sites
h. Rachel Davis, All Sites
i. Cathy Diaz, All Sites
j. Stephany Espinoza Perez, All Sites
k. Dionicio Estrada, All Sites
l. Jocelyn Garciadealba-Rivera, All Sites
m. Aileen Ibarra, All Sites
n. Paul McKannon, All Sites
o. Alex Mendoza, All Sites
p. Haitham Mokar, All Sites
q. Gabriela Monarrez-Valdez, All Sites
r. Osiris Murillo, All Sites
s. Lillie Myslo, All Sites
t. Leah Osuna, All Sites
u. Carlos Portillo, All Sites
v. Isabelle Reid, All Sites
w. Nubia Santiago Ramos, All Sites
x. Beatriz Stoyanoff, All Sites
y. Robert Tippett, All Sites

14B.12 Substitute Preschool Permit Teachers
a. Mariana Cabrera, Child Development Center
b. Luz Garcia, Child Development Center
c. Yahilyn Segura, Child Development Center

14C. PERSONNEL – MANAGEMENT AND CONFIDENTIAL

EMPLOYMENT (Heath)
The Board approved/ratified the employment for the following as recommended by staff:

14C.1 Maria C. Rodriguez - Coordinator of Federal & State Programs and Language Acquisition, Educational Services - *Pulled for discussion and to be voted on separately*

Motion: Martinez Second: R. Lopez Vote: 3-0

14C.2 Director of Human Resources - TBD - *Pulled for discussion and to be voted on separately*

Motion: Martinez Second: R. Lopez Vote: 3-0

14D. CURRICULUM & INSTRUCTION

14D.1 TITLE I, PART A - PARENT AND FAMILY ENGAGEMENT POLICY FOR ALL SCHOOLS FOR THE 2023-2024 SCHOOL YEAR (Little)
The Board approved the Title I, Part A - Parent and Family Engagement Policy for the 2023-2024 school year for all school sites.

14D.2 SCHOOL PLAN FOR STUDENT ACHIEVEMENT (SPSA) FOR THE 2023-2024 SCHOOL YEAR - SMYTHE (Little)
The Board approved the 2023-2024 School Plan for Student Achievement for Smythe Elementary School.

14D.3 PURCHASE OF 2023 LAS LINKS ONLINE SUB-TEST PACKAGE FROM DATA RECOGNITION CORPORATION (DRC) (Little)
The Board approved the purchase of the 2023 LAS Links Online Sub-test package from Data Recognition Corporation at the total cost of $1,555.75 from the General fund.

14D.4 SAN YSIDRO MIDDLE SCHOOL 8TH GRADE TRIP TO WASHINGTON, D.C. AND NEW YORK (Little)
The Board approved the attendance and participation of 10-20 students and one chaperone from San Ysidro Middle School on an educational trip to Washington, D.C., and New York during March 10-15, 2024. The cost is $3,000 per student to be paid from fundraisers, Club DC donations and parents.

14D.5 POLICIES AND PROCEDURES FOR UNIFORM COMPLAINT PROCEDURE (UCP) 1 & 4 FOR THE 2023-2024 SCHOOL YEAR (Little)
The Board approved the Policies and Procedures for Uniform Complaint Procedures (UCP) 1 and 4 for the 2023-2024 school year.

14D.6 LICENSE SUBSCRIPTIONS FOR OCEAN VIEW HILLS ELEMENTARY (Little)
The Board approved/ratified the renewal and/or implementation of different license subscriptions for Ocean View Hills Elementary School at the total cost of $20,141.60 from the Title I site fund.

14D.7 PROFESSIONAL DEVELOPMENTS (Little)
The Board approved/ratified the attendance and participation of District staff to the different professional developments as attached.

14E. BUSINESS

14E.1 PURCHASING REPORT (Potter)
The Board approved/ratified the following purchase orders incurred by the District during the period September 1, 2023 through September 30, 2023. This includes all agreements along with those with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources.

14E.2 EXPENDITURE REPORT (Potter)
The Board approved/ratified the expenditures incurred by the District during the period of January 1, 2023 through January 31, 2023 for a total expenditure of $1,632,841.87. This includes all agreements along with those with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources.

14E.3 APPROVE/RATIFY AGREEMENTS WITHIN DELEGATION OF AUTHORITY LIMITS (Potter)
The Board approved/ratified the agreements on the attached list with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources or at no cost to the district.

14E.4 APPROVAL AND RATIFICATION OF PROFESSIONAL SERVICES WORK AUTHORIZATION(S) PURSUANT TO EXISTING MASTER AGREEMENT(S) (Iniguez)
The Board approved/ratified the Work Authorization(s) set forth above for the total amount of $68,700.00.

14E.5 APPROVAL AND RATIFICATION OF CONSTRUCTION CONTRACTS AUTHORIZED/ AWARDED PURSUANT TO THE CUPCCAA PROCESS (Iniguez)
The Board approved/ratified of the construction contracts set forth above for the total amount of $71,465.04.

14E.6 FIRST QUARTERLY COMPLAINT REPORT FOR WILLIAM'S SETTLEMENT RELATED ISSUES FOR SCHOOL YEAR 2023-2024 (Potter)
The Board accepted the Report of William's Settlement related complaints for the fourth quarter from July 1, 2023 to September 30, 2023 of the 2023-24 school year for submission to the San Diego County Office of Education. The District did not receive any written complaints pertaining to teacher mis-assignments, instructional materials deficiencies or facilities disrepair.

14E.7 GRANT ACCEPTANCE AND AGREEMENT WITH THE POSITIVE MOVEMENT FOUNDATION (Little)
The Board accepted the grant award of up to $40,000.00 and approved the agreement with The Positive Movement Foundation to provide educational programs, supplies and incentives to Willow Elementary School's students and staff at no cost to the District.

14E.8 GRANT ACCEPTANCE FROM PRICE PHILANTHROPIES FOUNDATION (Little)
The Board accepted the Price Philanthropies Foundation Grant Award in the amount of $1,000.00 in support of the Vista Del Mar Middle School's baseball team.

14E.9 MEMORANDUM OF AGREEMENT WITH YMCA OF SAN DIEGO COUNTY TO PROVIDE EXPANDED LEARNING PROGRAM (ELP) SERVICES (Little)

The Board approved/ratified the Memorandum of Agreement with YMCA of San Diego County to provide Expanded Learning Program (ELP) services at a cost not to exceed $2,823,249.00 from the ELO-P fund.

14E.10 FACILITIES USE AGREEMENT WITH SOUTHWESTERN COMMUNITY COLLEGE (Potter)

The Board approved/ratified the Use of Facilities Agreement with Southwestern Community College for the purpose of offering parents continuing education classes at district facilities during the 2023-24 school year at no cost to the District.

14E.11 AGREEMENT WITH DALE SCOTT & COMPANY (DS&C) (Potter)

The Board approved the 5-year agreement with Dale Scott & Company, Inc (DS&C) to advise and assist with Financial Advisory, Continuing Disclosure, and Annual Debt Transparency Reports (ADTR) services. Compensation based on services provided.

14E.12 LETTERS OF ENGAGEMENT WITH WILKINSON HADLEY KING & CO. LLP FOR THE 2022-23 BOND FINANCIAL AUDIT REPORTS FOR MEASURE T & MEASURE U (Potter)

The Board approved/ratified the letters of engagement with Wilkinson Hadley King & Co. LLP for auditing services for the District's General Obligation Bond Measures T & U fiscal year 2022-23 in an amount up to $10,200.00 from the General Obligation Bond funds.

14E.13 LICENSE AGREEMENTS WITH IMAGINE LEARNING, LLC FOR OCEAN VIEW HILLS AND WILLOW ELEMENTARY SCHOOLS (Little)

The Board approved/ratified the license agreements with Imagine Learning, LLC for supplemental resources for students at Ocean View Hills and Willow Elementary Schools during the 2023-24 school year at the total cost of $42,125.00 from the Title I site funds.

14E.14 AMENDMENT NO. 1 TO THE SUN DIEGO CHARTER CO. AGREEMENT (Iniguez)

The Board approved/ratified Amendment No. 1 to the Sureride Charter, Inc. dba Sun Diego Charter Co. agreement to provide student charter bus transportation services for extracurricular field trips and transportation needs during fiscal year 2023-24.

14E.15 AGREEMENT WITH LOS ANGELES PACIFIC UNIVERSITY (Heath)

The Board approved/ratified the agreement with the Los Angeles Pacific University for educational fieldwork experiences.

14E.16 AGREEMENT WITH MARIN COUNTY OFFICE OF EDUCATION (Little)

The Board approved/ratified the agreement with Marin County Office of Education to provide advice and assistance in achieving the LCAP goals for the 2023-2024 school year at no cost to the District.

Board Member Antonio Martinez made a motion to adjourn, seconded by Board Member Rudy Lopez. The vote was 3-0.

15. ADJOURNMENT Time: 7:56 p.m.

Respectfully Submitted,

Gina A. Potter, Ed.D., Superintendent

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Administration
Gina A. Potter, Ed.D.,
Superintendent

☐ Informational
☒ Action

AGENDA ITEM: ORGANIZATIONAL MEETING

BACKGROUND INFORMATION:
The Education Code requires that governing boards hold an annual organizational meeting for the purpose of electing officers and establishing dates of regular meetings.

Education Code sections 35143 and 72000(c)(2) provide that:

- The governing board of each school district shall hold an annual organizational meeting. In 2023, the organizational meeting must be held on any date between Dec. 1 and Dec. 20, inclusive.
- The day and time of the annual organizational meeting shall be selected by the board at its regular meeting held immediately before the organizational meeting, (generally at their November regular meeting) unless otherwise provided by rule of the governing board.
- The board shall notify the County Superintendent of Schools of the day and time selected.
- If the board fails to select a day and time for the annual organizational meeting, the County
- Superintendent of Schools shall designate the day and time of the meeting and shall notify all members in writing.
- Within 15 days prior to the date of the annual organizational meeting, the clerk of the board shall provide written notice of the meeting to board members.

RECOMMENDATION:
Approve Monday, December 11, 2023, at 5:00 p.m. in the Multicultural Complex at San Ysidro Middle School as the date, time and place for the annual Organizational Meeting of the Governing Board per Education Code section 35143.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications? ☐ Yes ☒ No

Are funds for this item available in the 2023-2024 Budget? ☐ Yes ☐ No

Requisition #

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

NOTICE OF DECEMBER 2023
ORGANIZATIONAL MEETING OF THE GOVERNING BOARD

Complete and submit no later than **Nov. 1, 2023**, to:

Naomie Rodrigues
Email: naomie.rodrigues@sdcoe.net

School District: _____

Date of Organizational Meeting: _____
(*Date between Dec. 1 and Dec. 20 inclusive*)

Time of Meeting: _____

_____ _____
Clerk/Secretary to the Governing Board Date

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Administration
Gina A. Potter, Ed.D.,
Superintendent

☐ Informational
☒ Action

AGENDA ITEM: 2024 CSBA DELEGATE ASSEMBLY NOMINATIONS

BACKGROUND INFORMATION:
The San Ysidro School District is a member of the California School Boards Association (CSBA). CSBA is a nonprofit education association representing the elected officials who govern public school districts and county offices of education.

The Delegate Assembly is a vital link in the association's governance and sets the general policy direction. Working with member boards, the Board of Directors, Executive Committee, Delegates ensure that the association promotes the interests of school districts and county offices of education throughout the state.

Annually, CSBA in accordance with its Bylaws, begins the process of developing the membership of its Delegate Assembly. These Delegate Assembly nominations must be made by Governing Boards within their geographical region or subregion. Region 17, San Diego County, has eight vacancies. Delegate Assembly members are elected at large from all of the nominations received by their geographical region or subregion. Nominations are to be submitted by January 7, 2024.

Note: Region 17 will be losing 2 Delegates due to declining enrollment (One is an appointed seat (Sweetwater 2024 seat- Segura) and the other is one seat from our general election. There will be 8 seats open for elected Delegates in this year's election.

RECOMMENDATION:
Nominate, in accordance with CSBA Bylaws, Board members in Region 17 as candidates for election to the CSBA Delegate Assembly 2024-2026.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2022-2023 Budget?	Requisition #
☐ Yes ☐ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

October 27, 2023

TIME SENSITIVE - REQUIRES BOARD ACTION
DEADLINE: Sunday, January 7, 2024

MEMORANDUM

To: CSBA Member District Boards
From: Susan Markarian, President
Re: Call for Nominations to CSBA's Delegate Assembly

Each year, member boards elect representatives to the California School Boards Association's Delegate Assembly. The Delegate Assembly is a vital link in the Association's governance and sets the general policy direction. Working with member boards, the Board of Directors, and the Executive Committee, Delegates ensure the Association promotes the interests of California's school districts and county offices of education. Delegates with terms that end in 2024 are up for election. Ballots for the Delegate Assembly election will be sent to each member board within the region or subregion by February 1, 2024. Delegates elected in 2024 will serve a two-year term beginning April 1, 2024. There are two required Delegate Assembly meetings each year; in 2024, the dates are May 18-19 and December 3-4.

Nomination and biographical sketch forms for CSBA's Delegate Assembly are being accepted until **Sunday, January 7, 2024**. The nomination process is as follows:

- CSBA member boards are eligible to nominate board members within their own geographical region or subregion.
- Member boards eligible to appoint a member of their board to the Delegate Assembly may also nominate board members to run for election to the Delegate Assembly.
- Boards eligible to appoint must do so by January 7, 2024.
- Nominating boards must submit a separate Nomination Form for each person nominated.
- Nominees must serve on a CSBA member board from the region or subregion.
- Nominees must submit a required biographical sketch form.
- Nominees may submit an optional one-page, one-sided résumé.
- Per Standing Rule 109, only members who are not employees of CSBA may serve in the Delegate Assembly.

Documents related to the nomination process are being provided online only. The forms, as well as information about the Delegate Assembly, may be accessed from CSBA's website: www.csba.org/ElectiontoDA. If you would like to receive a PDF version of the forms, please send your request to the Executive Office at nominations@csba.org. **It is the nominee or appointee's responsibility to confirm that CSBA has received nomination materials prior to the deadline.**

The deadline for nomination materials is **11:59 p.m. on Sunday, January 7, 2024.** Materials can be submitted online, sent via email to **nominations@csba.org**, or mailed to CSBA headquarters (3251 Beacon Blvd., West Sacramento, CA 95691).

REGION 15 – *22 Delegates (15 elected/7 appointed*)*
Director: Susan Henry (Huntington Beach Union HSD)

County: Orange
Alfonso Alvarez (Santa Ana USD)*, 2024
Michelle Barto (Newport-Mesa USD), 2025
Paul Bokota (Irvine USD)*, 2024
Katelyn Brazer Aceves (Santa Ana USD)*, 2025
Lauren Brooks (Irvine USD), 2024
Judy Bullockus (Capistrano USD)*, 2025
Bonnie Castrey (Huntington Beach Union HSD), 2025
Lynn Davis (Tustin USD), 2024
Jackie Filbeck (Anaheim ESD), 2025
Carrie Flanders (Brea Olinda USD), 2025
Candice (Candi) Kern (Cypress ESD), 2024
Lauren Klatzker (Fullerton Joint Union HSD), 2025
Deana Miller (Brea Olinda USD), 2024
Arturo Montez (Centralia ESD), 2025
Kelly Osborne (Laguna Beach USD), 2025
Michael Parham (Capistrano USD)*, 2024
Theresa (Teri) Rocco (Garden Grove USD)*, 2025
Lan Q. Nguyen (Garden Grove USD)*, 2024
Annemarie Randle-Trejo (Anaheim Union HSD), 2024
Barbara Schulman (Saddleback Valley USD), 2024
Rhodia Shead (Buena Park ESD), 2025
Michael Simons (Huntington Beach Union HSD), 2024
Suzie Swartz (Saddleback Valley USD), 2025
Region 15 County
Vacant (Orange COE), 2025
Delegates-at-Large
Marilyn Buchi (Fullerton Joint Union HSD)

REGION 16 – *17 Delegates (13 elected/3 appointed*)*
Director: Karen Gray (Silver Valley USD)

Subregion 16-A (Inyo)
Susan Patton (Lone Pine USD), 2025
Subregion 16-B (San Bernardino)
Heather Allgood (Helendale SD), 2024
Joe Armendarez (Fontana USD)*, 2024
Mayra Ceballos (San Bernardino City USD)*, 2025
Mikki Cichocki (San Bernardino City USD)*, 2024
Tom Courtney (Lucerne Valley USD), 2024
Barbara Dew (Victor Valley Union HSD), 2024
Gwen Dowdy Rodgers (San Bernardino COE), 2025
Cindy Gardner (Rim of the World USD), 2024
Maria Gomez (Hesperia USD), 2025
Ronald Newton (Mountain View ESD), 2025
James O'Neill, (Redlands USD), 2024
Adam Perez (Fontana USD)*, 2025
Gabriel Stine (Victor ESD), 2025
Eric Swanson (Hesperia USD), 2025
Kathy Thompson (Central ESD), 2025
Scott Wyatt (San Bernardino City USD), 2024
Region 16 County
Laura Mancha (San Bernardino COE), 2024

REGION 17 – *21 Delegates (16 elected/5 appointed*)*
Director: Debra Schade (Solana Beach ESD)

County: San Diego
Whitney Antrim (Coronado USD), 2025
Maria Betancourt-Castaneda (National SD), 2024
Kate Bishop (Chula Vista ESD), 2025
Stacy Carlson (San Marcos USD), 2024
Eleanor Evans (Oceanside USD), 2024
Shana Hazan (San Diego USD)*, 2025
Eddie Jones (Fallbrook Union HSD), 2024
Julie Kelly (Vista USD), 2024
Melissa Krogh (Warner USD), 2025
Rudy Lopez (San Ysidro ESD), 2024
Elva Lopez-Zepeda (Sweetwater Union HSD), 2025
Darshana Patel (Poway USD)*, 2025
Dawn Perfect (Ramona USD), 2024
Cody Petterson (San Diego USD)*, 2025
Barbara Ryan (Santee SD), 2025
Nicholas Segura (Sweetwater Union HSD)*, 2024
Arturo Solis (Sweetwater Union HSD)*, 2025
Marla Strich (Encinitas Union ESD), 2024
Cipriano Vargas (Vista USD), 2025
Gee Wah Mok (Del Mar Union SD), 2024
Sharon Whitehurst-Payne (San Diego USD)*, 2024
Katrina Young (San Dieguito Union HSD), 2025
Region 17 County
Guadalupe Gonzalez (San Diego COE), 2025

8 seats open

REGION 18 – *19 Delegates (15 elected/4 appointed*)*
Director: Bruce Dennis (Riverside COE)

Subregion 18-A (Riverside)
Angelo Farooq (Riverside USD)*, 2024
Adonis Galarza-Toledo (Coachella Valley USD), 2025
Robert Garcia (Jurupa USD), 2025
Madonna Gerrell (Palm Springs USD), 2025
Cleveland Johnson (Moreno Valley USD), 2025
Dale Kinnear (Riverside USD)*, 2025
Linda Lunn (Murrieta Valley USD), 2024
Heidi Matthies-Dodd (Lake Elsinore USD), 2024
Cynthia Navarro (Romoland SD), 2024
David Nelissen (Perris Union HSD), 2024
Stacy Nicola (Corona-Norco USD)*, 2024
Linda Porras (Desert Sands USD), 2024
Jasmin Rubio (San Jacinto USD), 2024
David Sanchez (Beaumont USD), 2025
Steven Schwartz (Temecula Valley USD), 2025
Susan Smith (Moreno Valley USD)*, 2025
Mary Helen Ybarra (Corona-Norco USD)*, 2025
Subregion 18-B (Imperial)
Diahna Garcia-Ruiz (Central Union HSD), 2024
Tony Sandoval (Heber ESD), 2025
Frances Terrazas (El Centro ESD), 2025
Region 18 County
Lucy Hendry (Imperial COE), 2024
Delegate-at-Large
Jesus Holguin (Moreno Valley USD)

Delegate Assembly
Important Dates

2024 Delegate Assembly Election

Sunday, January 7:	Deadline for Nomination Forms and Biographical Sketch Forms
Thursday, February 1:	Ballots sent to member boards
Friday, March 15:	Deadline for ballots to be sent back to CSBA
By Sunday, March 31:	Ballots will be counted
Monday, April 1:	First day of new 2-year term for Delegates elected in 2024

2024 Delegate Assembly Meeting Dates

Saturday – Sunday, May 18 - 19
(Scheduled to occur in Sacramento)

Tuesday – Wednesday, December 3 - 4
(Scheduled to occur in Anaheim)

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board **BOARD MEETING DATE:** November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Dr. Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: CONSTRUCTION PROJECTS RE-PRIORITIZATION PLAN

BACKGROUND INFORMATION:
After the Board adopted a Bond Implementation Plan on March 10, 2022, the District has consistently monitored the construction cost estimates for the proposed Bond projects and the impact of the unprecedented construction cost escalation that the market has experienced. District staff has met with the Board several times to review these issues and the impact on the Bond program. Given the historic, exponential growth of construction costs, the District recommends refining and re-prioritizing the proposed projects in the Bond Implementation Plan according to the table below.

Priority	Site	Project	Current Estimated Cost
1	San Ysidro Middle School	Modernization	Up to $49,790,433
2	La Mirada	CDC Move, Front Entry/UTK Revisions	Up to $13,761,000
3	Multi-Site: La Mirada, Willow, Ocean View Hills	Universal TK-Portables	Up to $7,040,000
4	Beyer	Community Resource Center	Up to $24,100,000
5	Multi-Site	Interactive White Board Replacement	Up to $3,950,000

*Other projects, if funding is available:

Priority	Site	Project	Current Estimated Cost
6	Multi-Site	Safety and Security Improvements (Window Tinting)	Up to $50,000
7	Multi-Site	Asphalt Renovation	Up to $14,320,000
8	Vista Del Mar	Environmental Mitigations	Up to $650,000
9	Multi-Site	Flooring Replacement	Up to $ 4,950,000
10	Multi-Site	Renovate Playfields for Safety (Inc Sunset/Smythe)	Up to $1,500,000
11	District Wide	Technology Improvements	Up to $1,300,000

RECOMMENDATION:
Approve the Construction Projects Re-Prioritization Plan.

LCAP GOAL AND ACTION/SERVICE:

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications? ☐ Yes ☒ No

Are funds for this item available in the 2023-2024 Budget? ☐ Yes ☐ No

Requisition #

N/A

G.O. Bonds
(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: October 19, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Russell Little,
Assistant Superintendent,
Educational Leadership and
Pupil Services

☐ Informational
☒ Action

AGENDA ITEM: FIRST READING AND ADOPTION OF REVISED BOARD POLICY AND EXHIBIT - 0000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of new and revised Board Policies (BP) and Exhibits:

- Revised Board Policy 0420.41 - Charter School Oversight
- Revised Exhibit(1) 0420.41 - Charter School Oversight

RECOMMENDATION:

Approve the First Reading and Adoption of Revised Board Policy and Exhibit - 0000 series: Board Policy 0420.41 - Charter School Oversight and Exhibit(1) 0420.41 - Charter School Oversight.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

0000 SERIES

Board Policy 0420.41 - Charter School Oversight
Policy updated to reflect that the Governing Board may deny a request for an expansion that constitutes a material revision to a charter if the request to expand operations is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate or the district is not in a position to absorb the fiscal impact of the proposed charter school, and to include a general reference to exemptions from the geographic boundary requirement that charter schools be located within the geographic boundaries of the authorizing district. Policy also updated to include that the district may charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue it the district provides the charter school with facilities and charges the charter school a pro-rata share of the facilities costs. Additionally, policy updated to reference additional components that must be included in the procedures specified in the charter for when a charter school ceases operation.

Exhibit(1) 0420.41 - Charter School Oversight
Exhibit updated to include that admission preferences may not result in limited enrollment access for specified students and that mandatory parental volunteer hours may not be the basis of a preference or criterion for admission or continued enrollment, reflect **NEW LAW (AB 181, 2022)** which requires identified schools to complete and adopt an Individuals with Disabilities Act Addendum as part of the local control and accountability adoption and annual update, delete the requirement, based on changed guidance from the California Department of Education, to offer transitional kindergarten if the charter school offers a kindergarten program, add material regarding exemption for eligible students with disabilities from coursework and other requirements adopted by the charter school board that are in addition to the statewide course requirements, reflect **NEW LAW (AB 748, 2022)** which requires each school serving students in any of grade 6-12 to create and prominently display, as specified, a student mental health poster, and clarify that the charter school's policy on bullying and harassment be posted on the charter school's website.

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Policy 0420.41: Charter School

Original Adopted Date: 10/01/2013 | **Last Revised Date:** 06/01/~~2022~~2023 | **Last Reviewed Date:** 06/01/~~2022~~2023

CSBA NOTE: The following optional policy may be revised to reflect district practice. The Governing Board is obligated to monitor the performance of any charter school it authorizes in order to ensure the school's compliance with legal requirements and progress toward meeting measurable outcomes specified in the charter. Information about the school's performance is necessary when determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, SBE is required to designate, in consultation with the petitioner, either the Board or the County Board as the chartering authority.

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

CSBA NOTE: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends more frequent visits, perhaps two or three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school.

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 47604, if a charter school operates as or is operated by a nonprofit public benefit corporation, the Board is entitled to a single representative on the board of directors of the nonprofit public benefit corporation. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends that the district consult with legal counsel and consider any potential conflict of interest that may arise from having an individual Board member vote as a member of the charter board of directors on issues on which the Board will need to provide oversight. CSBA's guide suggests that an alternative approach may be for the district to

designate its charter school contact, appointed pursuant to Education Code 47604.32, to attend meetings of the charter school board.

The Superintendent or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

Waivers

CSBA NOTE: A charter school is not authorized to submit general waiver requests to SBE on its own behalf, unless an exception applies. Rather, a charter school may submit a waiver request through the district. A general waiver request form is available on the California Department of Education's (CDE) web site.

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

Provision of District Services

CSBA NOTE: The following optional section may be revised to reflect district practice. CSBA's ~~publication~~, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization.

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU) which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

CSBA NOTE: ~~The Board shall have the authority~~ Pursuant to ~~determine whether~~ Education Code 47607, a district may deny a proposed ~~change in~~ expansion of an existing charter school ~~operations constitutes~~ constituting a material revision on the basis of community impact and/or fiscal impact of the approved proposed material revision, as described below. If a finding is made that, due to any of the ~~conditions~~ specified below, proposed expansion, the charter school requesting the expansion is subject to a rebuttable presumption of denial of the request for expansion.

Pursuant to Education Code 47605, the Board may deny a request to expand operations if it finds that the proposed expansion would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following:

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served

Additionally, pursuant to Education Code 47605, the Board may deny a request to expand charter school operations if it finds that the district is not positioned to absorb the fiscal impact of the proposed charter school expansion. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, or if the district has a negative interim certification pursuant to Education Code 42131, or is under state receivership.

Location of Charter Schools

CSBA NOTE: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school must be located within the geographic boundaries of the authorizing district. However, Education Code 47605 permits the location of some charter schools outside of the authorizing district's boundaries under specified conditions. For example, a charter school in operation before October 1, 2019, on a federally recognized California Indian tribe is exempted from the geographic restrictions of Education Code 47605.1. For information about geographic and site requirements for new charter schools, see AR 0420.4 – Charter School Authorization.

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries. (Education Code 47605.1)

Monitoring Charter School Performance

CSBA NOTE: The district has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools.

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

CSBA NOTE: Education Code 47605 requires that measurable student outcomes for all students of the charter school, including numerically significant student subgroups as defined in Education Code 52052, be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52060; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when the subgroup consists of at least 30 students (or at least 15 foster youth or homeless students~~).~~) in the school.

Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. In addition, charter schools are included in the California School Dashboard, which reports the status of school performance on multiple state and local indicators and is intended to assist schools and districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status program, which uses modified methods of measurement for accountability indicators when appropriate.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charterschool'sLCAP,first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

Fees/Charges for Supervisorial Oversight

CSBA NOTE: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisorial oversight of the school. Education Code 47613 provides that the costs of supervisorial oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see the section "Technical Assistance/Intervention" below. CSBA's ~~publication~~, "Charter Schools: A Guide for Governance Teams," suggests that supervisorial oversight activities also might include site visits and site visit protocols, development of memorandums of understanding, reviews of performance data and financial reports, review of governance procedures, monitoring of teacher credentialing and assignments, facilities compliance, and legal auditing.

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue ~~if~~.

2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

1. If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities ~~cost~~ costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

2. ~~Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities~~

3. 3. Actual costs if the district is assigned supervisorial oversight responsibilityfor the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3 establishes criteria for the provision of technical assistance to charter schools including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the Board that the charter school has failed or is unable to implement ~~the~~ CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter; see BP 0420.43 - Charter School Revocation.

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent ~~of Schools~~. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. 1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605.(c). This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. 2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. 3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

CSBA NOTE: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of ~~the~~ CCEE or continues to demonstrate persistent or acute inadequate performance.

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

CSBA NOTE: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures for addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or

intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicableprocedures.

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities; (2) notifications to specified persons and entities; (3) provision of information about students' grade level, course completion, and district of residence; (4) transfer and maintenance of student and personnel records; (5) completion of an independent final audit; ~~and~~ (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed; (7) completion and filing of any annual reports required pursuant to Education Code 47604.33; and (8) identification of funding for the activities identified in Items #1-7.

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify CDE when a charter school ceases operation for any reason. CSBA's, "Charter Schools: A Guide for Governance Teams," recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or an MOU, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charterschool.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason. Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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

State	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of
construction Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on ~~web site~~website
Ed. Code 221.9	Sex equity in competitiveathletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Studentprotectionsrelating to immigration and citizenship status
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act

Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming poolsafety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
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Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter
schools Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction

Ed. Code 48850-48859	Education of foster youth and homeless
students Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other thanEnglish
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Pupil fees
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussionsand head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families

Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter
schools Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidatedapplication
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information, and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000 - 7930.~~170~~215	California Public Records Act

Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Educationgrant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources	**Description**
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 155(1996)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Department of Education Publication	California School Accounting Manual
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Department of Education Publication	Model Youth Suicide Prevention Policy (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management
California Interscholastic Federation Publication	Plan Template Pursuing Victory with Honor, 1999

Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller
Website	California Student Aid Commission
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: 02/11/2021 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

The Superintendent or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

Waivers

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

Provision of District Services

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU) which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605, 47607)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Monitoring Charter School Performance

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

Fees/Charges for Supervisorial Oversight

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue if the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities cost

2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or

more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school.

Complaints

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or an MOU, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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Ed. Code 234.6	Bullying and harassment prevention information - https://simbli.eboardsolutions.com/SU/a4lCNlpztJRYRuxdsXLNcQ==
Ed. Code 234.7	Student protections relating to immigration and citizenship status - https://simbli.eboardsolutions.com/SU/tYFq7Zw8Ckhuee1bkSS3cQ==
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Ed. Code 47640-47647	Special education funding for charter schools - https://simbli.eboardsolutions.com/SU/PQWN7ExDcLUt5nZSAG5raQ==
Ed. Code 47651	Apportionment of funds; charter schools - https://simbli.eboardsolutions.com/SU/TvpBtslsh7WeHuplus835tVT4flg==
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten - https://simbli.eboardsolutions.com/SU/dH9lJslshk5z8eiYxUplusL7HAslshg==
Ed. Code 48010	Minimum age of admission (first grade) - https://simbli.eboardsolutions.com/SU/98krIx9fYzrr46etcuB4yg==
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction - https://simbli.eboardsolutions.com/SU/ijHokUwlId1plusApXuKG70nw==
Ed. Code 48850-48859	Education of foster youth and homeless students - https://simbli.eboardsolutions.com/SU/QU2SE6Iz7doZOGCpluslbtaEg==
Ed. Code 48901.1	Suspension and expulsion; willful defiance - https://simbli.eboardsolutions.com/SU/sSdtsBidLV9kslshhhymPslshslshCg==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurLBlr2KdV5numJiQ==
Ed. Code 48913.5	Suspended students; homework assignments - https://simbli.eboardsolutions.com/SU/RfKslshUJ1Kr2qPLOhmGQ4iDg==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPIoTFejGslshDadJ4g==

Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Ed. Code 49005-49006.4	Seclusion and restraint - https://simbli.eboardsolutions.com/SU/Kt240GigKfQpIeKnug4slsh6A==
Ed. Code 49010	Pupil fees
Ed. Code 49011	Student fees - https://simbli.eboardsolutions.com/SU/plusdQn4SsavIVslshmBagIQ5qNQ==
Ed. Code 49014	Public School Fair Debt Collection Act - https://simbli.eboardsolutions.com/SU/xKFJLHIRwdlsm9p7Op0eZA==
Ed. Code 49061	Definitions; directory information - https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==
Ed. Code 49062.5	Student records; name or gender change - https://simbli.eboardsolutions.com/SU/AAVFJ8n43AnpS4vIKh2Fww==
Ed. Code 49070	Challenging student records - https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting - https://simbli.eboardsolutions.com/SU/9iplPezeEfX6eKlwZZ6PhA==
Ed. Code 49076.7	Student records; data privacy; social security numbers - https://simbli.eboardsolutions.com/SU/26EIVplus5YgblyN3WdaLbHOw==
Ed. Code 49110	Authority to issue work permits - https://simbli.eboardsolutions.com/SU/MKQiVYAnmqFRcZsj3gmyBQ==
Ed. Code 49381	Human trafficking prevention - https://simbli.eboardsolutions.com/SU/MVplusGpc2jpO7ai2HJXZzozw==
Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Ed. Code 49428	Notification of mental health services - https://simbli.eboardsolutions.com/SU/XmELaiohS1iWaMRZ9oDGyw==
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001 - https://simbli.eboardsolutions.com/SU/Vbldc2N1RyrO8XDSzoAlsA==
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods - https://simbli.eboardsolutions.com/SU/MejOq1GZtzsd1EzuDSIJZA==
Ed. Code 49475	Health and safety; concussions and head injuries - https://simbli.eboardsolutions.com/SU/vGoX0uUK29rTTmRJ2IPUnQ==
Ed. Code 49501.5	Free breakfast and lunch to all students - https://simbli.eboardsolutions.com/SU/BDEKJvGM8OqMZ8hBJT5Hfw==
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017 - https://simbli.eboardsolutions.com/SU/66T7et3SyxZVSBKJkpbTcQ==
Ed. Code 49564.3	Provision of federal universal meal service - https://simbli.eboardsolutions.com/SU/qIslshM2I1pqbK4DF8qs57FbQ==
Ed. Code 49700-49701	Education of children of military families - https://simbli.eboardsolutions.com/SU/88A0O9clQssHHF6TkCPUIA==
Ed. Code 51224.7	Mathematics placement policy - https://simbli.eboardsolutions.com/SU/Ojw79DFEFsItrEMkEW3YSA==
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework - https://simbli.eboardsolutions.com/SU/ESJhsNSpOyN75E8CplusIXPNg==

Ed. Code 51225.3	High school graduation requirements - https://simbli.eboardsolutions.com/SU/WNFAVVgiWv1wBeCknCeQnw==
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation - https://simbli.eboardsolutions.com/SU/GLen69yC9jrPIDy4VPCi3A==
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application - https://simbli.eboardsolutions.com/SU/ESJhsNSpOyN75E8CplusIXPNg==
Ed. Code 51413	Diploma of graduation without passage of high school exit examination - https://simbli.eboardsolutions.com/SU/PvHhAcVqWjIXq8PKiVplzA==
Ed. Code 51744-51749.6	Independent study - https://simbli.eboardsolutions.com/SU/E7nC62mthIusHvWqnDOdOw==
Ed. Code 51925-51929	Mandatory mental health education - https://simbli.eboardsolutions.com/SU/gNtpmDFTplust3nVQgIPKSkvg==
Ed. Code 51930-51939	California Healthy Youth Act - https://simbli.eboardsolutions.com/SU/mOrcbdGubVc76lTembQEDQ==
Ed. Code 52052	Accountability; numerically significant student subgroups - https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWIo3rs0EA==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjIplusPzLslshlt7rP0BfXZYJuQ==
Ed. Code 52075	Uniform complaint procedures - https://simbli.eboardsolutions.com/SU/8lFk3KsEOM9tKoqIuFWBwQ==
Ed. Code 56026	Special education - https://simbli.eboardsolutions.com/SU/JmedkTwaVmMRGCKlal9L0Q==
Ed. Code 56040.3	Availability of assistive technology device - https://simbli.eboardsolutions.com/SU/pKDrRTtUxplusFa6rqSL4Hpcg==
Ed. Code 56145-56146	Special education services in charter schools - https://simbli.eboardsolutions.com/SU/4bhkvSLV5Tiy9C0JLqe9iw==
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Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60649	Assessment of academic achievement - https://simbli.eboardsolutions.com/SU/vslshWgHorCjslsh9UHEON4ipXIA==
Ed. Code 64000	Categorical programs included in consolidated application - https://simbli.eboardsolutions.com/SU/2cjslsh2tGqN9pTqyyHDzyYOw==
Ed. Code 64001	School plan for student achievement; consolidated application programs - https://simbli.eboardsolutions.com/SU/upluszkLmgwIL58slshU3z7Tsm3w==
Ed. Code 65000-65001	School site councils - https://simbli.eboardsolutions.com/SU/0EApLzMGH2XevzVUbza2cw==
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation - https://simbli.eboardsolutions.com/SU/lHRqOslshN9UpBjNIrq7BJ96w==
Gov. Code 1090-1099	Prohibitions applicable to specified officers - https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==

Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Gov. Code 81000-91014	Political Reform Act - https://simbli.eboardsolutions.com/SU/YoRlO7U1CVMHSlRIJD6Piw==
H&S Code 104420	Tobacco Use Prevention Education grant program - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 104559	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5cneYVj0ZMS84j9SIT4EaA==
Lab. Code 1198.5	Personnel records related to performance and grievance - https://simbli.eboardsolutions.com/SU/iplusuemky4rWRUn5xrfzUTCw==
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs - https://simbli.eboardsolutions.com/SU/Xslsht3H3IacwQ3EhBxSESoHg==
Pen. Code 1192.7	Definition of serious felony - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Definition of violent felony - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==
Veh. Code 28160	Child safety alert system - https://simbli.eboardsolutions.com/SU/WM1Wn8I6AxslshJ6xlup9G18Q==

Federal References	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources References	**Description**
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Department of Education Publication	California School Accounting Manual - https://simbli.eboardsolutions.com/SU/la6rElHDCWXcWau3KBZu1Q==
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020 - https://simbli.eboardsolutions.com/SU/xsO7Bh2Z1lz4Heq9qObXkg==
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Agriculture - https://simbli.eboardsolutions.com/SU/RslshJVkZjGiBHO8TX9tA3tqQ==
Website	National Suicide Prevention Lifeline - https://simbli.eboardsolutions.com/SU/yAd89LtBVSlNaH2aImpg2Q==
Website	National Domestic Violence Hotline - https://simbli.eboardsolutions.com/SU/d1fBFpjoslsh4vvBXfU68zMWg==
Website	California State Teachers Retirement System - https://simbli.eboardsolutions.com/SU/dDkW9gdO2YplusqCVo1qG2vslshw==
Website	California Public Employees Retirement System - https://simbli.eboardsolutions.com/SU/BtrWsDRenb5z2ZZethXOCw==
Website	California Department of General Services, Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==
Website	California Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/Eg0pluss7NDrgK1KmPo9MgqplusA==
Website	California Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/T42f3sLyPlGPzJCTWmplusqxA==
Website	California Bureau of Security and Investigative Services - https://simbli.eboardsolutions.com/SU/7cVjGFeMAXplusS8IdHUhceYQ==
Website	California Department of Pesticide Regulation - https://simbli.eboardsolutions.com/SU/oAOBdjd0jGZedpcK5jhJiw==
Website	California State Controller - https://simbli.eboardsolutions.com/SU/GDLauCiDFl4Ms1eIPGARvA==
Website	California Student Aid Commission - https://simbli.eboardsolutions.com/SU/YTrTI0NffiZjZQWhb3fewg==
Website	National Association of Charter School Authorizers - https://simbli.eboardsolutions.com/SU/9nzhOG5X2VVH42kMJnO6kg==
Website	California Charter Schools Association - https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==
Website	California Department of Education, Charter Schools - https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshslshoGe7iQ==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
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Cross References	Description
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/zN80f3iUph4ipailF5vddg==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/gXMnc2CASxUErNp4hzfBVA==
0420.42	Charter School Renewal - https://simbli.eboardsolutions.com/SU/XQPnb1QqfFslshcmTjgErqMGA==

0420.43	Charter School Revocation - https://simbli.eboardsolutions.com/SU/rjslshfFVMvuEUjslshFQ0V2b0TQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1431	Waivers - https://simbli.eboardsolutions.com/SU/zheIVgBw9INSaqaXaujz9w==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==

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REQUIREMENTS FOR CHARTER SCHOOLS

CSBA NOTE: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements.

Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code ~~6250-6270~~7920.000- 7930.215), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)

2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006; Government Code 1099)

Operations

4. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education

Code 47604)

5. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

6. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

7. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

CSBA NOTE: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and must determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However, as indicated in the California Office of Administrative Hearings ruling in *Student v. Horizon Instructional Systems Charter School*, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

8. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)

9. Admit all students who wish to attend the charter school, according to the following criteria and procedures:

   a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area. (Education Code 47605)

      If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

   b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code

47614.5. (~~E~~education Code 47605)

c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. ~~(Education Code 47605)~~ Preferences shall not result in limited enrollment access for students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, students experiencing homelessness, foster youth, students who are economically disadvantaged, or on the basis of nationality, race, ethnicity, or sexual orientation. Mandatory parental volunteer hours shall not be the basis of a preference or a criterion for admission or continued enrollment. (Education Code 47605)

10. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, ~~homeless~~experiencing homelessness, economically disadvantaged, or a foster youth. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its ~~web site~~website the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)

11. Comply with the requirements of Education Code 48850-48859 regarding enrollment, identification, and placement of ~~homeless children~~students experiencing homelessness and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431- 11435)

12. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

13. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

14. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)

15. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7

16. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school ~~web site~~website or on the ~~web site~~website of the charter operator (Education Code

221.61)

17. If the charter school offers competitive athletics, annually post on the school's ~~web site~~website or on the ~~web site~~website of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

18. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)

19. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

Tuition and Fees

20. Not charge tuition (Education Code 47605)

CSBA NOTE: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory, "Pupil Fees, Deposits, and Other Charges," because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools.

21. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools (Education Code 49010, 49011)

Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

~~School Plans~~ School Plans

CSBA NOTE: Pursuant to Education Code 52064.3, as added by AB 181 (Ch. 52, Statutes of 2022), by January 31, 2025, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.

22. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the

template adopted by the State Board of Education (SBE). As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians and as appropriate, an Individuals with Disabilities Education Act Addendum, based on the ~~template~~templates deve~~l~~oped by ~~the~~ SBE. (Education Code 47604.33, 47606.5, 52064, 52064.1, 52064.3)

23. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

24. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)

25. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

CSBA NOTE: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

26. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)

27. ~~If the charter school offers a kindergarten program, also offer a transitional kindergarten (TK) program to students in accordance with Education Code 48000~~

28.27. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

29.28. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)

30.29. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)

31.30. If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)

32.31. If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)

33.32. If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school with the planned date, time, and location of the fair (Labor Code 3074.2)

CSBA NOTE: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

34. 33. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

35. 34. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)

36. 35. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, ~~homeless~~ student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school (Education Code51225.2)

37. 36. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

Special Education

38. 37. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

39. 38. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:

a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)

b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

41. 39. Exempt a foster youth, homeless student experiencing homelessness, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

40. In accordance with Education Code 51225.31, exempt an eligible student with disabilities from all coursework and other requirements adopted by the charter schoolboard that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma (Education Code 51225.31)

42.41. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

43.42. Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

Student Expression

44.43. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

CSBA NOTE: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

45.44. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing

46.45. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required. (Education Code 47605, 47605.4)

47.46. If the charter school offers TK, require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position by August 1, 2023, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)

48.47. Review potential misassignments and vacant positions in the charter school, including data from CTC, respond to the County Superintendent of Schools when necessary to show that an employee is legally authorized for an assignment, and correct any misassignments if notified by the County Superintendent that an assignment is not legally authorized (Education Code 44258.9)

49.48. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies (Education Code 44830.1, 45122.1, 45125.1)

50.49. Report to CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

51.50. If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 (Education Code 47610)

52.51. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

53.52. If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation

with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)

Parent/Guardian Involvement

54.53. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)

55.54. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

56.55. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

Nutrition

57.56. Provide breakfast and/or lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility. If the charter school participates in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and is a ~~very~~ high poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service. (Education Code 49501.5, 49564.3)

~~58.~~57. ~~Not~~If the charter school participates in the NSLP or SBP, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

Student Health

~~59.~~58. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

CSBA NOTE: Pursuant to Education Code 49428.5, as added by AB 748 (Ch. 431, Statutes of 2022), each school serving students in any of grades 6-12 is required to create a poster that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. See 5141.5 – Mental Health

59. Each charter school that serves students in any of grades 6-12 shall create and prominently display an age appropriate and culturally relevant poster that identifies approaches and resources about student mental health. (Education Code 49428.5)

60. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide PreventionLifeline and the National Domestic Violence Hotline on the identification cards (Education Code215.5)

61. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

62. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

63. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day
and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

64. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)

65. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of cardiopulmonary resuscitation training throughout the duration of the event (Education Code 35179.6)

66. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)

67. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

Student Conduct/Discipline

68. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention on the charter school's website, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)

69. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)

70. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

71. Neither recommend for expulsion a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)

72. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

Student and Parent/Guardian Records

73. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)

74. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)

75. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

76. If the charter school serves high school students, submit to the Student Aid Commission (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

77. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update, and reissue if requested, a former student's records to include the student's updated legal name or gender. (Education Code 49062.5, 49070)

Facilities

78. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

    a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.

b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government. -

79. If the charter school serves students in any of grades 6-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

Finance

80. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)

81. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

82. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

83. Annually prepare and submit financial reports to the Board and the County Superintendent in accordance with the following reporting cycle:

a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code47604.33)

c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)

d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

84. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

85. Annually adopt a school accountability report card (Education Code 33126, 47612; California Constitution, Article 16, Section 8.5)

~~85.~~

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

State	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of
construction Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on ~~web site~~website
Ed. Code 221.9	Sex equity in competitiveathletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy

Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Studentprotectionsrelating to immigration and citizenship status
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming poolsafety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992

Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter
schools Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other thanEnglish
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Pupil fees
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods

Ed. Code 49475	Health and safety; concussions and headinjuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56145-56146	Special education services in charter
schools Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidatedapplication
Ed. Code 64001	School plan for student achievement; consolidated application programs

Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification ofgrade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000 - 7930.~~170~~215	California Public Records
Act Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grantprogram
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Federal	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources	**Description**
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66(2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92(2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297(1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166(2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 155, 157 (1996)
CA Department of Education Publication	California School Accounting Manual

CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Department of Education Publication	Model Youth Suicide Prevention Policy (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management
California Interscholastic Federation Publication	Plan Template Pursuing Victory with Honor,
	1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller
Website	California Student Aid Commission

Website	National Association of Charter School Authorizers

Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

Exhibit (PDF) 0420.41-E PDF(1): Charter School Oversight

Status: ADOPTED

Original Adopted Date: 02/11/2021 | **Last Reviewed Date:** 02/11/2021

See PDF on the next page.

REQUIREMENTS FOR CHARTER SCHOOLS

Note: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements.

Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)

2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

Operations

3. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)

4. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and must determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However, as indicated in the California Office of Administrative Hearings ruling in Student v. Horizon Instructional Systems Charter School, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

7. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)

8. Admit all students who wish to attend the charter school, according to the following criteria and procedures:

   a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area. (Education Code 47605)

      If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

   b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)

c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (Education Code 47605)

9. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its web site the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)

10. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)

11. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

12. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

13. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)

14. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7

15. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)

16. If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by

gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

17. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)

18. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

Tuition and Fees

19. Not charge tuition (Education Code 47605)

Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools, but charter schools may not necessarily charge other fees authorized by law for school districts.

20. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools

21. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

School Plans

22. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE). As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on

the template developed by the SBE. (Education Code 47604.33, 47606.5, 52064, 52064.1)

23. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

24. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)

25. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

Note: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

26. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)

27. If the charter school offers a kindergarten program, also offer a transitional kindergarten program to students whose fifth birthday is from September 2 through December 2 (Education Code 48000)

28. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

29. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school(Education Code 51931, 51934)

30. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)

Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

31. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

32. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school (Education Code 51225.2)

33. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

Special Education

34. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

35. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:

    a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)

    b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

36. Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

37. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

Student Expression

38. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

Note: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

39. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing

40. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required. (Education Code 47605, 47605.4)

41. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check (Education Code 44830.1, 45122.1, 45125.1)

42. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

43. If the charter school chooses to make the state teachers' retirement plan available to its employees, meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

44. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Parent/Guardian Involvement

45. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)

46. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

47. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

Nutrition

48. Provide each eligible student with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers nonclassroom-based instruction (Education Code 47613.5)

49. If the charter school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

50. If the charter school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; not take any action directed at a student to collect unpaid school meal fees; ensure that a student with unpaid school meal fees is not denied a meal of the student's choice, shamed, or treated differently; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)

51. If the charter school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)

Student Health

52. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

53. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards (Education Code 215.5)

54. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

55. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

56. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

57. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)

58. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)

59. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

Student Conduct/Discipline

60. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)

61. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)

62. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

63. Neither recommend for expulsion a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)

64. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 48913.5)

Student and Parent/Guardian Records

65. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)

66. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)

67. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

68. If the charter school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

69. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update and reissue a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

Facilities

70. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

    a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.

    b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

Finance

71. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)

72. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

73. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

74. Annually prepare and submit financial reports to the district Board and the County Superintendent of Schools in accordance with the following reporting cycle:

    a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition

pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)

c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)

d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

75. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

76. Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5)

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

State References	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers - https://simbli.eboardsolutions.com/SU/SSn2FmqFSFqSCA0VWmVnqw==
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card - https://simbli.eboardsolutions.com/SU/5WGQeQCplusFH2CpIOCVLEpzQ==
CA Constitution Article 9, Section 5	Common school system - https://simbli.eboardsolutions.com/SU/5LDHgacpLGqiftuxZapslshQg==
Corp. Code 5110-6910	Nonprofit public benefit corporations - https://simbli.eboardsolutions.com/SU/up9YZpTJb4gRf50Hwlslsh9Og==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction - https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjlzroyZQ==
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members - https://simbli.eboardsolutions.com/SU/DkZrYtTlU9NWrze3EXluFQ==
Ed. Code 215	Suicide prevention policies - https://simbli.eboardsolutions.com/SU/zmm1CfvcskROqGRnx6Pjxg==
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines - https://simbli.eboardsolutions.com/SU/mjd7kPdEdGQCkTTq4fjKLA==
Ed. Code 220	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/UuY0xi20LPENZCvpYu9MBA==
Ed. Code 221.61	Posting of Title IX information on website - https://simbli.eboardsolutions.com/SU/irQaBtuKaJc2UlUMD9msFg==
Ed. Code 221.9	Sex equity in competitive athletics - https://simbli.eboardsolutions.com/SU/XGvniOOcT9f71NdXy0z4hg==
Ed. Code 222	Reasonable accommodations; lactating students - https://simbli.eboardsolutions.com/SU/5plusteldplusLIF9BMmjGj7TycA==
Ed. Code 222.5	Pregnant and parenting students; notification of rights - https://simbli.eboardsolutions.com/SU/ovnzJJOPJLMewOJ0hDdpMg==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/xc4N8izB3LAiHeKeL3IJdg==
Ed. Code 234.4	Mandated policy on bullying prevention - https://simbli.eboardsolutions.com/SU/QEslshMluPVPKM8zc2a6STcfg==
Ed. Code 234.6	Bullying and harassment prevention information - https://simbli.eboardsolutions.com/SU/a4lCNlpztJRYRuxdsXLNcQ==

Ed. Code 234.7	Student protections relating to immigration and citizenship status - https://simbli.eboardsolutions.com/SU/tYFq7Zw8Ckhuee1bkSS3cQ==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 32283.5	Bullying; online training - https://simbli.eboardsolutions.com/SU/DyXslshQr6SVssslshAtVQeo0USA==
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program - https://simbli.eboardsolutions.com/SU/iYYfvWeS1ARFgmKacICcNA==
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance - https://simbli.eboardsolutions.com/SU/xnUlpApJIlMRbUwQLx7KplusA==
Ed. Code 35292.6	Stocking of menstrual products - https://simbli.eboardsolutions.com/SU/DyZhmaluaCplushnTP2QKNVDQ==
Ed. Code 35330	Field trips and excursions; student fees - https://simbli.eboardsolutions.com/SU/g7eeslshoTazPpZXvEplussWNcplusA==
Ed. Code 38001.5	Training for security officers - https://simbli.eboardsolutions.com/SU/1lzcymd1XzFtiGzT5gb6JA==
Ed. Code 38080-38086	School meals - https://simbli.eboardsolutions.com/SU/Ga5pluswcqQP6OAif56GuzhXw==
Ed. Code 39831.3	Transportation safety plan - https://simbli.eboardsolutions.com/SU/ivDRS8mplusdRFb8Q05nIE8NA==
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles - https://simbli.eboardsolutions.com/SU/QC5NoplusPfaHJZYSStUkYmkA==
Ed. Code 41024	Report of expenditure of state facility funds - https://simbli.eboardsolutions.com/SU/feuCe44RSaSjslsh0lfdbdi4g==
Ed. Code 42100	Annual statement of receipts and expenditures - https://simbli.eboardsolutions.com/SU/V35QWJOOwRS5Y8PYw5QVOw==
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct - https://simbli.eboardsolutions.com/SU/xkijVQVFAXQBAOXlYWplus7WA==
Ed. Code 44237	Criminal record summary - https://simbli.eboardsolutions.com/SU/IHYcLtaynFiBr9plusQskjmtA==
Ed. Code 44258.9	Monitoring of teacher assignments - https://simbli.eboardsolutions.com/SU/cppLhTJNOaBPBuldWZudCw==
Ed. Code 44691	Information on detection of child abuse; annual training - https://simbli.eboardsolutions.com/SU/PyFHZvEFqqW2WZslshvvBXJjg==
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAIe8F0w==
Ed. Code 45125.1	Criminal records summary; employees of contracting entity - https://simbli.eboardsolutions.com/SU/tPjJ6OclrGF1isomslshbOH6Q==
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave - https://simbli.eboardsolutions.com/SU/A5q1Ee4yrt4KmDTVXBHEkg==

Ed. Code 46390-46393	Emergency average daily attendance - https://simbli.eboardsolutions.com/SU/RhvIzUhb47cV4lK2V8wbpQ==
Ed. Code 47600-47616.7	Charter Schools Act of 1992 - https://simbli.eboardsolutions.com/SU/jplusmZHRaxBMyaXh7aUGqfvQ==
Ed. Code 47634.2	Nonclassroom-based instruction - https://simbli.eboardsolutions.com/SU/Jf6snplus34NioYA1BEIbcxPQ==
Ed. Code 47640-47647	Special education funding for charter schools - https://simbli.eboardsolutions.com/SU/PQWN7ExDcLUt5nZSAG5raQ==
Ed. Code 47651	Apportionment of funds; charter schools - https://simbli.eboardsolutions.com/SU/TvpBtslsh7WeHuplus835tVT4flg==
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten - https://simbli.eboardsolutions.com/SU/dH9lJslshk5z8eiYxUplusL7HAslshg==
Ed. Code 48010	Minimum age of admission (first grade) - https://simbli.eboardsolutions.com/SU/98krIx9fYzrr46etcuB4yg==
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction - https://simbli.eboardsolutions.com/SU/ijHokUwIId1plusApXuKG70nw==
Ed. Code 48850-48859	Education of foster youth and homeless students - https://simbli.eboardsolutions.com/SU/QU2SE6Iz7doZOGCpluslbtaEg==
Ed. Code 48901.1	Suspension and expulsion; willful defiance - https://simbli.eboardsolutions.com/SU/sSdtsBidLV9kslshhhymPslshslshCg==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurLBlr2KdV5numJiQ==
Ed. Code 48913.5	Suspended students; homework assignments - https://simbli.eboardsolutions.com/SU/RfKslshUJ1Kr2qPLOhmGQ4iDg==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPIoTFejGslshDadJ4g==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Ed. Code 49005-49006.4	Seclusion and restraint - https://simbli.eboardsolutions.com/SU/Kt240GigKfQpIeKnug4slsh6A==
Ed. Code 49010	Pupil fees
Ed. Code 49011	Student fees - https://simbli.eboardsolutions.com/SU/plusdQn4SsavIVslshmBagIQ5qNQ==
Ed. Code 49014	Public School Fair Debt Collection Act - https://simbli.eboardsolutions.com/SU/xKFJLHIRwdlsm9p7Op0eZA==
Ed. Code 49061	Definitions; directory information - https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==
Ed. Code 49062.5	Student records; name or gender change - https://simbli.eboardsolutions.com/SU/AAVFJ8n43AnpS4vIKh2Fww==
Ed. Code 49070	Challenging student records - https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting - https://simbli.eboardsolutions.com/SU/9iplPezeEfX6eKlwZZ6PhA==
Ed. Code 49076.7	Student records; data privacy; social security numbers - https://simbli.eboardsolutions.com/SU/26EIVplus5YgblyN3WdaLbHOw==

Ed. Code 49110	Authority to issue work permits - https://simbli.eboardsolutions.com/SU/MKQiVYAnmqFRcZsj3gmyBQ==
Ed. Code 49381	Human trafficking prevention - https://simbli.eboardsolutions.com/SU/MVplusGpc2jpO7ai2HJXZzozw==
Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Ed. Code 49428	Notification of mental health services - https://simbli.eboardsolutions.com/SU/XmELaiohS1iWaMRZ9oDGyw==
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001 - https://simbli.eboardsolutions.com/SU/Vbldc2N1RyrO8XDSzoAlsA==
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods - https://simbli.eboardsolutions.com/SU/MejOq1GZtzsd1EzuDSIJZA==
Ed. Code 49475	Health and safety; concussions and head injuries - https://simbli.eboardsolutions.com/SU/vGoX0uUK29rTTmRJ2IPUnQ==
Ed. Code 49501.5	Free breakfast and lunch to all students - https://simbli.eboardsolutions.com/SU/BDEKJvGM8OqMZ8hBJT5Hfw==
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017 - https://simbli.eboardsolutions.com/SU/66T7et3SyxZVSBKJkpbTcQ==
Ed. Code 49564.3	Provision of federal universal meal service - https://simbli.eboardsolutions.com/SU/qIslshM2I1pqbK4DF8qs57FbQ==
Ed. Code 49700-49701	Education of children of military families - https://simbli.eboardsolutions.com/SU/88A0O9clQssHHF6TkCPUIA==
Ed. Code 51224.7	Mathematics placement policy - https://simbli.eboardsolutions.com/SU/Ojw79DFEFsItrEMkEW3YSA==
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework - https://simbli.eboardsolutions.com/SU/ESJhsNSpOyN75E8CplusIXPNg==
Ed. Code 51225.3	High school graduation requirements - https://simbli.eboardsolutions.com/SU/WNFAVVgiWv1wBeCknCeQnw==
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation - https://simbli.eboardsolutions.com/SU/GLen69yC9jrPIDy4VPCi3A==
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application - https://simbli.eboardsolutions.com/SU/ESJhsNSpOyN75E8CplusIXPNg==
Ed. Code 51413	Diploma of graduation without passage of high school exit examination - https://simbli.eboardsolutions.com/SU/PvHhAcVqWjIXq8PKiVplzA==
Ed. Code 51744-51749.6	Independent study - https://simbli.eboardsolutions.com/SU/E7nC62mthIusHvWqnDOdOw==
Ed. Code 51925-51929	Mandatory mental health education - https://simbli.eboardsolutions.com/SU/gNtpmDFTplust3nVQgIPKSkvg==
Ed. Code 51930-51939	California Healthy Youth Act - https://simbli.eboardsolutions.com/SU/mOrcbdGubVc76lTembQEDQ==

Ed. Code 52052	Accountability; numerically significant student subgroups - https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWIo3rs0EA==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjIplusPzLslshlt7rP0BfXZYJuQ==
Ed. Code 52075	Uniform complaint procedures - https://simbli.eboardsolutions.com/SU/8lFk3KsEOM9tKoqIuFWBwQ==
Ed. Code 56026	Special education - https://simbli.eboardsolutions.com/SU/JmedkTwaVmMRGCKlal9L0Q==
Ed. Code 56040.3	Availability of assistive technology device - https://simbli.eboardsolutions.com/SU/pKDrRTtUxplusFa6rqSL4Hpcg==
Ed. Code 56145-56146	Special education services in charter schools - https://simbli.eboardsolutions.com/SU/4bhkvSLV5Tiy9C0JLqe9iw==
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools - https://simbli.eboardsolutions.com/SU/plusHx6S11qXL2VZ64czJIT8Q==
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60649	Assessment of academic achievement - https://simbli.eboardsolutions.com/SU/vslshWgHorCjslsh9UHEON4ipXIA==
Ed. Code 64000	Categorical programs included in consolidated application - https://simbli.eboardsolutions.com/SU/2cjslsh2tGqN9pTqyyHDzyYOw==
Ed. Code 64001	School plan for student achievement; consolidated application programs - https://simbli.eboardsolutions.com/SU/upluszkLmgwIL58slshU3z7Tsm3w==
Ed. Code 65000-65001	School site councils - https://simbli.eboardsolutions.com/SU/0EApLzMGH2XevzVUbza2cw==
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation - https://simbli.eboardsolutions.com/SU/lHRqOslshN9UpBjNIrq7BJ96w==
Gov. Code 1090-1099	Prohibitions applicable to specified officers - https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Gov. Code 81000-91014	Political Reform Act - https://simbli.eboardsolutions.com/SU/YoRlO7U1CVMHSlRIJD6Piw==
H&S Code 104420	Tobacco Use Prevention Education grant program - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 104559	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5cneYVj0ZMS84j9SIT4EaA==
Lab. Code 1198.5	Personnel records related to performance and grievance - https://simbli.eboardsolutions.com/SU/iplusuemky4rWRUn5xrfzUTCw==
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs - https://simbli.eboardsolutions.com/SU/Xslsht3H3IacwQ3EhBxSESoHg==

Pen. Code 1192.7	Definition of serious felony - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Definition of violent felony - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==
Veh. Code 28160	Child safety alert system - https://simbli.eboardsolutions.com/SU/WM1Wn8I6AxslshJ6xlup9G18Q==

Federal References	**Description**
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

Management Resources References	**Description**
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Department of Education Publication	California School Accounting Manual - https://simbli.eboardsolutions.com/SU/la6rElHDCWXcWau3KBZu1Q==
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020 - https://simbli.eboardsolutions.com/SU/xsO7Bh2Z1lz4Heq9qObXkg==
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Website	U.S. Department of Agriculture - https://simbli.eboardsolutions.com/SU/RslshJVkZjGiBHO8TX9tA3tqQ==
Website	National Suicide Prevention Lifeline - https://simbli.eboardsolutions.com/SU/yAd89LtBVSlNaH2aImpg2Q==
Website	National Domestic Violence Hotline - https://simbli.eboardsolutions.com/SU/d1fBFpjoslsh4vvBXfU68zMWg==
Website	California State Teachers Retirement System - https://simbli.eboardsolutions.com/SU/dDkW9gdO2YplusqCVo1qG2vslshw==
Website	California Public Employees Retirement System - https://simbli.eboardsolutions.com/SU/BtrWsDRenb5z2ZZethXOCw==
Website	California Department of General Services, Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==
Website	California Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/Eg0pluss7NDrgK1KmPo9MgqplusA==
Website	California Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/T42f3sLyPlGPzJCTWmplusqxA==
Website	California Bureau of Security and Investigative Services - https://simbli.eboardsolutions.com/SU/7cVjGFeMAXplusS8IdHUhceYQ==
Website	California Department of Pesticide Regulation - https://simbli.eboardsolutions.com/SU/oAOBdjd0jGZedpcK5jhJiw==
Website	California State Controller - https://simbli.eboardsolutions.com/SU/GDLauCiDFl4Ms1eIPGARvA==
Website	California Student Aid Commission - https://simbli.eboardsolutions.com/SU/YTrTI0NffiZjZQWhb3fewg==
Website	National Association of Charter School Authorizers - https://simbli.eboardsolutions.com/SU/9nzhOG5X2VVH42kMJnO6kg==
Website	California Charter Schools Association - https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==
Website	California Department of Education, Charter Schools - https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshslshoGe7iQ==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References	**Description**
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/zN80f3iUph4ipailF5vddg==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/gXMnc2CASxUErNp4hzfBVA==
0420.42	Charter School Renewal - https://simbli.eboardsolutions.com/SU/XQPnb1QqfFslshcmTjgErqMGA==

0420.43	Charter School Revocation - https://simbli.eboardsolutions.com/SU/rjslshfFVMvuEUjslshFQ0V2b0TQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1431	Waivers - https://simbli.eboardsolutions.com/SU/zheIVgBw9INSaqaXaujz9w==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==

SAN YSIDRO SCHOOL DISTRICT

GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: October 19, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Marilyn Adrianzen,
Chief Business Official

☐ Informational
☒ Action

AGENDA ITEM: FIRST READING AND ADOPTION OF REVISED BOARD POLICIES, ADMINISTRATIVE REGULATIONS AND EXHIBITS - 1000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of new and revised Board Policies (BP) and Administrative Regulations (AR):

- Revised Board Policy 1113 - District and School Websites
- Revised Exhibit(1) 1113 - District and School Websites
- Revised Board Policy 1160 – Political Processes
- Revised Board Policy 1330 – Use of School Facilities
- Revised Administrative Regulation 1330 – Use of School Facilities
- **Deletion** - Exhibit(1) 1330 – Use of School Facilities.

RECOMMENDATION:

Approve the First Reading and Adoption of Revised Board Policies, Administrative Regulations and Exhibits - 1000 series: Board Policy 1113 - District and School Websites, Exhibit(1) 1113 - District and School Websites, Board Policy 1160 – Political Processes, Board Policy 1330 – Use of School Facilities, Administrative Regulation 1330 – Use of School Facilities and Deletion - Exhibit(1) 1330 – Use of School Facilities.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications? ☐ Yes ☒ No

Are funds for this item available in the 2023-2024 Budget? ☐ Yes ☐ No

Requisition #

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

1000 SERIES

Board Policy 1113 - District and School Websites
Policy updated to incorporate concepts from **NEW LAW (AB 2273, 2022)** which, although not necessarily applicable to districts, requires a business that provides an online service, product, or feature likely to be accessed by children to comply with specified requirements and provides good guidance for districts seeking to create a safe online space for students.

Exhibit(1) 1113 - District and School Websites
Exhibit updated to reflect that the California Department of Fair Employment and Housing is now named the Civil Rights Department, amend the title of one of the employment related posters for consistency with other sample policy materials, reflect **NEW LAW (SB 1479, 2022)** which requires the district to post on its website its COVID-19 testing plan, **NEW LAW (AB 185, 2022)** which requires the district to post on its website interim expenditure reports on the use of Learning Recovery Emergency Funds and **NEW LAW (AB 748, 2022)** which requires each school site serving students in any of grades 6-12 to have a digitized mental health poster that is distributed online to students through social media, web sites, portals, and learning platforms at the beginning of each school year.

Board Policy 1160 – Political Processes
Policy updated to reflect **NEW LAW (AB 1416, 2022)** which requires the ballot label or similar description of a school district (or other local government) measure on a county ballot to list, either as a supporter or an opponent of the measure, the associations, nonprofit organizations, businesses, or individuals, including current or former elected officials such as Governing Board members, who have signed the ballot argument or are listed in the text of the argument in support or opposition of the measure unless the county board of supervisors elects not to list such supporters and opponents.

Board Policy 1330 – Use of School Facilities
Policy updated to caution districts when charging religious groups direct costs for use of district facilities when those costs are not charged to other groups due to the potential conflict between a U.S. Supreme Court decision and state law. Policy also updated to add that the Governing Board may authorize the use of a school building as a vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pickup of election materials, as determined by the election official.

Administrative Regulation 1330 – Use of School Facilities
Regulation updated to encourage districts to create a facilities use application and agreement for the use of school facilities and grounds by any entity other than the district, add that anyone applying to use school facilities do so as specified in district procedures and in accordance with law, and reflect **NEW LAW (AB 2028, 2022)** which authorizes the Governing Board to allows district facilities to be used by local law enforcement, public agencies, nonprofit associations, or organizations for bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students.

Delete - Exhibit(1) 1330 – Use of School Facilities
Exhibit deleted as unnecessary with relevant material included in administrative regulation 1330 – Use of School Facilities.

Policy 1113: District And School ~~Web Sites~~Websites

Original Adopted Date: 07/01/2007 | **Last Revised Date:** ~~10~~06/01/~~2017~~2023 | **Last Reviewed Date:** ~~10~~06/01/~~2017~~2023

CSBA NOTE: The following optional policy is for use by districts that maintain their own ~~web site~~website(s) and may be revised to reflect district practice. District strategies for effective use of ~~web sites~~websites may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school ~~web sites~~websites. The use of district and school ~~web sites~~websites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

Design Standards

The Superintendent or designee shall establish design standards for district and school ~~web sites~~websites in order to maintain a consistent identity, professional appearance, and ease of use.

CSBA NOTE: The following paragraph is optional. Pursuant to Civil Code 1798.99.28-1798.99.40, as added by AB 2273 (Ch. 320, Statutes of 2022), businesses that provide online services, products, or features that are likely to be accessed by children are required to prioritize the best interests of students in designing such products or features, to ensure that children are not exposed to harmful or potentially harmful content, contact, or conduct. Though this law is not necessarily applicable to districts, it is good guidance for districts seeking to create a safe online space for students.

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

CSBA NOTE: Pursuant to Title II of the Americans with Disabilities Act (42 USC 12131-12134) and Section 504 of the Rehabilitation Act of 1973 (29 USC 705, 794; 34 CFR 104.1-104.39), districts have an obligation to provide an equal opportunity to individuals with disabilities to participate in and receive the benefits of the educational program, and must provide accommodations or modificationswhennecessary to ensure equal treatment.~~Suchobligations have been interpreted by the~~The U.S. Department of Education's Office for Civil Rights ~~(OCR) to~~ June 2010 and May 2011 Dear Colleague Letters interpret that such obligations include the requirement that district ~~web sites~~websites be accessible to individuals with disabilities. ~~See the OCR's June 2010 and May 2011 DearColleagueLetters. Thus,districtsmustconsider the needs of individuals with disabilities and identify features that would enable such persons to access all the information on district and school web sites.~~

A U.S. Department of Justice technical assistance publication, "Accessibility of State and Local Government Websites to People with Disabilities," states that an agency with a ~~web site~~website

that is otherwise inaccessible to individuals with disabilities may meet its legal obligations by providing an alternative accessible way for them to use the programs or services (e.g., a staffed telephone information line), but points out that these alternatives are unlikely to provide an equal degree of access in terms of hours of operation or range of options and programs available. See the accompanying administrative regulation for accessibility guidelines.

The district's design standards shall address the accessibility of district and school ~~web sites~~websites to individuals with disabilities, including compatibility with commonly used assistive technologies.

~~**Web Site Content**~~

~~The Superintendent or designee shall develop content guidelines for district and school web sites and assign staff to review and approve content prior to posting.~~

Website Content

The Superintendent or designee shall develop content guidelines for district and school websites and assign staff to review and approve content prior to posting.

CSBA NOTE: The following optional paragraph ensures consistency of district policies regarding advertising and may be revised to reflect district practice.

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school ~~web sites~~websites.

Privacy Rights

CSBA NOTE: Business and Professions Code 22580-22582 prohibit an operator of a ~~web site~~website from knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile the personal information of a minor for the purpose of marketing or advertising specified types of products or services. Business and Professions Code 22584-22585 prohibit the operator of a ~~web site~~website that provides services to K-12 students from selling or disclosing specified student information or knowingly using that student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a student. Business and Professions Code 22586~~, as added by AB 2799 (Ch. 620, Statutes of 2016),~~ provides a similar prohibition for the operator of a ~~web site~~website used, designed, and marketed primarily for preschool or prekindergarten purposes from knowingly engaging in specified activities, including targeted advertising, selling, or disclosing a student's information, and using specified information to amass a profile about a student except in furtherance of preschool or prekindergarten purposes. See BP 5125 - Student Records for further information regarding protection of student information.

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school ~~web sites~~websites.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The district should carefully consider whether to place personally identifiable information on district or school ~~web sites~~websites since release of such information may put individuals, including students, at risk and also may violate Education Code 49073 which prohibits disclosure of student

directory information to any private profit-making entity; see BP/AR/E 5125.1 - Release of Directory Information.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school ~~web sites~~websites.

CSBA NOTE: The following options address the use of students' photographs on district or school ~~web sites~~websites. Option 1 is for use by districts that, pursuant to Education Code 49061 and 34 CFR 99.3, include photographs in the definition of directory information, as specified in AR 5125.1
- Release of Directory Information, and publish student photographs along with ~~their~~student names unless a parent/guardian requested in writing that no photographs of ~~their~~the child be released without ~~their~~ prior written consent. Option 2 is for use by districts that do not allow ~~students'~~student photographs to be published along with ~~their~~student names unless specific consent for such publication is received from the parent/guardian.

OPTION 1: The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with ~~his/her~~the student's name, may be published on district or school ~~web sites~~websites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with BP/AR 5125.1 - Release of Directory Information.
END OF OPTION 1

OPTION 2: Photographs of individual students shall not be published on district or school ~~web sites~~websites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.
END OF OPTION 2

CSBA NOTE: The remainder of this policy is for use by all districts.

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district ~~web sites~~websites.

~~CSBA NOTE: The following optional paragraph may be revised to reflect district practice. It is recommended that districts not post employees'~~CSBA NOTE: Posting of Employees' home addresses, personal telephone numbers, or personal email addresses on district or school ~~web sites, in order to maintain employee privacy and safety. If such information is posted, employees should be informed that using a personal account or device to receive communications regarding district business does not categorically exclude these records from disclosure upon request under the California Public Records Act (Government Code 7920.000 - 7930.170), pursuant to the California Supreme Court's decision in City of San Jose v. Superior Court.~~websites is prohibited by law in certain circumstances in order to maintain employee privacy and safety. See BP 1340 - Access to District Records, AR 3580 - District Records, and BB 9012 - Board Member Electronic Communications.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school ~~web sites.~~websites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school ~~web sites~~websites without the prior written permission of that individual. (Government Code 3307.5, ~~6254.21, 6254.24~~7928.205, 7920.535)

No public safety official shall be required to consent to the posting on the Internet of ~~his/her~~the public safety official's photograph or identity as a public safety officer for any purpose if that officer reasonablybelieves that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or ~~his/her~~the officer's family. (Government Code 3307.5)

Policy Reference UPDATE Service
Copyright 2023 by **California School Boards Association**, West Sacramento, California 95691 All rights reserved.

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

State	Description
Bus. and Prof. Code 22580-22582	~~Privacy Rights for California Minors in the Digital World~~Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection
Act Civ. Code 1798.99.31	California Age-Appropriate Design Code Act
Ed. Code 32096	COVID-19 testing in schools
Ed. Code 32526	COVID Emergency Appropriations for Education
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 60048	Commercial brand names, contracts, or logos
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department ~~of Fair Employment and Housing~~ posters
Gov. Code 3307.5	Publishing identity of public safety officers
~~Gov. Code 6254.21~~	~~Publishing addresses and telephone numbers of officials~~
~~Gov. Code 6254.24~~	~~Definition of public safety official~~

Gov. Code 7920.000 - 7930.~~170~~215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents

Federal	**Description**
16 CFR 312.1-312.~~12~~13	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	~~The Rights of Employees Who Are~~ Transgender ~~or Gender Nonconforming~~Rights in the Workplace
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
CA Civil Rights Department Publication	Sexual Harassment
Court Decision	Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46- 2016, July 2016
U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office for CivilRights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter, May 26, 2011

Website	CSBA District and County Office of Education Legal Services
Website	Governor's Office of Planning and Research, The California Environmental Quality Act
Website	California Department of Education, Web Accessibility Standards
Website	California School Public Relations Association
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

1312.3-E(2)	Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3515	Campus Security
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4132	Publication Or Creation Of Materials

4161.8	Family Care And Medical Leave
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4232	Publication or Creation of Materials
4261.8	Family Care And Medical Leave
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4332	Publication or Creation of Materials
4361.8	Family Care And Medical Leave
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying
6020	Parent Involvement
6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology

6163.4-E(1)	Student Use Of Technology
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6190	Evaluation Of The Instructional Program
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9012	Board Member Electronic Communications
9310	Board Policies
9320	Meetings And Notices
9322	Agenda/Meeting Materials

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

Status: ADOPTED

Original Adopted Date: 03/11/2021 | **Last Reviewed Date:** 03/11/2021

See PDF on the next page.

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE

Note: The following exhibit lists material which the law explicitly requires be posted on district or school web sites. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related requirements. The exhibit does not include other postings that may recommended throughout CSBA's sample policy manual but are not required by law.

Materials to Prominently Display

The following must be posted in a prominent location on the district's web site, such as on the home page when required by law:

1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.

2. 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 district'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.

3. The district'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.

4. The district'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.

5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.

6. 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.

7. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of students and

the public as specified in Education Code 221.8, the responsibilities of the district under Title IX, web links to information about those rights and responsibilities on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California Department of Education's (CDE) web site (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.

8. 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.

9. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

Other Postings

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

1. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.

2. The district'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.

3. Training materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitate an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's web site or, if the school

does not have a web site, on the district's web site. See AR 6145.2 - Athletic Competition.

5. If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an exiting interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.

6. If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.

7. For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.

8. The section(s) of the district's employee code of conduct addressing interactions with students (Education Code 44050). Post these section(s) or a link to them on each school's web site or, if a school does not have its own web site, on the district's web site in a manner that is accessible to the public without a password. See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.

9. The district's meal payment collection policy and procedures (CDE Nutrition Services Division Management Bulletin SNP-03-2017). See AR 3551 - Food Services Operations/Cafeteria Fund.

10. If the district includes information about the free and reduced-priced meal program on its web site, a nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (U.S. Department of Agriculture's FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.

11. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5 (Education Code 17611.5). Post on the school's web site or, if the school does not have a web site, then on the district's web site. See AR 3514.2 Integrated Pest Management.

12. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.

13. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.

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 district's web site.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their web sites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.

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State References	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world - https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/FnauJhplusaffvcCQodyGJjng==
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==
Ed. Code 35182.5	Contracts for advertising - https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==
Ed. Code 35258	Internet access to school accountability report cards - https://simbli.eboardsolutions.com/SU/XpBEzfkV16CA5mk0f4jdmw==
Ed. Code 48852.6	Information regarding homelessness - https://simbli.eboardsolutions.com/SU/2XllcQFsAF9sqPWzKDVdWQ==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurLBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPIoTFejGslshDadJ4g==
Ed. Code 49061	Definitions; directory information - https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==
Ed. Code 49073	Release of directory information - https://simbli.eboardsolutions.com/SU/YMNtqKufIpsO3LRpEQNrpg==
Ed. Code 60048	Commercial brand names, contracts or logos - https://simbli.eboardsolutions.com/SU/oXTIqPTqmMSDT1KZK7k1rQ==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12950	California Civil Rights Department posters - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOlU3XnZ3A==
Gov. Code 3307.5	Publishing identity of public safety officers - https://simbli.eboardsolutions.com/SU/sKArQFpSmt5PEFNhDyUFQQ==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program - https://simbli.eboardsolutions.com/SU/DNXnXBD3W3alPrplusZtAF91g==
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents - https://simbli.eboardsolutions.com/SU/G2phQcgAplus97RfIzXOhEOfQ==

Federal References	Description
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	Transgender Rights in the Workplace
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016 - https://simbli.eboardsolutions.com/SU/oOOO2an7WbABMX4h7rKBGw==
U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office for Civil Rights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter, May 26, 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Governor's Office of Planning and Research, The California Environmental Quality Act - https://simbli.eboardsolutions.com/SU/n5xh7yqpDOayP5DToPda0A==
Website	California Department of Education, Web Accessibility Standards - https://simbli.eboardsolutions.com/SU/ZXERSvILs5Tm5Y5TnRi4NA==
Website	California School Public Relations Association - https://simbli.eboardsolutions.com/SU/csB0m6f7E6wVaFPfZWZFcw==
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section - https://simbli.eboardsolutions.com/SU/9sZBTK5qxS65pFYo7h6ktA==
Website	World Wide Web Consortium, Web Accessibility Initiative - https://simbli.eboardsolutions.com/SU/hqb27CeNzty0cZUAlpgPnQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZIe111WmbX10Vg==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RIslshmyzTCzMSVplus4uuCqYvZA12.6

Cross References	Description
0000	Vision - https://simbli.eboardsolutions.com/SU/u5qD89SrQMplus85pcm4Ju8ww==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/axwazcjjKskSaxTplusJVK3HA==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/ctUEAMl5LG7fhlhBosO10A==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/rzNCNplusgIOuZ07tkLn8zplusrQ==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/1B5V1awYkIj0NjM4JzKPxw==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/1b2pTYKv1STslshiplus35b6wXJw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/MKhwBGMweE1slshNFFV07El6A==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/slshwh0ycRLRlgLo9OqHVCw0g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/WaWZslshVX95yzHAlbehiHpluspluswzz==

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
3290	Gifts, Grants And Bequests - https://simbli.eboardsolutions.com/SU/lG5lslshMzQ0JfEYdyLngDxHQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/TXCclHAPO4AvqlRkslshIGT6g==
3311	Bids - https://simbli.eboardsolutions.com/SU/YtGjBb8AeKJBCbTEVI6JKg==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/BazMpEOiby4edOHjSGrQqA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/WGnpBaTQVhdslshSX6RUBw8hg==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/ThjcPyO0ekUJ2UV3ySsQiQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/Z3lvz9vxU2oiWyN9L92y6Q==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/DXNlpT9yDOcakygQyXu7Ig==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/GE0i6DLXjEunpslshI1ajPT9Q==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/MK62ayh3lQtmYtElkL8MeA==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/UmuHbeNZkcsFSh62pYJSOQ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aMslshpNvyGyfplusTuUKluUzHplusg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NzALV7TjR6lTf6f5RvMjhA==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/lAJDgoYlIDjrGK0VsaiTUA==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/F9u50slshgnNSFWzZ1KL25Hgg==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/plusFzT0dMUpYAiXaMJslshzjDfA==

4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/LNC8SKjG1NGZG0P1UplusRMEg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/V3T4HFszBjOHIgMslshjNbc8g==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mQy8e2IeTPMPiWOH1fNu7g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/loKsqVRTwKEYctzGA4g2slshw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/4ECk7XUf2vAlK6WdWLchBw==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/xWKQ2uBAiN0fQuPmm52ynQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/VKlylb8yQYv7slsh2ZhEh1qmg==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/L8yP6LVj9KCY0vQ8PORzvA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/ePMKB68yqZCM4HYjmZ7WzQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/EMrErY6ZA7wnplusiidKreEuQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/BRu9J71Or7e3MtrWoiwxCA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/r3FjtcyWYRzoggplusAxgZfEw==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/E8TLBAkmlZNslsh64KyfXgj4A==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/X6d0PiFilH2zk2K5JdazDg==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/VplussOE8US1DVte1kbeN6K3Q==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/yNQLcnMaslshCQerLAitMld6A==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/UO2j3yqobJ6YRTuLeugtIA==

5131.2	Bullying - https://simbli.eboardsolutions.com/SU/kWRplusbnQoZSIWwJmVGTs0Zw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/O9dpMNxs57RsmdEMWPQ4slshw==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/AjyYJSIWIe0X1X9aYsrxDA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/0rtplusMzx8L8UZ1Qslsht9ctTsA==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/cVcwWiAK3pCgNhfrC3plusGpA==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/LEKRQIY1ERodUMIga3JmEQ==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/PLG8plus3O6AvdCDiuFbYKWnA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/qjuUyEwp6S6FOWflAzTP7w==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/VoppNbk4pBgl2gPK2huvrQ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/cMfYbPZNNyLJKpE7JPMKxg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/SsYiNF0LslshseiRm7GRp9z9g==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/hLH5xQladPYlEyHgaZbJrg==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/YTy9bjpwCqbvxNTc2Xhefw==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/CjdxaqWYL8ttaua4uYpuew==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/by0EhzPoKMEew61tVs07plusQ==
9010	Public Statements - https://simbli.eboardsolutions.com/SU/Q2JxTlDhJSGRZZ6dhrgWRQ==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/zBDaaRxMplus3plusaFBvIgwdRslshg==

9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/bYRFicsLGHplusfHq59V3nVNw==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/plusEzbidYHqROMnQ9ReO3Itw==

Regulation 1330: Use Of School Facilities

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Reviewed Date:** 06/13/2019

Application for Use of Facilities

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

   A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)
10. Other purposes deemed appropriate by the Board of Education

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco
4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the Superintendent or designee pursuant to Business and Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

As permitted, the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

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

State References	Description
5 CCR 14037-14042	Proportionate direct costs for use of school facilities and grounds
Bus. Code 25608	Alcohol on school property; use in connection with instruction - https://simbli.eboardsolutions.com/SU/FNTmwCbl5wapMSlUJRgAkw==
Ed. Code 10900-10914.5	Community recreation programs - https://simbli.eboardsolutions.com/SU/2plusoOlNP9plus8k2kxekeluvFw==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 37220	School holidays - https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==
Ed. Code 38130-38138	Civic Center Act; use of school property for public purposes - https://simbli.eboardsolutions.com/SU/tIoM8gkAiBJoSSNvFbplusm4w==
Ed. Code 51860	Time and facilities for bicycle and scooter safety instruction - https://simbli.eboardsolutions.com/SU/iZIvtDgz8RsMNJogh8kslshHw==
Elec. Code 12283	Polling places: schools - https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJjMrQjswg==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
M&V Code 1800	Definitions - https://simbli.eboardsolutions.com/SU/8cMAXVl6pluslXqzokIcrAUTw==

Federal References	Description
20 USC 7905	Equal access to public school facilities
40 CFR 141.1-141.723	Drinking water standards

Management Resources References	Description
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 248 (1996)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 90 (1999)
Court Decision	Ellis v. Board of Education, (1945) 27 Cal.2d 322
Court Decision	Good News Club v. Milford Central School, (2001) 533 U.S. 98
Court Decision	Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

Court Decision	ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167
Court Decision	Cole v. Richardson, (1972) 405 U.S. 676
Court Decision	Connell v. Higgenbotham, (1971) 403 U.S. 207
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 - https://simbli.eboardsolutions.com/SU/XdN3WVUUFIcdWXlPIQ118A==
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010 - https://simbli.eboardsolutions.com/SU/yKK9jYHSkM7slshWodVvursIshCQ==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/DXjcyYLy5qeNbQhfCf24IA==
1160	Political Processes - https://simbli.eboardsolutions.com/SU/xyZPKDlw3nGcZMeM8JRMDw==
1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/F5tgpslshZS6CSXl2D7P2pmmw==
1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/H0xq0dXqw6RtT55qw5UHcw==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/WaWZslshVX95yzHAlbehiHplusplusw==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/Q9uum7Qie1RKlnyyMCvRYA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/zP9eNCslshlhcPcKReyWt0R0w==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/xQsi8XCX1iXiQIrdQ6mqHw==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/rCoU3YDeQiauvp8P9pTGvA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/RsyNOO67E9LtdDgFPQwcig==

3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/GF8ydoNVfCW4zYYv5PkXpg==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/NFzTA81FLqplus82yVmHQRriQ==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/1Yq1ZA0uugBrEhT1ZWRxWg==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/GE0i6DLXjEunpslshl1ajPT9Q==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/MK62ayh3lQtmYtElkL8MeA==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/hESWDzNlCVBL4CkwCS2oqQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/Jq6plusqrzxnKCsHCplusF6tVuQw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/axM9sYMOoucrnC7t4m3Xhw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/2BoHsfNNtQCFjhxQW3N4ew==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pk0PXlowq24KhlqALNtqCA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/ID1Xt4z35CCOVS5ZEgTWeg==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/V88zs0w9slshwAgr49hnw8vSw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/RKWplusob0FkiH3n56CYcSslshFg==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/djb4slshsgbpszLlijYQcBTww==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/KQOplusjVe5z9q5dsDaNMna6w==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/aHXj1KbWKdGMYCTGHhoOvQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/uLigonpG5KlnPzfKy9UlPQ==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/0MJbneZ9evhK0ureJoYKWA==
6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/plusplusK4mCxXfGYaT26jxTmPrA==
6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/pluszewCoCplusk4weNvYY4XndRQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/LbSSIk56JLiE1txjsSaa7g==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/8plusPaMuEXplusYBmiXwqhtmFslshA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/pmsd7bmpISu6Rm8EpxeyPw==

6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/plusgYNOM1LVUk8aYpddRKtGg==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/xwR9J1MuLjwNwebVxTLzdw==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/zmu4xslshIGQmKBzcNslsh9tdWXw==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/bYRFicsLGHplusfHq59V3nVNw==

Regulation 1330: Use Of School Facilities
Original Adopted Date: 07/01/2018 | **Last Reviewed Date:** ~~07~~09/01/~~2018~~2023
Status: ADOPTED

CSBA NOTE: The following administrative regulation is **mandated** for the management, direction, and control of school facilities, pursuant to Education Code 38133.

Application for Use of Facilities

CSBA NOTE: Districts are encouraged to consult with CSBA's District and County Office of Education Legal Services or district legal counsel to create a facilities use application and agreement for the use of school facilities and grounds by any entity other than the district.

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

CSBA NOTE: The California Supreme Court has determined that the requirements of Education Code 38135 and 38136 are unconstitutional (*ACLU v. Board of Education of City of Los Angeles*). Although these provisions have not been repealed, districts are advised not to require any oath affirming that the group does not intend to take actions leading to the overthrow of the government.

Other types of oaths have been held constitutionally acceptable. The California Supreme Court upheld the use of an oath that the individual or group does not intend to use school premises to commit unlawful acts (*ACLU v. Board of Education*), and the U.S. Supreme Court has upheld affirmative loyalty oaths for public employees, expressing a promise to support the federal and state constitutions (*Connell v. Higgenbotham; Cole v. Richardson*). ~~The accompanying exhibit provides a sample facilities use statement.~~ The following paragraph is optional.

~~Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities to commit unlawful acts.~~Anyone applying to use school facilities shall do so as specified in district procedures and in accordance with law.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131, 51860)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest

~~CSBA NOTE: An Attorney General opinion (58 Ops.Cal.Atty.Gen. 248 (1975)) found~~ unconstitutional the section of Education Code 38131 which provides that a board may grant the use of school facilities to a religious group to conduct services only when the religious group has no other suitable meeting place. is unconstitutional. Although Attorney General opinions do not carry the force of law, they are given deference by the courts in the case of legal challenge.

Therefore, a district should consult CSBA's District and County Office of Education Legal Services or district legal counsel before requiring a religious organization to establish that it lacks another suitable meeting place for the conduct of its services in order to rent school facilities. In that same opinion, the Attorney General also determined that Education Code 38131 does not limit the renewability of the temporary use permit for school facilities by a religious organization. Thus, legal counsel should also be consulted before a district refuses to renew a temporary permit. Item #3 below is consistent with the Attorney General's interpretation of Education Code 38131.

3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religiousorganization

4. Child care programs to provide supervision and activities for children of preschool and elementary school age

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies

6. Supervised recreational activities, including, but not limited to, sports league activities for youth that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination

7. A community youthcenter

CSBA NOTE: Pursuant to Education Code 32282, procedures to allow school facilities to be used by public agencies, such as the Red Cross, for mass care and welfare shelters during an emergency must be included in the comprehensive school safety plan. See AR 0450 - Comprehensive Safety Plan.

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

9. A *veterans' organization* means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

CSBA NOTE: To enable the district to provide students safety instruction related to using electric, motorized, or nonmotorized bicycles and scooters, Education Code 51860, as amended by AB 2028 (Ch. 116, Statutes of 2022), authorizes the Governing Board to assist local law enforcement, nonprofit associations or organizations specified in Education Code 38134, such as the Girls Scouts, Boys Scouts, and parent-teacher associations, and public agencies that provide such safety instruction, in providing safety instruction to district students.

10. Bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students by local law enforcement, public agencies, nonprofit associations, or organizations specified in Education Code 38134

CSBA NOTE: Education Code 38131 allows the district to grant use of school facilities for other purposes as deemed appropriate. The district may add any other purposes approved by the ~~Governing~~ Board and not inconsistent with existing law.

10.11. Other purposes deemed appropriate by the Governing Board

Restrictions

CSBA NOTE: In adopting rules for the management and control of school facilities, districts must be careful to ensure that they do not impose restrictions that may violate constitutionally protected rights. Generally, court decisions have held that districts may not discriminate on the basis of a group's viewpoint, and thus the use of facilities should be granted on a neutral basis. In *Good News Club v. Milford Central School*, the U.S. Supreme Court held that a district which prohibited a religious club from using school facilities after school hours for activities for which it allowed other community groups to use the school facilities discriminated against the club on the basis of the club's religious viewpoint in violation of the First Amendment to the United States Constitution.

Because federal and state constitutional free speech issues may be involved when a district denies the use of school facilities to certain groups, it is strongly recommended that a district consult with CSBA's District and County Office of Education Legal Services or district legal counsel before doing so.

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law

2. Any use which is inconsistent with the use of school facilities for school purposes or which interferes with the regular conduct of school or school work

3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco

CSBA NOTE: Pursuant to Business and Professions Code 25608, it is a misdemeanor to possess, consume, sell, give, or deliver any alcoholic beverage to any person in a school building or on school grounds unless a specified exception applies. One such exception is serving alcohol during a special event, pursuant to a license or permit obtained under the Alcohol Beverage Control Act, at district-owned facilities at a time when students are not present. For this purpose, "facilities" include, but are not limited to, office complexes, conference centers, or retreat facilities. Although Business and Professions Code 25608 allows this exception, the district should consult CSBA's District and County Office of Services, district legal counsel, risk management personnel when determining whether to allow alcohol on district property pursuant to this exception. When a district allows the use of its facilities or grounds for events that may involve the serving or consumption of alcoholic beverages, it is recommended that rules and/or limitations be established to minimize risks to the district and attendees at such events (e.g., requiring security guards and/or additional insurance, limiting the presence of alcoholic beverages to designated areas, limiting the types of beverages and/or how many drinks can be served at a time, specifying the time period during which alcoholic beverages may be served). Item #4 is optional and may be deleted or revised to reflect any limitations imposed on the facility user.

4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the Superintendent or designee pursuant to

Business and

Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

CSBA NOTE: Districts may exclude certain facilities from community use for safety or security reasons. Such facilities might include (1) offices or computer rooms containing records and confidential information and (2) science rooms and other rooms containing hazardous chemicals or equipment that cannot be used safely without special knowledge or skills. The following paragraph is optional and may be revised to specify excluded facilities.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

CSBA NOTE: Pursuant to Education Code 38134, a district is authorized to take the actions specified in the following optional paragraph when damage to school facilities or grounds occurs from use by a nonprofit group, organization, club, or association that promotes youth and school activities.

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

CSBA NOTE: Education Code 38134 distinguishes the liability and insurance obligations of nonprofit groups, clubs, and associations that promote youth and school activities from those of the district. The district is liable for any injuries resulting from its negligence in the ownership and maintenance of its facilities and grounds and must bear the cost of insuring against these risks and defending itself from related claims.

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

CSBA NOTE:Pursuant to EducationCode 38134, groups that promoteyouth and school activities cannot be required to sign holdharmless and indemnificationagreementsagreeing to defend and indemnify the district against liability arising during the group's use of school facilities to the extent that the agreement requires the group to assume liability for the district's negligence. The statute is unclear as to whether the district can require non-youth-related groups to indemnify the district from any and all injuries resulting from the use of the facilities. Districts wishing to create such an agreementshouldconsult CSBA'sDistrict and CountyOffice of Education Legal Services or district legal counsel.

Because hold harmless agreements are only as strong as the groups' credit, districts should generally require proof of insurance in addition to such agreements. When a hold harmless and indemnification agreement appears necessary for any specific school facilities or a specific event, the district's risk manager, insurance carrier, or legal counsel should tailor it to the situation.

~~As~~When permitted by law, the Superintendent or designee ~~may~~shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

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

State	**Description**
5 CCR 14037-14042	Proportionate direct costs for use of school facilities and grounds
Bus. Code 25608	Alcohol on school property; use in connection with instruction
Ed. Code 10900-10914.5	
Ed. Code 32280-32289.5	

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Ed. Code 37220	School holidays
Ed. Code 38130-38138	Civic Center Act; use of school property for public purposes
Ed. Code 51860	Time and facilities for bicycle and scooter safety instruction
Elec. Code 12283	~~Polling places: schools~~ Polling places; schools
Gov. Code 54950-54963	The Ralph M. Brown Act
M&V Code 1800	Definitions

Federal	**Description**
20 USC 7905	Equal access to public school facilities
40 CFR 141.1-141.723	Drinking water standards

Management Resources	**Description**
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 248 (1996)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 90 (1999)
Court Decision	Ellis v. Board of Education, (1945) 27 Cal.2d 322
Court Decision	Good News Club v. Milford Central School, (2001) 533 U.S. 98

Court Decision	Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
Court Decision	ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

Court Decision	Cole v. Richardson, (1972) 405 U.S. 676
Court Decision	Connell v. Higgenbotham, (1971) 403 U.S. 207
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 (https:/ www.csba.org/~/media/4D07909373B14A0BB5CA2CCF41F98351.ashx)
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010 (https:/ www.csba.org/EducationIssues/EducationIssues/~/-/media/Files/EducationIssues/Wellness/201002_JointUse_PolicyBrief.ash
x) Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0470	COVID-19 Mitigation Plan
1000	Concepts And Roles
1160	Political Processes
1230	School-Connected Organizations
1230	School-Connected Organizations
1325	Advertising And Promotion
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515.2	Disruptions
3515.2	Disruptions
3515.21	Unmanned Aircraft Systems (Drones)
3516	Emergencies And Disaster Preparedness Plan

3516	Emergencies And Disaster Preparedness Plan
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6111	School Calendar
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
7160	Charter School Facilities
7160	Charter School Facilities
9320	Meetings And Notices

Policy 1330: Use Of School Facilities

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Reviewed Date:** 06/13/2019

The Board of Education believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities

2. Preserve order in school facilities and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

The Board authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, school-community advisory councils, and recreational youth sports leagues that charge participants no more than an average of $60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and may reflect the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center

Act to operate and maintain school facilities and grounds

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Use of School Facility as Polling Place

The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)

When a school is used as a polling place, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. He/she shall make a reasonable effort to ensure that the site is accessible to persons with disabilities. (Elections Code 12283)

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place.

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

State References	Description
5 CCR 14037-14042	Proportionate direct costs for use of school facilities and grounds
Bus. Code 25608	Alcohol on school property; use in connection with instruction - https://simbli.eboardsolutions.com/SU/FNTmwCbl5wapMSIUJRgAkw==
Ed. Code 10900-10914.5	Community recreation programs - https://simbli.eboardsolutions.com/SU/2plusoOlNP9plus8k2kxekeluvFw==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 37220	School holidays - https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==
Ed. Code 38130-38138	Civic Center Act; use of school property for public purposes - https://simbli.eboardsolutions.com/SU/tIoM8gkAiBJoSSNvFbplusm4w==
Ed. Code 51860	Time and facilities for bicycle and scooter safety instruction - https://simbli.eboardsolutions.com/SU/iZIvtDgz8RsMNJogh8kslshHw==
Elec. Code 12283	Polling places: schools - https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJjMrQjswg==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
M&V Code 1800	Definitions - https://simbli.eboardsolutions.com/SU/8cMAXVl6pluslXqzokIcrAUTw==

Federal References	Description
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Management Resources References	Description
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Court Decision	Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
Court Decision	ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167
Court Decision	Cole v. Richardson, (1972) 405 U.S. 676
Court Decision	Connell v. Higgenbotham, (1971) 403 U.S. 207
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 - https://simbli.eboardsolutions.com/SU/XdN3WVUUFIcdWXlPIQ118A==
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010 - https://simbli.eboardsolutions.com/SU/yKK9jYHSkM7slshWodVvurslshCQ==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/DXjcyYLy5qeNbQhfCf24IA==
1160	Political Processes - https://simbli.eboardsolutions.com/SU/xyZPKDlw3nGcZMeM8JRMDw==
1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/F5tgpslshZS6CSXl2D7P2pmmw==
1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/H0xq0dXqw6RtT55qw5UHcw==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/WaWZslshVX95yzHAlbehiHplusplusw==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/Q9uum7Qie1RKlnyyMCvRYA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/zP9eNCslshlhcPcKReyWt0R0w==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/xQsi8XCX1iXiQIrdQ6mqHw==

3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/rCoU3YDeQiauvp8P9pTGvA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/RsyNOO67E9LtdDgFPQwcig==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/GF8ydoNVfCW4zYYv5PkXpg==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/NFzTA81FLqplus82yVmHQRriQ==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/1Yq1ZA0uugBrEhT1ZWRxWg==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/GE0i6DLXjEunpslshl1ajPT9Q==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/MK62ayh3lQtmYtElkL8MeA==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/hESWDzNlCVBL4CkwCS2oqQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/Jq6plusqrzxnKCsHCplusF6tVuQw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/axM9sYMOoucrnC7t4m3Xhw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/2BoHsfNNtQCFjhxQW3N4ew==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pk0PXlowq24KhlqALNtqCA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/ID1Xt4z35CCOVS5ZEgTWeg==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/V88zs0w9slshwAgr49hnw8vSw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/RKWplusob0FkiH3n56CYcSslshFg==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/djb4slshsgbpszLlijYQcBTww==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/KQOplusjVe5z9q5dsDaNMna6w==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/aHXj1KbWKdGMYCTGHhoOvQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/uLigonpG5KlnPzfKy9UlPQ==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/0MJbneZ9evhK0ureJoYKWA==
6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/plusplusK4mCxXfGYaT26jxTmPrA==

6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/pluszewCoCplusk4weNvYY4XndRQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/LbSSIk56JLiE1txjsSaa7g==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/8plusPaMuEXplusYBmiXwqhtmFslshA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/pmsd7bmpISu6Rm8EpxeyPw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/plusgYNOM1LVUk8aYpddRKtGg==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/xwR9J1MuLjwNwebVxTLzdw==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/zmu4xslshIGQmKBzcNslsh9tdWXw==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/bYRFicsLGHplusfHq59V3nVNw==

Policy 1330: Use Of School Facilities

Status: ADOPTED

Original Adopted Date: 04/01/2013 | **Last Revised Date:** ~~07~~09/01/2018~~2023~~ | **Last Reviewed Date:** ~~07~~09/01/~~2018~~2023

CSBA NOTE: Education Code 38133 **mandates** ~~that~~ the Governing Board to develop rules and regulations related to the management, direction, and control of school facilities. Pursuant to Education Code 38130-38138 (the Civic Center Act), school facilities are civic centers and, under certain circumstances, members of the school community must be allowed to use them for specified purposes. In granting access for the use of school facilities to district residents and community groups, the Board must be careful to avoid discriminating against certain individuals, groups, or viewpoints and thereby violating constitutional requirements, including free speech rights. In *Good News Club v. Milford Central School*, the U.S. Supreme Court held that the school district violated the ~~club's~~club's free speech rights when it denied the ~~club~~club's use of school facilities for after-school meetings because of the religious nature of the meetings.

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic CenterAct shall be on a first-come, first-served basis.

CSBA NOTE: Pursuant to Education Code 38133, the Board is **mandated** to develop rules and regulations which must include the items specified below for the management, direction, and control of school facilities.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities

2. Preserve order in school facilities and on school grounds and protect school facilities, ~~designating~~including the designation of a person to supervise this task, if necessary

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of ~~school work~~schoolwork

CSBA NOTE: The following paragraph is optional and may be modified to reflect district practice.

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

There shall be no advertising on school facilities and grounds except as ~~allowed by district policy~~ specified in ~~BP~~Board Policy 1325 - Advertising and Promotion.

CSBA NOTE: The following optional paragraph may be modified to reflect district practice. A district may enter into an agreement with another entity for the joint use of school facilities or

grounds. For considerations to guide the development of such an agreement, see BP 1330.1 - Joint Use Agreements.

As necessary to ensureefficient use of school facilities, the Superintendent or designeemay,with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

Fees

CSBA NOTE: Education Code 38134 authorizes districts to charge an amount "not ~~exceeding~~"to exceed" direct costs for the use of school facilities or grounds by community groups and entities. 5 CCR 14037-14041 contain specific rules adopted by the State Board of Education for determining "direct costs" to be charged for use of school facilities and grounds. See the section "Calculating Direct Costs" below. If the district chooses to charge fees, 5 CCR 14041 requires the Board to adopt a fee schedule that specifies the hourly fee to be charged by the district either for specific school facilities and grounds or for types or categories of school facilities or grounds (e.g., all gymnasiums or playgrounds).

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

CSBA NOTE: Education Code 38134 **mandates** each district that chooses to charge the community a fee for the use of school facilities to adopt a policy specifying the activities and organizations that shall be subjected to the fees.

The options below provide suggestions on how districts that choose to charge fees may categorize activities and organizations for that purpose. Option 1 is for use by districts that choose to charge an amount "not ~~exceeding~~ to exceed" direct costs to all community groups. Option 2 is for use by districts that choose to grant free use to nonprofit organizations and to groups organized to promote youth and school activities but charge other groups an amount "not ~~exceeding~~to exceed" direct costs. Option 3 is for use by districts that grant free use to school-related organizations only.

Regardless of the option chosen, there is an exception for the use of school facilities and grounds for religious services, as noted below.

OPTION 1: (Amount not ~~exceeding~~to exceed direct costs to all community groups)

The Board believes that the use of school facilities or grounds should not result in an expense to the district. The Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic Center Act an amount not ~~exceeding~~to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

OPTION 1 ENDS HERE

OPTION 2: (No charge to nonprofit organizations and youth and school-oriented groups)

CSBA NOTE: This option reflects the common practice among districts to allow free use of school facilities by nonprofit organizations and clubs and associations that promote youth and school activities pursuant to Education Code 38134. Districts that wish to allow free use by some groups but charge other groups should proceed cautiously and ensure that such free use or discount is granted on a reasonable and nondiscriminatory basis. It is strongly recommended that districts

consult CSBA's District and County Office of Education Legal Services or district legal counsel before deciding which groups will or will not be charged and, based upon legal counsel's advice, decide whether it would be appropriate to specifically name in the district's policy the community groups that will or will not be charged.

The Board authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, school-community advisory councils, and recreational youth sports leagues that charge participants no more than an average of $60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not ~~exceeding~~ to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

OPTION 2 ENDS HERE

OPTION 3: (No charge to school-related organizations)

The Board authorizes the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not ~~exceeding~~to exceed direct costs determined in accordance with 5 CCR 14037-14041.

OPTION 3 ENDS HERE

CSBA NOTE: The remainder of this section is for use by all districts regardless of the option pursuant to Education Code 38134, a district must charge "at least" direct costs to any group ~~authorized to use~~using school facilities ~~for religious services must be~~even if the district selects Option 2 or Option 3 above and does not charge other groups. However, this may conflict with the refusal to let a Christian club hold after-school meetings because of its religious nature, while U.S. Supreme Court's ruling in *Good News Club v. Milford Central School*, which held that a permitting other secular character-building clubs to meet constituted impermissible viewpoint discrimination under the First Amendment. Due to the potential conflict between this case and state law, districts should take caution in selecting Option 2 or Option 3 above or adopting a policy that charges religious groups direct costs when those costs are not charged ~~"at least" direct~~ costs to other groups. Districts are advised to consult with CSBA's District and County Office of Education Legal Services or district legal counsel with questions about charging religious groups for use of district facilities.

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

CSBA NOTE: Education Code 38134 requires the district to charge fair rental value when facilities are used for fundraising activities which are not beneficial to youth, public school activities, or charitable purposes, under the conditions specified below. "Fair rental value" is defined as direct costs plus the amortized costs of the school facilities or grounds used for the duration of the activity.

Groupsshall be chargedfairrentalvaluewhenusing school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and mayreflect the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

CSBA NOTE: The following optional paragraph applies to districts that choose to discount direct cost fees based on the type or category of the applicant, such as to groups with tax-exempt status as authorized pursuant to 5 CCR 14041.

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Use of School Facility as Polling Place

CSBA NOTE: Pursuant to Elections Code 12283, an elections official requesting the use of a school building as a polling place or vote center must include in ~~his/her~~ the request a list of the schools needed. Such requests must be made within sufficient time before the start of the school year so that the Board can determine and notify parents/guardians whether (1) the school will remain in session on those days, (2) the school day will be designated for staff training and development, or (3) the school will be closed to students and nonclassified employees. See BP 6111 - School Calendar.

The Board may authorize the use of school buildings as polling places ~~on any~~, or vote centers for election day, ~~and~~ . The Board may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, or vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as a polling ~~places.~~ place or vote center. (Elections Code 12283)

When a school is used as a polling place or vote center, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. ~~He/she~~The Superintendent or designee shall make a reasonable

effort to ensure that the site is accessible to persons with disabilities. (Elections Code 12283)

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place. or vote center.

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

State	Description
5 CCR 14037-14042	Proportionate direct costs for use of school facilities and grounds
Bus. Code 25608	Alcohol on school property; use in connection with instruction
Ed. Code 10900-10914.5	Community recreat
Ed. Code 32280-32289.5	

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Ed. Code 37220	School holidays	
Ed. Code 38130-38138		Civic Center Act; use of school property for public purposes
Ed. Code 51860	Time and facilities for bicycle and scooter safety instruction	
Elec. Code 12283	Polling places; schools	
Gov. Code 54950-54963		The Ralph M. Brown Act
M&V Code 1800	Definitions	

Federal	**Description**	
20 USC 7905	Equal access to public school facilities	
40 CFR 141.1-141.723		Drinking water standards

Management Resources		**Description**
Attorney General Opinion		79 Ops.Cal.Atty.Gen. 248 (1996)
Attorney General Opinion		82 Ops.Cal.Atty.Gen. 90 (1999)
Court Decision	Ellis v. Board of Education, (1945) 27 Cal.2d 322	
Court Decision	Good News Club v. Milford Central School, (2001) 533 U.S. 98	

Court Decision	Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
Court Decision	ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

Court Decision	Cole v. Richardson, (1972) 405 U.S. 676
Court Decision	Connell v. Higgenbotham, (1971) 403 U.S. 207
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 (https:/ www.csba.org/~/media/4D07909373B14A0BB5CA2CCF41F98351.ashx)
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010 (https:/ www.csba.org/EducationIssues/EducationIssues/~/-/media/Files/EducationIssues/Wellness/201002_JointUse_PolicyBrief.as
hx) Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0470	COVID-19 Mitigation Plan
1000	Concepts And Roles
1160	Political Processes
1230	School-Connected Organizations
1230	School-Connected Organizations
1325	Advertising And Promotion
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515.2	Disruptions
3515.2	Disruptions
3515.21	Unmanned Aircraft Systems (Drones)
3516	Emergencies And Disaster Preparedness Plan

3516	Emergencies And Disaster Preparedness Plan
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6111	School Calendar
6115	Ceremonies And Observances
6115	Ceremonies And Observances
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
7160	Charter School Facilities
7160	Charter School Facilities
9320	Meetings And Notices

Policy 1160: Political Processes

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Reviewed Date:** 06/13/2019

The Board of Education has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board may be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

Ballot Measures/Candidates

No district funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendized Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.

2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

   If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

Legislation

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

The Board and Superintendent may develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or

budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

The district may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

As necessary, the Board may direct the Superintendent or designee to draft legislative or regulatory proposals which serve the district's interests.

Legal Advocacy

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

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

State References	Description
2 CCR 18600-18640	Lobbyists - https://simbli.eboardsolutions.com/SU/EslshK5xMWM1IebnL4su0sMvA==
2 CCR 18901.1	Campaign related mailings sent at public expense - https://simbli.eboardsolutions.com/SU/RAW1BilSYaSu54mCUAzRMQ==
Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35172	Promotional activities - https://simbli.eboardsolutions.com/SU/mVfx6wBztjEsmgOccplusEJNQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGIwWfbAw1M58GNpvRw==
Ed. Code 7054	Use of district property - https://simbli.eboardsolutions.com/SU/zsQbGD629AZeslshbpluserHcegA==
Ed. Code 7054.1	Requested appearance - https://simbli.eboardsolutions.com/SU/Aj68x9ZUmPid2oqLqp92mg==
Ed. Code 7056	Soliciting or receiving political funds - https://simbli.eboardsolutions.com/SU/Dgd5hd1rGngWjtEZXNbEtA==
Elec. Code 9170	Ballot label; support and opposition listings - https://simbli.eboardsolutions.com/SU/QtOGQ31oBO2FEYSN8zb5dw==
Elec. Code 9501	School district elections; arguments for or against a measure - https://simbli.eboardsolutions.com/SU/nIgWApEAqXTrLbmLWAAV8w==
Gov. Code 53060.5	Attendance at legislative body; expenses - https://simbli.eboardsolutions.com/SU/lY8slshOA9fuwkYIMvvagUVew==
Gov. Code 54953.5	Audio or video recording of proceedings - https://simbli.eboardsolutions.com/SU/pglHf3CJute3LspDNflFwA==
Gov. Code 54953.6	Broadcasts of proceedings - https://simbli.eboardsolutions.com/SU/VAvd4eXAMI6WSOnhCnKLWA==

Gov. Code 81000-91014	Political Reform Act - https://simbli.eboardsolutions.com/SU/YoRlO7U1CVMHSlRIJD6Piw==
Gov. Code 82031	Definition of independent expenditure - https://simbli.eboardsolutions.com/SU/SmslshpAAJBrvGeoUrN24p15A==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==

Management Resources References	**Description**
Attorney General Opinion	73 Ops.Cal.Atty.Gen. 255 (1990)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 46 (2005)
Court Decision	Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415
Court Decision	League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529
Court Decision	Miller v. Miller, (1978) 87 Cal.App.3d 762
Court Decision	Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229
Court Decision	Stanson v. Mott, (1976) 17 Cal. 3d 206
Court Decision	Vargas v. City of Salinas, (2009) 46 Cal. 4th 1
Court Decision	Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620
CSBA Publication	Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011 - https://simbli.eboardsolutions.com/SU/VoslshjslshS5kMzj7oWci5W50fQ==
CSBA Publication	Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
Institute for Local Government Publication	Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==
Website	Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/C2dGDtcJnwslshMnGhy8IJcbw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0000	Vision - https://simbli.eboardsolutions.com/SU/u5qD89SrQMplus85pcm4Ju8ww==
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/VlhslshSaGqXuTsCMKpG2plusbSQ==
1000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/DXjcyYLy5qeNbQhfCf24IA==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/1B5V1awYklj0NjM4JzKPxw==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/1b2pTYKv1STslshiplus35b6wXJw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/MKhwBGMweE1slshNFFV07El6A==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/slshwh0ycRLRlgLo9OqHVCw0g==

1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/WaWZslshVX95yzHAlbehiHplusplusw==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/9uDcSKI7uugETmCykVahHQ==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/IsP74bct6ZWIEplusMslshUslshDk0g==
1330-E PDF(1)	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/CNUwUvT05G0aH7gGIK9dqA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/zP9eNCslshlhcPcKReyWt0R0w==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/axM9sYMOoucrnC7t4m3Xhw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/2BoHsfNNtQCFjhxQW3N4ew==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pk0PXlowq24KhlqALNtqCA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/ID1Xt4z35CCOVS5ZEgTWeg==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/V88zs0w9slshwAgr49hnw8vSw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/RKWplusob0FkiH3n56CYcSslshFg==
7131	Relations With Local Agencies - https://simbli.eboardsolutions.com/SU/slsh9HslshN5b3cmEEKFqRgZDiplusQ==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/CjdxaqWYL8ttaua4uYpuew==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/by0EhzPoKMEew61tVs07plusQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/BQGNxKewahWVQiPdXWOODA==
9010	Public Statements - https://simbli.eboardsolutions.com/SU/Q2JxTlDhJSGRZZ6dhrgWRQ==
9124	Attorney - https://simbli.eboardsolutions.com/SU/1mm2Pwan3g2owCVSgTEStA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/MUANAHffhFXRiSlbxt8hmw==
9230	Orientation - https://simbli.eboardsolutions.com/SU/plusjxAYSEslshNFawGZOpf7KxWg==
9250	Remuneration, Reimbursement And Other Benefits - https://simbli.eboardsolutions.com/SU/VicB84jE3ZgjlGEZp4UUqw==
9250-E PDF(1)	Remuneration, Reimbursement And Other Benefits - https://simbli.eboardsolutions.com/SU/d0YGvtHjc93Rslsh6uqVS6Z8A==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/bYRFicsLGHplusfHq59V3nVNw==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Policy 1160: Political Processes

Status: ADOPTED

Original Adopted Date: 02/01/1996 | **Last Revised Date:** ~~03~~09/01/20112023 | **Last Reviewed Date:** ~~03~~09/01/~~2011~~2023

CSBA NOTE: The following optional policy addresses political activities conducted by members of the Governing Board or district staff acting on behalf of the district. It does not apply to individuals acting as private citizens on their own time and at their own expense. When acting as private citizens, individuals have broad rights under the First Amendment to engage in political activities, including taking positions on electoral measures and candidates and establishing and participating in political action committees.

Education Code 7055 authorizes the district to establish reasonable regulations related to employees engaging in political activity. See BP/AR 4119.25/4219.25/4319.25 - Political Activities of Employees for language implementing this statute as well as language regarding activities by employee organizations.

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

Ballot Measures/Candidates

No district funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

CSBA NOTE: Whether an activity is an appropriate use of public funds or an impermissible campaign activity is a complicated analysis. In *Vargas v. City of Salinas*, the California Supreme Court created three categories of activities: (1) permissible informational activities, such as resolutions and providing objective analysis; (2) impermissible campaign activities, such as producing or distributing literature that urges a voter to act a certain way; or (3) unclear activities which do not fall into either group and must be analyzed looking at the "style, tenor, and timing" of the activity. The following two paragraphs reflect the court's analysis of permissible activities. ~~District~~CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted when there is a question as to whether an activity is permissible.

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district'sschools at an open and agendizedBoardmeeting.TheBoard'sdiscussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Boardshall not urge the public to take any action regarding the measure.

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

CSBA NOTE: Elections Code 9170, as added by AB 1416 (Ch. 751, Statutes of 2022), requires the ballot label or similar description of a school district measure, or other local government measure, on a county ballot to list, either as a supporter or an opponent of the measure, the associations, nonprofit organizations, businesses, or individuals, including current or former elected officials such as board members, who have signed the ballot argument or are listed in the text of the argument for or against the measure, unless the county board of supervisors elects not to list such supporters and opponents.

Individual School Board members may include their name in support of or opposition to a county, city, district, or school measure on a county ballot in accordance with Elections Code 9170.

CSBA NOTE: When it is unclear whether a campaign activity is permissible, the court will analyze the activity based on its "style, tenor and timing" to determine whether it involves an appropriate expenditure of public funds. Examples of things that a court might look for include how the material was distributed (i.e., special edition or regular publication), the language used in the publication (i.e., inflammatory or informational), and whether the distribution was consistent with regular district practice (i.e., regular circulation or special mailing). Districts should be cautious and ensure that any such informational material is an appropriate use of district funds.

The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

CSBA NOTE: In *Vargas v. City of Salinas*, the court offered examples of activities which would be impermissible campaign activities, as reflected in the following paragraph. In addition, 2 CCR 18901.1 prohibits the use of public funds for a newsletter or "mass mailing" which expressly advocates the election or defeat of a ballot measure or candidate or, when taken in context, urges a particular result. Because violation of this regulation could result in enforcement action by the Fair Political Practices Commission (FPPC), districts should proceed with caution and consult with CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

CSBA NOTE: Both the courts (*SantaBarbaraCountyCoalitionAgainstAutomobileSubsidies v. Santa Barbara County Association of Governments*) and the Attorney General (88 Ops.Cal.Atty.Gen. 46 (2005)) have provided guidance as to the appropriate use of district funds when the district is preparing to submit a bond proposal to the voters for approval. The key distinction is whether the action is taken before or after the measure has been placed on the ballot and whether the activity is directed at swaying voters. Permissible expenditures include researching the need for the measure, formulating and drafting the proposal, and conducting polling and focus groups to assess the feasibility of the measure. Impermissible activities include

for a campaign, raising funds for the campaign, or hiring a consultant to develop a strategy for building support for the measure.

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.

2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

   If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

Legislation

CSBA NOTE: Pursuant to Government Code 53060.5, the district may engage in legislative activities and lobbying, either directly or through a representative, and the cost of this activity is an appropriate use of district funds. Lobbying activities are regulated by the FPPC (2 CCR 18600-18640) and governed by the Political Reform Act (Government Code 81000-91015).

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

CSBA NOTE: Although the district has the authority to lobby the legislature, it cannot use district resources to urge the public to lobby the legislature on its behalf. In *Miller v. Miller* the court concluded that urging the public was impermissible election campaigning because the activity was directed to the public and not the legislature.

Thedistrictmayprovidefair and impartialinformation about legislativeissuesaffecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

CSBA NOTE: An appellate court held in *League of Women Voters v. Countywide Criminal Justice Coordination Committee* that the drafting of legislative proposals was a permissible use of public funds since it was more similar to the exercise of a local agency's governing authority than a campaign activity.

As necessary, the Boardmaydirect the Superintendent or designee to draftlegislative or regulatory proposals which serve the district's interests.

Legal Advocacy

CSBA NOTE: When an issue requires resolution in the courts rather than through legislation, it is permissible for districts to use public funds to initiate or participate in legal advocacy. Toward these ends, districts may choose to join with other districts in a group, such as CSBA's Education Legal Alliance which funds and supports litigation in cases of statewide significance to its members.

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

Political Forums

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

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

State	Description
2 CCR 18600-18640	Lobbyists
2 CCR 18901.1	Campaign related mailings sent at public expense
Ed. Code 35160	Authority of governing boards
Ed. Code 35172	Promotional activities
Ed. Code 7050-7058	Political activities of school officers and employees
Ed. Code 7054	Use of district property
Ed. Code 7054.1	Requested appearance
Ed. Code 7056	Soliciting or receiving political funds
Elec. Code 9170	Ballot label; support and opposition listings
Elec. Code 9501	School district elections; arguments for or against a measure
Gov. Code 53060.5	Attendance at legislative body; expenses
Gov. Code 54953.5	Audio or video recording of proceedings
Gov. Code 54953.6	Broadcasts of proceedings
Gov. Code 81000-91014	Political Reform Act

Gov. Code 82031	Definition of independent expenditure
Gov. Code 8314	Unlawful use of state resources

Management Resources	**Description**
Attorney General Opinion	73 Ops.Cal.Atty.Gen. 255 (1990)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 46 (2005)
Court Decision	Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415
Court Decision	League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529
Court Decision	Miller v. Miller, (1978) 87 Cal.App.3d 762
Court Decision	Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229
Court Decision	Stanson v. Mott, (1976) 17 Cal. 3d 206
Court Decision	Vargas v. City of Salinas, (2009) 46 Cal. 4th 1
Court Decision	Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620
CSBA Publication	Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011
CSBA Publication	Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
Institute for Local Government Publication	Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	CSBA

Cross References

Code	**Description**
0000	Vision
0200	Goals For The School District
1000	Concepts And Roles
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media

1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
1330-E(1)	Use Of School Facilities
1400	Relations Between Other Governmental Agencies And The Schools
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
7131	Relations With Local Agencies
7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board
9010	Public Statements
9124	Attorney
9200	Limits Of Board MemberAuthority
9230	Orientation
9250	Remuneration, Reimbursement And Other Benefits
9250-E(1)	Remuneration, Reimbursement And Other Benefits
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

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

Status: ADOPTED

Original Adopted Date: 03/11/2021 | **Last Reviewed Date:** 03/11/2021

See PDF on the next page.

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE

Note: The following exhibit lists material which the law explicitly requires be posted on district or school web sites. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related requirements. The exhibit does not include other postings that may recommended throughout CSBA's sample policy manual but are not required by law.

Materials to Prominently Display

The following must be posted in a prominent location on the district's web site, such as on the home page when required by law:

1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.

2. 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 district'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.

3. The district'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.

4. The district'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.

5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.

6. 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.

7. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of students and

the public as specified in Education Code 221.8, the responsibilities of the district under Title IX, web links to information about those rights and responsibilities on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California Department of Education's (CDE) web site (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.

8. 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.

9. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

Other Postings

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

1. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.

2. The district'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.

3. Training materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitate an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's web site or, if the school

does not have a web site, on the district's web site. See AR 6145.2 - Athletic Competition.

5. If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an exiting interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.

6. If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.

7. For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.

8. The section(s) of the district's employee code of conduct addressing interactions with students (Education Code 44050). Post these section(s) or a link to them on each school's web site or, if a school does not have its own web site, on the district's web site in a manner that is accessible to the public without a password. See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.

9. The district's meal payment collection policy and procedures (CDE Nutrition Services Division Management Bulletin SNP-03-2017). See AR 3551 - Food Services Operations/Cafeteria Fund.

10. If the district includes information about the free and reduced-priced meal program on its web site, a nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (U.S. Department of Agriculture's FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.

11. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5 (Education Code 17611.5). Post on the school's web site or, if the school does not have a web site, then on the district's web site. See AR 3514.2 Integrated Pest Management.

12. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.

13. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.

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 district's web site.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their web sites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.

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

State References	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world - https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/FnauJhplusaffvcCQodyGJjng==
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==
Ed. Code 35182.5	Contracts for advertising - https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==
Ed. Code 35258	Internet access to school accountability report cards - https://simbli.eboardsolutions.com/SU/XpBEzfkV16CA5mk0f4jdmw==
Ed. Code 48852.6	Information regarding homelessness - https://simbli.eboardsolutions.com/SU/2XllcQFsAF9sqPWzKDVdWQ==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurLBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPIoTFejGslshDadJ4g==
Ed. Code 49061	Definitions; directory information - https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==
Ed. Code 49073	Release of directory information - https://simbli.eboardsolutions.com/SU/YMNtqKufIpsO3LRpEQNrpg==
Ed. Code 60048	Commercial brand names, contracts or logos - https://simbli.eboardsolutions.com/SU/oXTIqPTqmMSDT1KZK7k1rQ==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12950	California Civil Rights Department posters - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOlU3XnZ3A==
Gov. Code 3307.5	Publishing identity of public safety officers - https://simbli.eboardsolutions.com/SU/sKArQFpSmt5PEFNhDyUFQQ==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program - https://simbli.eboardsolutions.com/SU/DNXnXBD3W3alPrplusZtAF91g==
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents - https://simbli.eboardsolutions.com/SU/G2phQcgAplus97RfIzXOhEOfQ==

Federal References	Description
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	Transgender Rights in the Workplace
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016 - https://simbli.eboardsolutions.com/SU/oOOO2an7WbABMX4h7rKBGw==
U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office for Civil Rights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter, May 26, 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Governor's Office of Planning and Research, The California Environmental Quality Act - https://simbli.eboardsolutions.com/SU/n5xh7yqpDOayP5DToPda0A==
Website	California Department of Education, Web Accessibility Standards - https://simbli.eboardsolutions.com/SU/ZXERSvILs5Tm5Y5TnRi4NA==
Website	California School Public Relations Association - https://simbli.eboardsolutions.com/SU/csB0m6f7E6wVaFPfZWZFcw==
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section - https://simbli.eboardsolutions.com/SU/9sZBTK5qxS65pFYo7h6ktA==
Website	World Wide Web Consortium, Web Accessibility Initiative - https://simbli.eboardsolutions.com/SU/hqb27CeNzty0cZUAlpgPnQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZIe111WmbX10Vg==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RIslshmyzTCzMSVplus4uuCqYvZA12.6

Cross References	Description
0000	Vision - https://simbli.eboardsolutions.com/SU/u5qD89SrQMplus85pcm4Ju8ww==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/axwazcjjKskSaxTplusJVK3HA==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/ctUEAMl5LG7fhlhBosO10A==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwI1j9pYAV4p5F786Rg==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/rzNCNplusgIOuZ07tkLn8zplusrQ==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/1B5V1awYkIj0NjM4JzKPxw==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/1b2pTYKv1STslshiplus35b6wXJw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/MKhwBGMweE1slshNFFV07El6A==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/slshwh0ycRLRlgLo9OqHVCw0g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/WaWZslshVX95yzHAlbehiHpluspluswzz==

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
3290	Gifts, Grants And Bequests - https://simbli.eboardsolutions.com/SU/lG5lslshMzQ0JfEYdyLngDxHQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/TXCclHAPO4AvqlRkslshIGT6g==
3311	Bids - https://simbli.eboardsolutions.com/SU/YtGjBb8AeKJBCbTEVI6JKg==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/BazMpEOiby4edOHjSGrQqA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/WGnpBaTQVhdslshSX6RUBw8hg==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/ThjcPyO0ekUJ2UV3ySsQiQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/Z3lvz9vxU2oiWyN9L92y6Q==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/DXNlpT9yDOcakygQyXu7Ig==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/GE0i6DLXjEunpslshI1ajPT9Q==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/MK62ayh3lQtmYtElkL8MeA==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/UmuHbeNZkcsFSh62pYJSOQ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aMslshpNvyGyfplusTuUKluUzHplusg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NzALV7TjR6lTf6f5RvMjhA==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/lAJDgoYlIDjrGK0VsaiTUA==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/F9u50slshgnNSFWzZ1KL25Hgg==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/plusFzT0dMUpYAiXaMJslshzjDfA==

4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/LNC8SKjG1NGZG0P1UplusRMEg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/V3T4HFszBjOHIgMslshjNbc8g==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mQy8e2IeTPMPiWOH1fNu7g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/loKsqVRTwKEYctzGA4g2slshw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/4ECk7XUf2vAlK6WdWLchBw==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/xWKQ2uBAiN0fQuPmm52ynQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/VKlylb8yQYv7slsh2ZhEh1qmg==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/L8yP6LVj9KCY0vQ8PORzvA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/ePMKB68yqZCM4HYjmZ7WzQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/EMrErY6ZA7wnplusiidKreEuQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/BRu9J71Or7e3MtrWoiwxCA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/r3FjtcyWYRzoggplusAxgZfEw==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/E8TLBAkmlZNslsh64KyfXgj4A==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/X6d0PiFilH2zk2K5JdazDg==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/VplussOE8US1DVte1kbeN6K3Q==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/yNQLcnMaslshCQerLAitMld6A==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/UO2j3yqobJ6YRTuLeugtIA==

5131.2	Bullying - https://simbli.eboardsolutions.com/SU/kWRplusbnQoZSIWwJmVGTs0Zw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/O9dpMNxs57RsmdEMWPQ4slshw==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/AjyYJSIWIe0X1X9aYsrxDA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/0rtplusMzx8L8UZ1Qslsht9ctTsA==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/cVcwWiAK3pCgNhfrC3plusGpA==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/LEKRQIY1ERodUMIga3JmEQ==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/PLG8plus3O6AvdCDiuFbYKWnA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/qjuUyEwp6S6FOWflAzTP7w==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/VoppNbk4pBgl2gPK2huvrQ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/cMfYbPZNNyLJKpE7JPMKxg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/SsYiNF0LslshseiRm7GRp9z9g==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/hLH5xQladPYlEyHgaZbJrg==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/YTy9bjpwCqbvxNTc2Xhefw==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/CjdxaqWYL8ttaua4uYpuew==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/by0EhzPoKMEew61tVs07plusQ==
9010	Public Statements - https://simbli.eboardsolutions.com/SU/Q2JxTlDhJSGRZZ6dhrgWRQ==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/zBDaaRxMplus3plusaFBvIgwdRslshg==

9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/bYRFicsLGHplusfHq59V3nVNw==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/plusEzbidYHqROMnQ9ReO3Itw==

Exhibit 1113-E(1): District And School ~~Web Sites~~Websites

Original Adopted Date: 10/01/2020 | **Last Revised Date:** 06/01/~~2022~~2023 | **Last Reviewed Date:** 06/01/~~2022~~2023

MATERIALS REQUIRED TO BE POSTED ON DISTRICT ~~WEB SITE~~WEBSITE

CSBA NOTE: The following exhibit lists material which the law explicitly requires be posted on district or school ~~web sites~~websites. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related requirements. The exhibit does not include other postings that may recommended throughout CSBA's sample policy manual but are not required by law.

Materials to Prominently Display

The following must be posted in a prominent location on the district's ~~web site~~website, such as on the home page when required by law:

1. 1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.

2. 2. 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 district's agenda managementplatform where the current agenda shall be the firstavailable (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.

3. 3. The district'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.

4. 4. The district'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.

5. 5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.

6. 6. 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.

7. 7. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of students and the public as specified in Education Code 221.8, the responsibilities of the district under Title IX, web links to information about those rights and responsibilities on the ~~web sites~~websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California Department of Education's (CDE) ~~web site~~website (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.

8. 8. 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.

9. 9. Posters published by the California Civil Rights Department ~~of Fair Employment and Housing (DFEH~~(CRD) including, "California Law Prohibits Workplace Discrimination and Harassment," and for districts with five or more employees, "The Rights of Employees Who Are Transgender ~~Rights in the Workplace~~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.

10. 10. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

Other Postings

The following materials are also required to be posted on the district ~~web site~~website. However, there are no specific requirements related to where they are posted on the ~~web site~~website.

1. 1. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.

2. 2. The district'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.

3. 3. Training materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person(s) who ~~facilitate~~facilitates an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment ComplaintProcedures.

4. 4. Contact information for the district'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.

5. 5. For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's ~~web site~~website or, if the school does not have a ~~web site~~website, on the district's ~~web site~~website. See AR 6145.2 - Athletic Competition.

6. 6. If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an existing interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.

7. 7. If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.

8. 8. For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.

9. 9. The section(s) of the district's employee code of conduct addressing interactions with students ~~(Education Code 44050). Post these~~. These section(s) or a link to them shall be posted on each ~~school's web site~~school's website or, if a school does not have its own ~~web site~~website, on the district's ~~web site~~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.

10. 10. The district's meal payment collection policy and procedures (U.S. Department of Agriculture (USDA) Memorandum SP 46-2016). See BP/AR 3551 - Food Services Operations/Cafeteria Fund.

11. 11. If the district includes information about the free and reduced-priced meal program on its ~~web site~~website, a nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (USDA FNS Instruction 113-1). For the required wording of the statement, see E(1) 3555 - Nutrition Program Compliance.

12. 12. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5 ~~(Education Code 17611.5). Post~~The plan shall be posted on the ~~school's web site~~school's website or, if the school does not have a ~~web site~~website, then on the district's ~~web site.~~ website. (Education Code 17611.5) See AR 3514.2 Integrated Pest Management.

13. 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).

14. 14. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.

15. 15. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.

16. 16. 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 district's ~~web site.)~~ website.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their ~~web sites~~websites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.

CSBA NOTE: Pursuant to Education Code 32096, as added by SB 1479 (Ch. 850, Statutes of 2022), a district is required to publish its COVID-19 testing plan on the district website.

17. The district's COVID-19 testing plan (Education Code 32096).

CSBA NOTE: Pursuant to Education Code 32526, as amended by AB 185 (Ch. 571, Statutes of 2022,) a district is required to make publicly available on its website interim expenditure reports on the use of Learning Recovery Emergency Funds by December 1, 2024 and December 1, 2027, and a final report on expenditures no later than December 1, 2029.

18. Using the template developed by CDE, the use of Learning Recovery Emergency Funds, with interim reports posted by December 1, 2024 and December 1, 2027, and a final report by December 1, 2029. (Education Code 32526)

CSBA NOTE: Pursuant to Education Code 49428.5, as added by AB 748 (Ch. 431, Statutes of 2022), each school site serving students in any of grades 6-12 is required to have a digitized mental health poster that is distributed online to students through social media, websites, portals, and learning platforms at the beginning of each school year.

19. 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)

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

State	Description
Bus. and Prof. Code 22580-22582	~~Privacy Rights for California Minors in the Digital World~~Privacy rights for California minors in the digital world
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection
Act Civ. Code 1798.99.31	California Age-Appropriate Design Code Act
Ed. Code 32096	COVID-19 testing in schools
Ed. Code 32526	COVID Emergency Appropriations for Education
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication

Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 60048	Commercial brand names, contracts, or logos
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12950	California Civil Rights Department ~~of Fair Employment and Housing~~ posters
Gov. Code 3307.5	Publishing identity of public safety officers
~~Gov. Code 6254.21~~	~~Publishing addresses and telephone numbers of officials~~
~~Gov. Code 6254.24~~	~~Definition of public safety official~~
Gov. Code 7920.000 - 7930.~~170~~215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents

Federal	**Description**
16 CFR 312.1-312.~~12~~13	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	~~The Rights of Employees Who Are~~ Transgender ~~or Gender Nonconforming~~Rights in the Workplace
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
CA Civil Rights Department Publication	Sexual Harassment

Court Decision	Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46- 2016, July 2016
U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office for CivilRights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter, May 26, 2011
Website	CSBA District and County Office of Education Legal Services
Website	Governor's Office of Planning and Research, The California Environmental Quality Act
Website	California Department of Education, Web Accessibility Standards
Website	California School Public Relations Association
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan

0500	Accountability
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3515	Campus Security
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records

4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4132	Publication Or Creation Of Materials
4161.8	Family Care And Medical Leave
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4232	Publication or Creation of Materials
4261.8	Family Care And Medical Leave
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4332	Publication or Creation of Materials
4361.8	Family Care And Medical Leave
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying

6020	Parent Involvement
6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6190	Evaluation Of The Instructional Program
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9012	Board Member Electronic Communications
9310	Board Policies
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9322	Agenda/Meeting Materials

Policy 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Reviewed Date:** 06/13/2019

To enhance communication with students, parents/guardians, staff, and community members, the Board of Education encourages the Superintendent or designee to develop and maintain district and school web sites. The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

Design Standards

The Superintendent or designee shall establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

Web Site Content

The Superintendent or designee shall develop content guidelines for district and school web sites and assign staff to review and approve content prior to posting.

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.

Privacy Rights

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school web sites.

The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with his/her name, may be published on district or school web sites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with BP/AR 5125.1 - Release of Directory Information.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school web sites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school web sites without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

No public safety official shall be required to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

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

State References	Description
Bus. and Prof. Code 22580-22582	Privacy rights for California minors in the digital world - https://simbli.eboardsolutions.com/SU/XpZUgtS77ETvzOJMtcapFA==
Bus. and Prof. Code 22584-22585	Student Online Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/FnauJhplusaffvcCQodyGJjng==
Bus. and Prof. Code 22586-22587	Early Learning Personal Information Protection Act - https://simbli.eboardsolutions.com/SU/HVBisqFqyGv3GFCOYAFARQ==
Ed. Code 35182.5	Contracts for advertising - https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==

Ed. Code 35258	Internet access to school accountability report cards - https://simbli.eboardsolutions.com/SU/XpBEzfkV16CA5mk0f4jdmw==
Ed. Code 48852.6	Information regarding homelessness - https://simbli.eboardsolutions.com/SU/2XllcQFsAF9sqPWzKDVdWQ==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurLBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPIoTFejGslshDadJ4g==
Ed. Code 49061	Definitions; directory information - https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==
Ed. Code 49073	Release of directory information - https://simbli.eboardsolutions.com/SU/YMNtqKufIpsO3LRpEQNrpg==
Ed. Code 60048	Commercial brand names, contracts or logos - https://simbli.eboardsolutions.com/SU/oXTIqPTqmMSDT1KZK7k1rQ==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12950	California Civil Rights Department posters - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOlU3XnZ3A==
Gov. Code 3307.5	Publishing identity of public safety officers - https://simbli.eboardsolutions.com/SU/sKArQFpSmt5PEFNhDyUFQQ==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program - https://simbli.eboardsolutions.com/SU/DNXnXBD3W3alPrplusZtAF91g==
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents - https://simbli.eboardsolutions.com/SU/G2phQcgAplus97RflzXOhEOfQ==

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

Management Resources References	**Description**
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	Transgender Rights in the Workplace
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016 - https://simbli.eboardsolutions.com/SU/oOOO2an7WbABMX4h7rKBGw==

U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office for Civil Rights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter, May 26, 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Governor's Office of Planning and Research, The California Environmental Quality Act - https://simbli.eboardsolutions.com/SU/n5xh7yqpDOayP5DToPda0A==
Website	California Department of Education, Web Accessibility Standards - https://simbli.eboardsolutions.com/SU/ZXERSvILs5Tm5Y5TnRi4NA==
Website	California School Public Relations Association - https://simbli.eboardsolutions.com/SU/csB0m6f7E6wVaFPfZWZFcw==
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section - https://simbli.eboardsolutions.com/SU/9sZBTK5qxS65pFYo7h6ktA==
Website	World Wide Web Consortium, Web Accessibility Initiative - https://simbli.eboardsolutions.com/SU/hqb27CeNzty0cZUAlpgPnQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZIe111WmbX10Vg==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RIslshmyzTCzMSVplus4uuCqYvZA==
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

Cross References	**Description**
0000	Vision - https://simbli.eboardsolutions.com/SU/u5qD89SrQMplus85pcm4Ju8ww==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/axwazcjjKskSaxTplusJVK3HA==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/ctUEAMl5LG7fhlhBosO10A==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/rzNCNplusgIOuZ07tkLn8zplusrQ==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/1B5V1awYklj0NjM4JzKPxw==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/1b2pTYKv1STslshiplus35b6wXJw==

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/MKhwBGMweE1slshNFFV07El6A==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/slshwh0ycRLRlgLo9OqHVCw0g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/WaWZslshVX95yzHAlbehiHplusplusw==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
3290	Gifts, Grants And Bequests - https://simbli.eboardsolutions.com/SU/lG5lslshMzQ0JfEYdyLngDxHQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/TXCclHAPO4AvqlRkslshIGT6g==
3311	Bids - https://simbli.eboardsolutions.com/SU/YtGjBb8AeKJBCbTEVI6JKg==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/BazMpEOiby4edOHjSGrQqA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/WGnpBaTQVhdslshSX6RUBw8hg==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/ThjcPyO0ekUJ2UV3ySsQiQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/Z3Ivz9vxU2oiWyN9L92y6Q==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/DXNlpT9yDOcakygQyXu7Ig==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/GE0i6DLXjEunpslshl1ajPT9Q==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/MK62ayh3lQtmYtElkL8MeA==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/UmuHbeNZkcsFSh62pYJSOQ==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aMslshpNvyGyfplusTuUKluUzHplusg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NzALV7TjR6lTf6f5RvMjhA==

3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/IAJDgoYIIDjrGK0VsaiTUA==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/F9u50slshgnNSFWzZ1KL25Hgg==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/plusFzT0dMUpYAiXaMJslshzjDfA==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/LNC8SKjG1NGZG0P1UplusRMEg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/V3T4HFszBjOHIgMslshjNbc8g==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mQy8e2IeTPMPiWOH1fNu7g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/loKsqVRTwKEYctzGA4g2slshw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/4ECk7XUf2vAlK6WdWLchBw==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/xWKQ2uBAiN0fQuPmm52ynQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/VKlylb8yQYv7slsh2ZhEh1qmg==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/L8yP6LVj9KCY0vQ8PORzvA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/ePMKB68yqZCM4HYjmZ7WzQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/EMrErY6ZA7wnplusiidKreEuQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/BRu9J71Or7e3MtrWoiwxCA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/r3FjtcyWYRzoggplusAxgZfEw==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/E8TLBAkmlZNslsh64KyfXgj4A==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/X6d0PiFilH2zk2K5JdazDg==

5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/VplussOE8US1DVte1kbeN6K3Q==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/yNQLcnMaslshCQerLAitMld6A==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/UO2j3yqobJ6YRTuLeugtIA==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/kWRplusbnOoZSIWwJmVGTs0Zw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/O9dpMNxs57RsmdEMWPQ4slshw==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/AjyYJSIWIe0X1X9aYsrxDA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/0rtplusMzx8L8UZ1Qslsht9ctTsA==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/cVcwWiAK3pCgNhfrC3plusGpA==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/LEKRQIY1ERodUMIga3JmEQ==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/PLG8plus3O6AvdCDiuFbYKWnA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/qjuUyEwp6S6FOWfIAzTP7w==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/VoppNbk4pBgl2gPK2huvrQ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/cMfYbPZNNyLJKpE7JPMKxg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dlIGQ==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/SsYiNF0LslshseiRm7GRp9z9g==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/hLH5xQladPYlEyHgaZbJrg==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/YTy9bjpwCqbvxNTc2Xhefw==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/CjdxaqWYL8ttaua4uYpuew==

7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/by0EhzPoKMEew61tVs07plusQ==
9010	Public Statements - https://simbli.eboardsolutions.com/SU/Q2JxTlDhJSGRZZ6dhrgWRQ==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/zBDaaRxMplus3plusaFBvIgwdRslshg==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/bYRFicsLGHplusfHq59V3nVNw==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/plusEzbidYHqROMnQ9ReO3Itw==

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Glenn Heath,
Acting Exec. Dir. of HR

☐ Informational
☒ Action

AGENDA ITEM: FIRST READING AND ADOPTION OF REVISED BOARD POLICIES, ADMINISTRATIVE REGULATIONS AND EXHIBITS - 4000 SERIES

BACKGROUND INFORMATION:
The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of new and revised Board Policies (BP), Administrative Regulations (AR) and Exhibits (E):

- Board Policy 4112.2 - Certification
- Administrative Regulation 4112.2 – Certification
- Board Policy 4112.8 - Employment of Relatives/Personal Relationships
- Exhibit(1) 4112.9/4212.9/4312.9 - Employee Notifications
- Board Policy 4140/4240/4340 - Bargaining Units
- Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave
- Administrative Regulation 4261.1 - Personal Illness/Injury Leave
- Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves
- Administrative Regulation 4161.8/4261.8/4361.8 - Family Care and Medical Leave
- Board Policy 4151/4251/4351 – Employee Compensation
- Administrative Regulation 4217.3 – Layoff/Rehire.

RECOMMENDATION:
Approve the First Reading and Adoption of Revised Board Policies, Administrative Regulations and Exhibits - 4000 series: Board Policy 4112.2 - Certification, Administrative Regulation 4112.2 - Certification, Board Policy 4112.8 - Employment of Relatives/Personal Relationships, Exhibit(1) 4112.9/4212.9/4312.9 - Employee Notifications, Board Policy 4140/4240/4340 - Bargaining Units, Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave, Administrative Regulation 4261.1 - Personal Illness/Injury Leave, Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves, Administrative Regulation 4161.8/4261.8/4361.8 - Family Care and Medical Leave, Board Policy 4151/4251/4351 – Employee Compensation and Administrative Regulation 4217.3 – Layoff/Rehire.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

4000 SERIES

Board Policy 4112.2 - Certification
Policy updated to reference that the Commission on Teacher Credentialing (CTC) has adopted regulations to implement statutory changes to the subject matter competence requirements, add, to the first philosophical paragraph, demonstration of competency in the subject matter to be taught to the attributes of certificated staff, provide that the Governing Board is required to adopt an annual resolution that it has made reasonable efforts to recruit a fully prepared teacher before hiring, in accordance with a specified hiring hierarchy, a candidate who is not fully credentialed, clarify that the Board's obligation to take action to approve a notice of intent to employ a provisional internship permit does not require that the item be an action item, and add that the Declaration of Need specify each subject to be listed on the General Education Limited Assignment Single Subject Teaching Permits and the target language on Emergency Bilingual Permits.

Administrative Regulation 4112.2 - Certification
Regulation updated to clarify that the district may charge a fee to persons being tested to cover the cost of developing, administering, and grading the district proficiency test, include administrative leave related to dismissal and suspension proceedings and military leave as types of leaves for which the Superintendent or designee may request the Commission on Teacher Credentialing (CTC) to issue a Teaching Permit for Statutory Leave, and add a new section "Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit" (ETK) which reflects **NEW LAW (AB 210, 2022)** authorizing the district to request a one-year early childhood education emergency specialist permit which allows the teaching of all subjects in a self-contained transitional kindergarten general education classroom. Regulation also updated to reference **NEW LAW (SB 1397, 2022)** which requires CTC, until July 1, 2024, to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute permit and **NEW LAW (AB 1876, 2022)** which requires CTC to accept an alternative verification of substitute teaching as part of the requirements for initial issuance of an emergency career substitute teaching permit.

Exhibit(1) 4112.9/4212.9/4312.9 - Employee Notifications
Exhibit updated to add employee notifications related to (1) homeless liaison services and training, (2) transfer of coursework and credits for highly mobile students, (3) training of volunteers in regard to the administration of emergency anti-seizure medication, and (4) nondiscrimination in the offering of career and technical education courses. Exhibit also updated to clarify that the notice regarding (1) potential exposure to COVID-19 remain posted for not less than 15 calendar days, (2) disability insurance rights and benefits be given upon employment and when the employee goes on leave for pregnancy or non-occupational sickness or injury, and (3) employees assigned to a work area in a laboratory setting be given, within 15 days after receiving a monitoring result related to an employee exposure determination, specified notices. Exhibit additionally updated for conforming changes.

Board Policy 4140/4240/4340 - Bargaining Units
Policy updated to align the definition of "management employee" with code language and to reference **NEW LAW (SB 931, 2022)** which provides that any district found by the Public Employment Relations Board to be in violation of the prohibition against deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization, may be subject to civil penalties of $1,000 for each affected employee, up to a maximum of $100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization. Policy also updated to specify that the Superintendent or designee may communicate with district employees regarding their rights to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially

recognized employee organization, add applicable number of days for compulsory interest arbitration related to access to new employee orientation, expand the material regarding district requirements for new employee orientations that are applicable until June 30, 2025, reference NEW LAW (SB 1131, 2022) which extends the Safe at Home address confidentiality program to employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district, and clarify language regarding information that should not be disclosed when an employee submits a written request to keep specified information private.

Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave
Regulation updated to delete outdated material and to reflect **NEW LAW (AB 1041, 2022)** which includes a "designated person" in the definition of family member for whom an employee may take leave to care for.

Administrative Regulation 4261.1 - Personal Illness/Injury Leave
Regulation updated to align language regarding miscarriage with analogous language in administrative regulation for certificated staff, delete outdated material, and reflect NEW LAW (AB 1041, 2022) which includes a "designated person" in the definition of family member for whom an employee may take leave to care for.

Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves
Regulation updated to reflect **NEW LAW (AB 1949, 2022)** which requires a district to provide up to five days of bereavement leave to a qualified employee for the death of a family member, and provide clarifying language regarding the definitions of "family member" and "immediate family" and implications for bereavement leave. Regulation also updated to reference **NEW LAW (AB 1041, 2022)** which expands the definition of a family member for whom an eligible employee may take leave to care for to include a "designated person."

Administrative Regulation 4161.8/4261.8/4361.8 - Family Care and Medical Leave
Regulation updated to reflect **NEW LAW (AB 1041, 2022)** which expands the definition of a family member for whom an eligible employee may take leave to care for to include a "designated person," provide that an employee may identify the designated person at the time of the employee's request for leave, and include that the district may limit an employee's use of CFRA leave to care for one designated person per 12-month period.

Board Policy 4151/4251/4351 – Employee Compensation
Policy updated to add that for districts participating in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments, and reflect **NEW LAW (AB 185, 2022)** which adds specific repayment procedures when a district has made a wage overpayment to a district employee.

Administrative Regulation 4217.3 – Layoff/Rehire
Regulation updated to reflect **NEW LAW (SB 913, 2022)** which provides that for districts with an average daily attendance of less than 250,000, the definition of “length of service” for the purpose of the order of layoff and determination of seniority is the employees’ hours in paid status. Regulation also updated to reflect **NEW LAW (AB 185, 2022)** which authorizes a classified employee to be represented by an attorney or nonattorney representative of the exclusive representative of the district’s classified employees at a hearing requested by an employee as part of layoff proceedings.

Policy 4112.2: Certification

Original Adopted Date: 11/01/2008 | **Last Revised Date:** ~~03~~06/01/~~2020~~2023 | **Last Reviewed Date:** ~~07~~06/01/~~2016~~2023

CSBA NOTE: Under the authority granted by Education Code 44252, the Commission on Teacher Credentialing (CTC) establishes standards and procedures for the issuance and renewal of multiple subject, single subject, education specialist, and other credentials, certificates, and permits and approves applications. Pursuant to Education Code 44251, a preliminary credential is generally valid for five years, during which time the employee must complete the requirements for the clear credential in order to continue to serve in a certificated position. The clear credential must be renewed every five years, but renewal does not require completion of additional coursework or service requirements.

All candidates for a teaching credential must demonstrate proficiency in the subject matter area of the intended credential as specified in Education Code 44259. To implement statutory changes to the subject matter competence requirements pursuant to AB 130 (Ch. 44, Statutes of 2021), CTC has adopted 5 CCR 80096, which includes revisions based on the Office of Administrative Law's feedback; see CTC Coded Correspondence 22-06 for more information on the regulation.

Assignment to certain positions within the district may require additional qualifications. For example, see AR 4112.22 - Staff Teaching English Learners, AR 4112.23 - Special Education Staff, and BP/AR 4113 - Assignment.

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and competency in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

Priorities for Hiring Based on Unavailability of Credentialed Teacher

CSBA NOTE: To the extent possible, the district must hire a "fully prepared" teacher who holds a clear or preliminary teaching credential in the subject or setting of the assignment. The Governing Board may authorize a fully credentialed teacher to serve in an assignment outside the area authorized by the credential if specified criteria are met; see BP/AR 4113 - Assignment and CTC's ~~Credential Information Guide. When the district is unable to hire a fully credentialed teacher,~~, "Assignment Resources," available on its web site. Education Code 44225.7 permits the district to hire a candidate ~~without those credentials~~who is not a fully credentialed teacher in accordance with the hiring hierarchy provided in ~~items~~Items #1-3 below ~~if theBoard has adopted an annual~~ resolution that it has made reasonable efforts to recruit a fully prepared teacher for the

assignment.

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment or, when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, and the Board adopts a resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

CSBA NOTE: Pursuant to Education Code 44225.7, if a credentialed teacher is not available, priority for employment must be given to an individual who is enrolled in an approved ~~intern~~internship program, as provided in ~~item~~Item #1 below. CTC Coded Correspondence 13-01 clarifies that such an individual must possess a CTC-issued intern credential.

1. 1. A candidate who enrolls in an approved ~~intern~~internship program in the region of the district and possesses an intern credential

CSBA NOTE: Pursuant to Education Code 44225.7, next priority for filling a position should be for a candidate who is scheduled to complete preliminary credential requirements within six months, as provided in ~~item~~Item #2 below. CTC Coded Correspondence 13-01 clarifies that such an individual must qualify for and obtain a provisional internship permit (PIP) or short-term staff permit (STSP).

Pursuant to 5 CCR 80021-80021.1, the district may employ persons with a PIP when the district has conducted a diligent search but has been unable to recruit a credentialed teacher, or an STSP when needed to immediately staff classrooms based on unforeseen circumstances. Each of these options requires the district to provide orientation, training, and/or guidance; see the accompanying administrative regulation.

2. 2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is granted a provisional internship permit (PIP) or short-term staff permit issued by ~~the~~ CTC

CSBA NOTE: 5 CCR 80021.1 requires that a notice of intent to employ a person with a PIP be made public as described in the following paragraph. A copy of the agenda item and the Superintendent or designee's verification of the ~~Governing~~ Board's favorable action must be included as part of the application to the CTC along with other required verifications; see the accompanying administrative regulation.

3. The Board shall take action to approve, ~~as an action item~~ at an open Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

CSBA NOTE: Pursuant to Education Code 44225.7, when the district is unable to recruit a credentialed teacher or a teacher who meets the qualifications specified in ~~items~~Items #1-2 above, it may request CTC to approve the assignment of a person who does not meet those criteria. According to CTC Coded Correspondence 13-01, such an individual would need to qualify for a "variable term waiver." For further information about variable term waivers, see 5 CCR 80125 and CTC's "Waiver Requests Guidebook ~~and 5 CCR 80125.~~".

4. 3. An individual who has been granted a credential waiver by ~~the~~ CTC

CSBA NOTE: Pursuant to 5 CCR 80023.2, 80026, and 80027-80027.1, the Board must annually approve a Declaration of Need for Fully Qualified Educators prior to hiring a person with an emergency permit or a limited assignment permit to teach outside the area of certification. The form for the Declaration of Need is available on CTC's web site. Pursuant to 5 CCR 80026, the Declaration of Need must be approved at a regularly scheduled public Board meeting and is valid for up to 12 months, expiring on June 30 following its submission to CTC.

~~Prior~~Annually, the Board shall, prior to requesting that ~~the~~ CTC issue an emergency permit or ~~a~~ limited assignment permit, ~~the Board shall annually~~ approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled open Board meeting, with the entire Declaration of Need being included in the Board agen~~d~~a. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in ~~items~~Items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits and limited assigned permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. It shall also specify each subject to be listed on the General Education Limited Assignment Single SubjectTeachingPermits and the target language on EmergencyBilingualPermits. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

National Board for Professional Teaching Standards Certification

CSBA NOTE: The following optional section may be revised to reflect district practice. The National Board for Professional Teaching Standards (NBPTS) offers teachers a voluntary, rigorous advanced certification process to improve their practice as educators. Districts can encourage teacher participation by coordinating a cohort of teachers through school or district-based programs, their county office of education, or the NBPTS Resource Center at Stanford University or other NBPTS support networks. A list of current NBPTS support networks can be found on the NBPTS web site.

Additionally, the California NBPTS provides grants to districts through the NBPTS Incentive Program, for the purpose of providing incentives to teachers who have attained certification from NBPTS and agree to teach at a high-priority school for at least five years, and teachers who initiate the process of pursuing a NBPTS certification when teaching at a high-priority school. Pursuant to Education Code 44395, as amended by AB 181 (Ch. 52, Statutes of 2022), grants for teachers who have attained certification will be disbursed from the California Department of Education (CDE), and funds that are unused for teachers initiating the program are required to be applied to future candidates; see CDE's web site for more information.

Districts and schools may use U.S. Department of Education grant funds (e.g., Title I, Part A; Title II, Part A; Individuals with Disabilities Education Act, Part B), as well as district resources for beginning teachers, for costs associated with teachers pursuing, achieving, and maintaining National Board certification.

The Superintendent or designee shall promote a career continuum that includes participation of district teachers in professional learning that supports their completion of advanced certification awarded by the National Board for Professional Teaching Standards (NBPTS). The Superintendent or designee may coordinate a cohort of teachers through school or district programs or other available networks.

With Board approval and funding, and consistent with the collective bargaining agreement and applicable law, the Superintendent may provide an incentive program for teacher participation in NBPTS certification, which may include:

1. 1. Defraying, subsidizing, or reimbursing the registration, certification, or maintenance fees for NBPTS certification

2. 2. Providing bonuses, step increases, or differential pay for teachers who maintain their certification and continue to teach in the district, with priority given to teachers at Title I schools and schools serving a majority oflow-income students

3. 3. Providing substitute teachers to provide release time for participatingteachers

4. 4. Providing stipends for teacher participation that match other professional development stipends

5. 5. Compensating mentor teachers who support other teachers' professional learning aligned to NBPTS standards

Parental Notifications

CSBA NOTE: The following section is for use by districts that receive federal Title I funds, and may be used or adapted by other districts at theirdiscretion.

20 USC 6312 requires districts receiving federal Title I funds to provide the following annual notification to parents/guardians of students in any school receiving Title I funds. Such districts may choose to provide the same notification to all schools, regardless of whether ~~or not~~ they receive Title I funds.

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. 1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction

2. 2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived

3. 3. Is teaching in the field of discipline of the teacher's certification

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

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

State	Description
5 CCR 80001-~~80674.6~~80694	Commission on Teacher
Credentialing Ed. Code 32340-32341	Unlawful issuance of a credential
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 44066	Limitations on certification requirements
Ed. Code 44200-44418	Teacher credentialing
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44300-44302	Emergency permit
Ed. Code 44325-44328	District interns
Ed. Code 44330-44355	Certificates and credentials
Ed. Code 44395	National Board for Professional Teaching Standards Certification Incentive Program
Ed. Code 44420-44440	Revocation and suspension of credentials
Ed. Code 44450-44468	University internship program
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills
Ed. Code 56060-56063	Substitute teachers in special education
Ed. Code 8295-8305	Child development program; personnel qualifications

Federal	Description
20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.61	Parent notification regarding teacher qualifications

Management Resources	Description
Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency, Coded Correspondence 22-06, October 21, 2022
Commission on Teacher Credentialing Publication	Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021
Commission on Teacher Credentialing Publication	
~~Commission on Teacher Credentialing Publication~~	Assembly Bill 320: Regional Accreditation forCoursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022
Commission on Teacher Credentialing Publication	
Commission on Teacher Credentialing Publication	Waiver Requests
Commission on Teacher Credentialing Publication	Guidebook, 2015
Commission on Teacher Credentialing Publication	
Commission on Teacher Credentialing Publication	~~Credential Information~~
Commission on Teacher Credentialing Publication	
Commission on Teacher Credentialing Publication	~~Guide~~
Commission on Teacher Credentialing Publication	
~~Commission on Teacher Credentialing Publication~~	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
	Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016
	California Standards for the Teaching Profession (CSTP), October 2009
	CL-667 Basic Skills Requirement
	CL-856 Provisional
	Internship Permit
	CL-858 Short-Term Staff
	Permit
	Subject Matter Authorization Guideline Book, December 2019

Supplementary Authorization Guideline	~~The Administrator's Assignment Manual, 2021~~ Book, December 2019
Court Decision	Association of Mexican-American Educators (AMAE) et al. v. State of California and the Commission on Teacher Credentialing, ~~(1993)~~ ~~836~~ (2000) 231 F.~~Supp. 1534~~3d 572
Nat'l Board for Prof. Teaching Stds.	Using Federal Funds for National Board Activities: An Action-

Publication	Planning Guide
Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, CA NBPTS Certification Incentive Program
Website	National Board Resource Center (https://nbrc.stanford.edu/)
Website	National Board for Professional Teaching Standards
Website	Office of Administrative Law (https://oal.ca.gov/)
Website	Commission on Teacher Credentialing (https://www.ctc.ca.gov/)
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
3580	District Records
3580	District Records
4111	Recruitment And Selection
4112	Appointment And Conditions Of Employment
4112.21	Interns
4112.21	Interns
4112.22	Staff Teaching English Learners
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113	Assignment
4113	Assignment

4114	Transfers
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
4131.1	Teacher Support And Guidance
4131.1	Teacher Support And Guidance
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.3	Professional Leaves
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4261.11	Industrial Accident/Illness Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4317.14	Postretirement Employment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards

4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.8	Family Care And Medical Leave
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6146.1	High School Graduation Requirements
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6170.1	Transitional Kindergarten
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6183	Home And Hospital Instruction
6200	Adult Education
6200	Adult Education

Policy 4112.2: Certification

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/15/2020 **| Last Reviewed Date:** 10/15/2020

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment or, when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who enrolls in an approved intern program in the region of the district and possesses an intern credential

2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is granted a provisional internship permit (PIP) or short-term staff permit issued by the CTC

   The Board shall approve, as an action item at an open Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

3. An individual who has been granted a credential waiver by the CTC

Prior to requesting that the CTC issue an emergency permit or a limited assignment permit, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled open Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction

2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived

3. Is teaching in the field of discipline of the teacher's certification

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

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State References	Description
5 CCR 80001-80674.6	Commission on Teacher Credentialing
5 CCR 80001-80694	Commission on Teacher Credentialing
Ed. Code 32340-32341	Unlawful issuance of a credential - https://simbli.eboardsolutions.com/SU/f9uie5JGqYH0nxFv9jiGXw==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44066	Limitations on certification requirements - https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==
Ed. Code 44200-44418	Teacher credentialing - https://simbli.eboardsolutions.com/SU/7KsBvXE7sZwVPkZCm6TQAw==
Ed. Code 44250-44277	Credentials and assignment of teachers - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44300-44302	Emergency permit - https://simbli.eboardsolutions.com/SU/NzBOdfZ8bScZeneOlXgsXA==
Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRKxg==
Ed. Code 44330-44355	Certificates and credentials - https://simbli.eboardsolutions.com/SU/ewqmiXUOvClFsKS411GVaQ==
Ed. Code 44395	National Board for Professional Teaching Standards Certification Incentive Program
Ed. Code 44420-44440	Revocation and suspension of credentials - https://simbli.eboardsolutions.com/SU/plusAmIQuOFqs89Ky7ZhplusVq7w==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGhJvVo94IlRh66u3gw==
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills - https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==
Ed. Code 56060-56063	Substitute teachers in special education - https://simbli.eboardsolutions.com/SU/tO6b1slsh3ftVqNGOnLpigL7Q==
Ed. Code 8295-8305	Child development program; personnel qualifications - https://simbli.eboardsolutions.com/SU/EW86uQvzoeBtSUMTa9Eslshow==

Federal References	Description
20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.61	Parent notification regarding teacher qualifications

Management Resources References	Description

Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency, Coded Correspondence 22-06, October 21, 2022
Commission on Teacher Credentialing Publication	Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021
Commission on Teacher Credentialing Publication	Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022
Commission on Teacher Credentialing Publication	Waiver Requests Guidebook, 2015
Commission on Teacher Credentialing Publication	Subject Matter Authorization Guideline Book, December 2019
Commission on Teacher Credentialing Publication	Supplementary Authorization Guideline Book, December 2019
Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Commission on Teacher Credentialing Publication	CL-667 Basic Skills Requirement
Commission on Teacher Credentialing Publication	CL-856 Provisional Internship Permit
Commission on Teacher Credentialing Publication	CL-858 Short-Term Staff Permit
Court Decision	Association of Mexican-American Educators (AMAE) et al. v. State of California and the Commission on Teacher Credentialing (2000) 231 F.3d 572
Nat'l Board for Prof. Teaching Stds. Publication	Using Federal Funds for National Board Activities: An Action-Planning Guide
Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification
Website	Office of Administrative Law - https://simbli.eboardsolutions.com/SU/RnyBM7nM4Vf4qxslshOTuQSbg==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education, CA NBPTS Certification Incentive Program 2021-26 - https://simbli.eboardsolutions.com/SU/uKmxE8VYIFbmXZaxGlRRvQ==
Website	National Board Resource Center - https://simbli.eboardsolutions.com/SU/flPYtz2IVUmhqlpluswjCdmag==
Website	National Board for Professional Teaching Standards - https://simbli.eboardsolutions.com/SU/W4hc1FgK0ics8tTmuq7qslshw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUuIsaq7efc7aH4Q==
Website	Commission on Teacher Credentialing, Credential Information Guide (for employers' use only) - https://simbli.eboardsolutions.com/SU/B9uurcEnh6RjWX7bEk1slshew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References	Description
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/UGQ3MTIOD95Pe5BM5khuuw==
1312.4-E PDF(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BOLiBEOnqWtridjdcLu7mw==
1312.4-E PDF(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/mc8TAySPJlIM6slshnaHBT34w==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/bCevdtr1it1VFkmq39Wfmw==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/plusxD1AEfA9V7ss5plusgDNHDkw==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/h2UUcLqR6nWn8M9XHIk1FQ==
4112.21	Interns - https://simbli.eboardsolutions.com/SU/Y5n88id1AERp7S6Xs9ldqw==
4112.21	Interns - https://simbli.eboardsolutions.com/SU/15En7OdOQNSslshDYslshhVcWslshqw==
4112.22	Staff Teaching English Learners - https://simbli.eboardsolutions.com/SU/lhz3BYcDgwm4qHJvkp6P7Q==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/lDaVyYyEsX2uuayPhodYCw==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/RwoubYUMsslsh7slshAUvWrC2HpQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4113	Assignment - https://simbli.eboardsolutions.com/SU/8TGgSGrhIGDT3a1Y0kfN5A==
4113	Assignment - https://simbli.eboardsolutions.com/SU/WslshslsheslshYeJGKmOdpUu98PFTw==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/V3T4HFszBjOHIgMslshjNbc8g==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mQy8e2IeTPMPiWOH1fNu7g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==

4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/cDFj5C3slsh0spRWKmYYpRyLA==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/K2kSL91OyCcPJiCAGQlplusMw==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/elWezLExrodwsXFsrcssdw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/4ECk7XUf2vAlK6WdWLchBw==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/xWKQ2uBAiN0fQuPmm52ynQ==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/52emsslshp67h2WsdOEvrslshMFw==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/R8I3V22slshv8L1TDQ3ILl3wg==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/vtQsSxlSWQT65vWD0ounIw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/hslshQwvW7ctM8plus871gvslshe29A==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/HdBqOe93olNlDwSZ3dCnUQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/ePMKB68yqZCM4HYjmZ7WzQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/EMrErY6ZA7wnplusiidKreEuQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/gR6ucyZS56duPchfmGVPslshQ==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/i1lPc7H4r7uslsh0slshTWOspoew==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==

5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/bxdO02orcknVGTfpbSK9vw==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/hbGCDAbQPplusslshdSybFLnA10Q==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/bpIfq6ODgTOqb5pKplusmrRlQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/ZbAwIfVztbG4fvTGJWBqAA==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==
6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/lslsh86du039e3kAM9Lgk5plusjg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/8SQdWu3IRoOhSBC6o4b3uA==
6170.1	Transitional Kindergarten - https://simbli.eboardsolutions.com/SU/captf1Q8oxwc3XTrVxLVag==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/gPgCpCtjdJruPgmJ7Rcfqw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/aslshgNHEuTeSsRhcLzTiYZOg==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/MyV2GJCiJDDplusHlvzjadf6Q==

Regulation 4112.2: Certification

Original Adopted Date: 07/01/2011 | **Last Revised Date:** 06/01/~~2022~~2023 | **Last Reviewed Date:** 06/01/~~2022~~2023

Verification of Credentials

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 44330, 44332.5, and 44857, each person employed in a position requiring certification qualifications must register a valid credential not later than 60 days after beginning employment in the district or not later than 60 days after renewing a credential. Pursuant to Education Code 44332.5, a district with over 10,000 average daily attendance (ADA) may provide for the registration of its own certificated employees' credentials. If it does not do so, or if the district has 10,000 ADA or less, certificated employees' credentials must be registered with the county office of education (COE). ~~The following section may be revised to reflect district practice.~~

~~The Commission on Teacher Credentialing (CTC) does not provide credentials in a paper format.~~

Pursuant to 5 CCR 80001, the official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from CTC's web site. ~~For all other certificated staff~~Since CTC does not provide credentials in a paper format, the district must obtain verification of its employees' certification through CTC's online service and may print the displayed information.

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

CSBA NOTE: Pursuant to Education Code 44332, 44332.5, and 44332.6, an individual may be employed while CTC is processing the application if the individual holds a temporary certificate issued by a district with over 10,000 ADA or the COE, indicating that the individual has passed the state assessment of teachers' basic skills and completed a criminal record check. Education Code 44332, 44332.5, and 44332.6 require the district or COE, prior to issuing a temporary certificate, to obtain a certificate of clearance (fingerprint clearance) from CTC to satisfy the criminal record check requirement.

The Superintendent or designee shall verify that any person who is employed by the district while CTC is processing the application for certification possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

Basic Skills Proficiency

CSBA NOTE: Education Code 44830 provides that a district cannot employ an individual in a position requiring certification unless that person has met the basic skills proficiency requirement or is exempted from the requirement by law. Such exemptions are specified in Education Code 44252 and 44830. Unless exempted, persons who have been granted a credential by CTC have met the basic skills proficiency requirement as a condition of obtaining the credential.

The district shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

CSBA NOTE: According to CTC leaflet CL-667, "Basic Skills Requirement~~",~~," the basic skills proficiency requirement may be met as reflected in Items #1-8, below.

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. 1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)

2. 2. Passage of the California Subject Examinations for Teachers: Multiple Subjects plus Writing Skills Examination

3. 3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)

4. 4. Achieving a qualifying score on the Scholastic Aptitude Test or the American College Test (Education Code 44252)

5. 5. Achieving a qualifying score on College Board Advanced Placement Examinations

6. 6. Passage of a basic skills examination from another state

CSBA NOTE: Pursuant to Education Code 44252, ~~as amended by AB 130 (Ch. 44, Statutes of 2021),~~ a person is exempt from the basic skills proficiency test requirement by earning at least a letter grade of B in qualifying coursework determined by a credential preparation program, or determined by CTC for an applicant not enrolled in a California credential preparation program. "Qualifying coursework" means a course or courses taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Pursuant to Education Code 44203, ~~as amended by AB 320 (Ch. 663, Statutes of 2021),~~ the definition of a "regionally accredited institution" includes an institution of higher education that held preaccreditation status at the time the degree of an applicant for a credential was conferred if the institution achieved full accreditation status within five years of earning preaccreditation status in addition to an institution of higher education that

has already been designated as regionally accredited. ~~CTC is proposing emergency regulations to implement the statutory changes to subject matter competence requirements enacted by AB 130; see CTC Coded Correspondence 21-06 for more information on the proposed regulations.~~

7. 7. Qualifying coursework (Education Code 44252)

CSBA NOTE: Pursuant to Education Code 44252, ~~as amended by AB 130 and AB 167 (Ch. 252, Statutes of 2021),~~ a person is exempt from the basic skills proficiency test requirement if a credential preparation program or CTC determines that an applicant has demonstrated proficiency through a combination of coursework, as described in Item #7, above, passage of a component or components of the basic skills proficiency test, and scores described in Items #3 and 4, above.

8. 8. Qualifying coursework and exams (Education Code 44252)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by CTC unless the teacher has completed a basic skills proficiency test in another state, passed a basic skills proficiency test developed and administered by the district, by cooperating districts or by the county office of education (COE), or is otherwise exempted by law. The district shall develop a basic skills proficiency test, which shall be at least equivalent to the district test required for high school graduation, for purposes of assessing out-of-state prepared teachers pending completion of the basic skills requirement. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

CSBA NOTE: Pursuant to Education Code 44252 and 44830, persons holding or applying for a "designated subjects special subjects" credential must be assessed with a district basic skills proficiency test, unless their credential requires possession of a bachelor's degree in which case they are required to meet the state basic skills proficiency requirement. When such persons are employed by a consortium of districts or a joint powers agreement, the test may instead be established by the boards of those entities.

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a district proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The district may charge a fee to persons being tested to cover the costs of developing, administering, and grading the district proficiency test. (Education Code 44252, 44830)

Short-Term Staff Permit

CSBA NOTE: 5 CCR 80021 establishes the short-term staff permit (STSP) to immediately fill teacher vacancies based on unforeseen circumstances. Pursuant to 5 CCR 80021, CTC will issue the STSP to an individual only once and for no more than one year. The STSP will expire no later than July 1, unless the STSP is for a summer school assignment in which case the STSP will expire no later than September 1.

The district may request that CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. 1. Enrollment adjustments requiring the addition of another teacher

2. 2. Inability of the teacher of record to finish the school year due to approved leave or illness

3. 3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program

4. 4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program

5. 5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to CTC: (5 CCR 80021)

1. 1. Verification that the district has conducted a local recruitment for the permit being requested

2. 2. Verification that the district has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

3. 3. Written justification for the permit signed by the Superintendent or designee

CSBA NOTE: 5 CCR 80021 provides that a holder of the STSP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). 5 CCR 80021 provides that all STSPs will also include an English learner authorization allowing the holder to provide services in English language development (ELD) ~~or~~and specially designed academic instruction in English (SDAIE); see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the STSP may instead include a bilingual authorization ~~allowing the holder to provide instruction for primary language development or content instruction~~

delivered in the primary language, in addition to ELD and SDAIE.

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

CSBA NOTE: 5 CCR 80021.1 establishes the provisional internship permit (PIP) to staff classrooms whenappropriately credentialed teachers cannot be found after a diligent search. 5 CCR 80021.1 provides that the PIP will be issued for one calendar year and may not be renewed.

Before requesting that CTC issue a provisional internship permit (PIP), the district shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the district shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. 1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

2. 2. Orientation, guidance, and assistance ~~shall~~will be provided to the permit holder as specified in 5 CCR 80026.5.

   The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience.

3. 3. The district ~~shall~~will assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.

4. 4. The district ~~shall~~will assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, alongwithtraining in test-takingstrategies, and shall assist the permit holder in meeting the credential subject-matter

competence requirement related to the permit.

5. 5. A notice of intent to employ the applicant in the identified position has been made public.

   The district shall submit a copy of the agenda item presented at an open Governing Board meeting which ~~shall state~~states the name of the applicant, the assignment in which the applicantwill be employed including the name of the school, subject(s), and grade(s) that the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. 6. The candidate has been apprised of steps to earn a credential and enroll in an ~~intern~~internship program.

CSBA NOTE: 5 CCR 80021.1 provides that a holder of the PIP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). In addition, 5 CCR 80021.1 provides that all PIPs will include an English learner authorization allowing the holder to provide services in ELD ~~or~~and SDAIE; see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the PIP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language, in addition to ELD and SDAIE.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Teaching Permit for Statutory Leave

CSBA NOTE: 5 CCR 80022 establishes the Teaching Permit for Statutory Leave (TPSL), which authorizes the holder to serve as the interim teacher of record when a teacher takes a statutory leave. The applicable statutory leaves are specified in 5 CCR 80022 ~~and, as clarified by CTC Coded Correspondence 16-10, exclude administrative leave.~~. The TPSL is valid for one calendar year from the first day of the month immediately following the date of issuance, but may be renewed on an annual basis provided that the holder completes additional requirements as specified and the district verifies that it will provide continued mentoring and support.

Qualifications required for the TPSL include possession of a bachelor's or higher degree, completion of the basic skills requirement unless exempted by state law or regulations, completion of ~~a~~the subject-matter requirement for the authorization, and 45 hours of preservice preparation in the content areas listed in 5 CCR 80022. The design and delivery of the preservice preparation are at the discretion of the district and, as described in CTC Coded Correspondence 16-10, may include existing training and development programs, new preparation courses or modules, and/or partnerships with the COE, neighboring districts, colleges and universities, or private companies.
CTC does not accredit or oversee any TPSL preparation. The following paragraph may be revised to

reflect district practice.

Whenever there is an anticipated need for the district to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, administrative leave related to dismissal and suspension proceedings, military leave, or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may request that CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to CTC, the district shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

A request for the TPSL shall only be submitted if the district has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The district shall verify to CTC that it will provide the interim teacher: (5 CCR 80022)

1. 1. An orientation to the assignment before or during the first month of service in the statutory leave assignment

2. 2. An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment

3. 3. Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

CSBA NOTE: The TPSL authorizes the interim teacher of record to serve for the full length of the statutory leave. CTC Coded Correspondence 16-10 clarifies that, when more than one acceptable leave is taken consecutively, the holder of the TPSL may continue to serve as the interim teacher of record for the entire length of those leaves.

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the district is continuing to provide mentoring in accordance with ~~items~~Items #2-3 above. (5 CCR 80022)

Long-Term Emergency Permits

CSBA NOTE: Pursuant to Education Code 44225.7, the district may request that CTC grant an applicant a one-year emergency permit (in accordance with Education Code 44300; and 5 CCR 80023-80026.6) when a "fully prepared teacher," defined as a teacher who has completed a teacher preparation program, is unavailable to the district. Emergency permits may only be issued for the resource specialist permit (5 CCR 80024.3.1), teacher librarian services permit (5 CCR 80024.6), crosscultural, language and academic development permit (CLAD) (5 CCR 80024.8), and bilingual authorization permit (5 CCR 80024.7).

Pursuant to 5 CCR 80023.1, an emergency permit may be renewed for up to two additional one-year periods (for a maximum of three years of service).

In order to request an emergency permit, the district must first demonstrate that it has made reasonable efforts to recruit candidates who are enrolled in an intern program or are scheduled to complete preliminary credential requirements within six months and must submit a Declaration of Need for Fully Qualified Educators; see the accompanying Board policy.

As necessary, the Superintendent or designee may request that CTC issue an emergency resource specialist permit, emergency teacher librarian services permit, emergency crosscultural language and academic development permit (CLAD), or emergency bilingual authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR80026.5)

Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit (ETK)

CSBA NOTE: Pursuant to Education Code 44300, as amended by AB 210 (Ch. 62, Statutes of 2022), the district may request a one-year early childhood education (ECE) emergency specialist permit that authorizes the teaching of all subjects in a self-contained transitional kindergarten (TK) general education classroom. Applicants for an ECE emergency specialist permit must meet the following qualifications and possess a baccalaureate or higher degree from a regionally accredited institution of higher education, hold a valid CTC-issued child development permit at the teacher or higher level, and satisfy subject matter requirements in accordance with Education Code 44300. For more information regarding staffing requirements for TK, see BP 6170.1 – Transitional Kindergarten.

If, after conducting a diligent search, the district has been unable to recruit a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship,

district internship, or other alternative routes established by CTC, the Superintendent or designee may request CTC to issue a one-year early childhood education (ECE) emergency specialist permit that authorizes the teacher to teach all subjects in a self-contained transitional kindergarten (TK) general education classroom. (Education Code 44300)

The request to CTC shall include the following justifications for the need for the ECE emergency specialist permit: (Education Code 44300)

1. Annual documentation that the district has adopted in policy and practice a process for conducting a diligent search as defined in Education Code 44300
2. A Declaration of Need for Fully Qualified Educators based on the documentation set forth in Item #1, and adopted by the Board at a regularly scheduled Board meeting
3. Verification that the district will provide the required orientation, mentoring, and support 4. The Board's receipt, at a regularly scheduled Board meeting, of a report on the orientation, mentoring, and support described in Item #3

The district may request CTC to renew the ECE emergency specialist permit for one additional year provided the following occurs: (Education Code 44300)

1. The applicant verifies current enrollment in a commission-approved teacher preparation program that will result in a credential authorizing teaching TK
2. The district submits a Declaration of Need for Fully Qualified Educators in the same manner as described in Item #2, above
3. The district verifies that the applicant continues to successfully serve in the assignment on the basis of the ECEemergency specialist permit
4. The district verifies continued orientation, mentoring, and support, with reporting to the Board in the same manner as described in Item #3, above

Substitute Teaching Permits

The district may employ a person whose credential or permit authorizes substitute teaching services, provided that:

CSBA NOTE: Pursuant to Education Code 44300, as amended by SB 1397 (Ch. 335, Statutes of 2022), CTC is required, until July 1, 2024, to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute permit. This waiver may not be used to satisfy the basic skills proficiency requirement for any other teaching credential, permit, or certificate.

1. 1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSL, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)

CSBA NOTE: Pursuant to 5 CCR 80025.1, an emergencycareer substitute teaching permit requires the individual to possess a baccalaureate or higher degree from a regionally accreditedinstitution of highereducation and pass the CBEST unlessexempted by statelaw or regulations. In addition, pursuant to Education Code 44300.5, as added by AB 1876 (Ch. 113, Statutes of 2022), the district must verify that either the applicant has completed three consecutive years of at least 90 days per year of day-to-day substitute teaching in the district in the three years immediately preceding the application, that the applicant has completed at least 90 days per year of day-to-day substitute teaching accumulated from one or more districts participating in a consortium with the district in the three years immediately preceding the application, or if the COE is responsible for the assignment of day-to-day substitutes for the districts in its jurisdiction, that the applicant has completed three consecutive years of at least 90 days per year of day-to-day substitute teaching accumulated from one or more districts in the county requesting the permit in the three years immediately preceding the date of application.

2. 2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)

3. 3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)

4. 4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

CSBA NOTE: 5 CCR 80025 and 80025.5 require the district to have a Statement of Need on file before employing a person with an emergency substitute permit pursuant to ~~item~~Item #1 or 4 above. ~~The CTC form for the~~CTC's Statement of Need ~~may be found in~~form is available on CTC's ~~online, "Credential Information Guide," which may be accessed only by employers~~web site.

Before employing a person with an emergency substitute permit pursuant to ~~item~~Item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

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

State	Description
5 CCR 80001-~~80674.6~~80694	Commission on Teacher
Credentialing Ed. Code 32340-32341	Unlawful issuance of a credential
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 44066	Limitations on certification requirements
Ed. Code 44200-44418	Teacher credentialing
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44300-44302	Emergency permit
Ed. Code 44325-44328	District interns
Ed. Code 44330-44355	Certificates and credentials
Ed. Code 44395	National Board for Professional Teaching Standards Certification Incentive Program
Ed. Code 44420-44440	Revocation and suspension of credentials
Ed. Code 44450-44468	University internship program
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills
Ed. Code 56060-56063	Substitute teachers in special education
Ed. Code 8295-8305	Child development program; personnel qualifications

Federal	Description
20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.61	Parent notification regarding teacher qualifications

Management Resources	Description
Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency, Coded Correspondence 22-06, October 21, 2022
Commission on Teacher Credentialing Publication	Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021
Commission on Teacher Credentialing Publication	Assembly Bill 320: Regional Accreditation forCoursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022
~~Commission on Teacher Credentialing~~ ~~Publication~~	Waiver Requests
	Guidebook, 2015

~~Credential Information~~

~~Guide~~

Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Commission on Teacher Credentialing Publication	CL-667 Basic Skills Requirement
Commission on Teacher Credentialing Publication	CL-856 Provisional
~~Commission on Teacher Credentialing~~ ~~Publication~~	Internship Permit
	CL-858 Short-Term Staff
	Permit
	Subject Matter Authorization Guideline Book, December 2019
	Supplementary Authorization Guideline Book, December 2019
	~~The Administrator's~~ ~~Manual,~~ ~~2021~~
Court Decision	Association of Mexican-American Educators (AMAE) et al. v. State of California and the Commission on Teacher Credentialing, ~~(1993)~~ ~~836~~ (2000) 231 F.~~Supp. 1534~~3d 572
Nat'l Board for Prof. Teaching Stds. Publication	Using Federal Funds for National Board Activities: An Action- Planning Guide
Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, CA NBPTS Certification Incentive Program
Website	National Board Resource Center (https://nbrc.stanford.edu/)
Website	National Board for Professional TeachingStandards
Website	Office of Administrative Law (https://oal.ca.gov/)
Website	Commission on Teacher Credentialing (https://www.ctc.ca.gov/)
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
3580	District Records
3580	District Records
4111	Recruitment And Selection
4112	Appointment And Conditions Of Employment
4112.21	Interns
4112.21	Interns
4112.22	Staff Teaching English Learners
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113	Assignment
4113	Assignment
4114	Transfers
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
4131.1	Teacher Support And Guidance
4131.1	Teacher Support And Guidance
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.3	Professional Leaves

4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4261.11	Industrial Accident/Illness Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4317.14	Postretirement Employment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.8	Family Care And Medical Leave
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6146.1	High School Graduation Requirements
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency

6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6170.1	Transitional Kindergarten
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6183	Home And Hospital Instruction
6200	Adult Education
6200	Adult Education

Regulation 4112.2: Certification

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

Verification of Credentials

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

The Superintendent or designee shall verify that any person who is employed by the district while CTC is processing the application for certification possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

Basic Skills Proficiency

The district shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)
2. Passage of the California Subject Examinations for Teachers plus Writing Skills Examination
3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)
4. Achieving a qualifying score on the Scholastic Aptitude Test or the American College Test (Education Code 44252)
5. Achieving a qualifying score on College Board Advanced Placement Examinations
6. Passage of a basic skills examination from another state
7. Qualifying coursework (Education Code 44252)
8. Qualifying coursework and exams (Education Code 44252)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by CTC unless the teacher has completed a basic skills proficiency test in another state, passed a basic skills proficiency test developed and administered by the district, by cooperating districts or by the county office of education (COE), or is otherwise exempted by law. The district shall develop a basic skills proficiency test, which shall be at least equivalent to the district test required for high school graduation, for purposes of assessing out-of-state prepared teachers pending completion of the basic skills requirement. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a district proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The district may charge a fee to cover the costs of developing, administering, and grading the district proficiency test. (Education Code 44252, 44830)

Short-Term Staff Permit

The district may request that CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to CTC: (5 CCR 80021)

1. Verification that the district has conducted a local recruitment for the permit being requested
2. Verification that the district has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit
3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

Before requesting that CTC issue a provisional internship permit (PIP), the district shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the district shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

   The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.

4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.

5. A notice of intent to employ the applicant in the identified position has been made public.

   The district shall submit a copy of the agenda item presented at an open Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an intern program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Teaching Permit for Statutory Leave

Whenever there is an anticipated need for the district to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may request that CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to CTC, the district shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

A request for the TPSL shall only be submitted if the district has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The district shall verify to CTC that it will provide the interim teacher: (5 CCR 80022)

1. An orientation to the assignment before or during the first month of service in the statutory leave assignment

2. An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment

3. Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the district is continuing to provide mentoring in accordance with items #2-3 above. (5 CCR 80022)

Long-Term Emergency Permits

As necessary, the Superintendent or designee may request that CTC issue an emergency resource specialist permit, emergency teacher librarian services permit, emergency crosscultural language and academic development permit (CLAD), or emergency bilingual authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

Substitute Teaching Permits

The district may employ a person whose credential or permit authorizes substitute teaching services, provided that:

1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSL, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)

2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)

3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)

4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

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State References	Description
5 CCR 80001-80674.6	Commission on Teacher Credentialing
5 CCR 80001-80694	Commission on Teacher Credentialing

Ed. Code 32340-32341	Unlawful issuance of a credential - https://simbli.eboardsolutions.com/SU/f9uie5JGqYH0nxFv9jiGXw==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
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Ed. Code 44250-44277	Credentials and assignment of teachers - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44300-44302	Emergency permit - https://simbli.eboardsolutions.com/SU/NzBOdfZ8bScZeneOlXgsXA==
Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRKxg==
Ed. Code 44330-44355	Certificates and credentials - https://simbli.eboardsolutions.com/SU/ewqmiXUOvClFsKS411GVaQ==
Ed. Code 44395	National Board for Professional Teaching Standards Certification Incentive Program
Ed. Code 44420-44440	Revocation and suspension of credentials - https://simbli.eboardsolutions.com/SU/plusAmIQuOFqs89Ky7ZhplusVq7w==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGhJvVo94IIRh66u3gw==
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills - https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==
Ed. Code 56060-56063	Substitute teachers in special education - https://simbli.eboardsolutions.com/SU/tO6b1slsh3ftVqNGOnLpigL7Q==
Ed. Code 8295-8305	Child development program; personnel qualifications - https://simbli.eboardsolutions.com/SU/EW86uQvzoeBtSUMTa9Eslshow==

Federal References	Description
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Website	California Department of Education, CA NBPTS Certification Incentive Program 2021-26 - https://simbli.eboardsolutions.com/SU/uKmxE8VYIFbmXZaxGlRRvQ==
Website	National Board Resource Center - https://simbli.eboardsolutions.com/SU/flPYtz2IVUmhqlpluswjCdmag==
Website	National Board for Professional Teaching Standards - https://simbli.eboardsolutions.com/SU/W4hc1FgK0ics8tTmuq7qslshw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUuIsaq7efc7aH4Q==
Website	Commission on Teacher Credentialing, Credential Information Guide (for employers' use only) - https://simbli.eboardsolutions.com/SU/B9uurcEnh6RjWX7bEk1slshew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References	**Description**
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/UGQ3MTIOD95Pe5BM5khuuw==
1312.4-E PDF(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BOLiBEOnqWtridjdcLu7mw==
1312.4-E PDF(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/mc8TAySPJlIM6slshnaHBT34w==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/bCevdtr1it1VFkmq39Wfmw==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==

3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/plusxD1AEfA9V7ss5plusgDNHDkw==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/h2UUcLqR6nWn8M9XHIk1FQ==
4112.21	Interns - https://simbli.eboardsolutions.com/SU/Y5n88id1AERp7S6Xs9ldqw==
4112.21	Interns - https://simbli.eboardsolutions.com/SU/15En7OdOQNSslshDYslshhVcWslshqw==
4112.22	Staff Teaching English Learners - https://simbli.eboardsolutions.com/SU/lhz3BYcDgwm4qHJvkp6P7Q==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/lDaVyYyEsX2uuayPhodYCw==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/RwoubYUMsslsh7slshAUvWrC2HpQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4113	Assignment - https://simbli.eboardsolutions.com/SU/8TGgSGrhIGDT3a1Y0kfN5A==
4113	Assignment - https://simbli.eboardsolutions.com/SU/WslshslsheslshYeJGKmOdpUu98PFTw==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/V3T4HFszBjOHIgMslshjNbc8g==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mQy8e2IeTPMPiWOH1fNu7g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/cDFj5C3slsh0spRWKmYYpRyLA==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/K2kSL91OyCcPJiCAGQlplusMw==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/elWezLExrodwsXFsrcssdw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/4ECk7XUf2vAlK6WdWLchBw==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/xWKQ2uBAiN0fQuPmm52ynQ==

4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/52emsslshp67h2WsdOEvrslshMFw==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/R8I3V22slshv8L1TDQ3ILI3wg==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/vtQsSxlSWQT65vWD0ounIw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/hslshQwvW7ctM8plus871gvslshe29A==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/HdBqOe93olNlDwSZ3dCnUQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/ePMKB68yqZCM4HYjmZ7WzQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/EMrErY6ZA7wnplusiidKreEuQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/gR6ucyZS56duPchfmGVPslshQ==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/i1IPc7H4r7uslsh0slshTWOspoew==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/bxdO02orcknVGTfpbSK9vw==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/hbGCDAbQPplusslshdSybFLnA10Q==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/bpIfq6ODgTOqb5pKplusmrRlQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/ZbAwIfVztbG4fvTGJWBqAA==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==
6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/lslsh86du039e3kAM9Lgk5plusjg==

6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/8SQdWu3IRoOhSBC6o4b3uA==
6170.1	Transitional Kindergarten - https://simbli.eboardsolutions.com/SU/captf1Q8oxwc3XTrVxLVag==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/gPgCpCtjdJruPgmJ7Rcfqw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/aslshgNHEuTeSsRhcLzTiYZOg==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/MyV2GJCiJDDplusHlvzjadf6Q==

Policy 4112.8: Employment Of Relatives/Personal Relationships

Original Adopted Date: 07/11/2019 | Last Reviewed Date: ~~07/11/2019~~11/9/2022

The Board of Education is committed to staff and community confidence in district hiring, promotion and other employment decisions by promoting practices that are free of conflicts of interest and/or the appearance of impropriety. The Superintendent and other administrators who are responsible for recruiting and interviewing employees shall at all times seek the best individual available for the position and shall not favor any candidate based on their personal relationship or ~~blood~~ familial relation to another district officer or employee or actual or potential conflicts of interest.

For purposes of this policy, the following definitions apply:

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal relationship.

Close relative is an employee's spouse, domestic partner, child, sibling, parent, grandparent, grandchild, aunt, uncle, cousin, niece, or nephew. Relations may be by blood, marriage, adoption, or domestic partnership, including in-law, step-, and half-relationships.

Personal relationship includes marriage, cohabitation, dating, co-parenting or any other intimate relationship beyond mere friendship. It also includes personal business relationships outside of District employment.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, duties, assignments, decisions, evaluation and/or performance of a subordinate employee.

The Board recognizes that the assignment of an employee to a location where a close relative, or other individual that the employee has a close personal relationship with, is working can interfere with the supervision, security or morale of the unit. If an individual is employed in a position where they would have access to a confidential and privileged information concerning a close relative, or other individual that the employee has a close personal relationship with, the matter shall be brought to the attention of the Superintendent, and the Superintendent or designee shall take steps to ensure the confidentiality of the information, including, but not limited to, assigning another employee the responsibility of reviewing the confidential and privileged information.

¶

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a ~~member of his/her~~

~~immediate family~~close relative or individual that the employee has a personal relationship with maintains supervisory or evaluative responsibilities for the position. When persons in a supervisory relationship become related by marriage or other serious personal relationship, including cohabitation, a dating relationship, co-parenting or has any other intimate relationship beyond mere friendship, supervisory responsibilities will be changed or an employee transfer will be arranged.

The Board prohibits the appointment of any person to a position for which his/her close relative or individual that the employee has a personal relationship with maintains management, supervisory or evaluation responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives or individual that the employee has a personal relationship with.

No spouse, co-parent, co-habitant, minor child, or dependent of a Board member shall be appointed to a full-time position in the school district.

Persons related otherwise by blood or marriage to a Board member may be employed following full disclosure of the relationship by the Board member in a public meeting and sufficient vote of appointment without counting the vote of the related Board member.

~~For purposes of this policy, "relative" includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.¶~~

~~In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of their relationship than it would be or another person.~~

An employee ~~shall~~ must notify his/her supervisor and the Director of Human Resources within 30 days of any change in his/her circumstances that may constitute a violation of this policy. Failure to do so may result in disciplinary action.

Management staff are required to notify the Director of Human Resources or the Assistant Superintendent of Administrative Support, School Support and Safety , if they become aware that another employee may be in violation of this policy.

Policy 4112.8: Employment Of Relatives

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Reviewed Date:** 07/11/2019

The Board of Education is committed to staff and community confidence in district hiring, promotion and other employment decisions by promoting practices that are free of conflicts of interest and/or the appearance of impropriety. The Superintendent and other administrators who are responsible for recruiting and interviewing employees shall at all times seek the best individual available for the position and shall not favor any candidate based on their personal or blood relation to another district officer or employee.

The Board recognizes that the assignment of an employee to a location where a close relative is working can interfere with the supervision, security or morale of the unit. If an individual is employed in a position where they would have access to a confidential and privileged information concerning a close relative, the matter shall be brought to the attention of the Superintendent, and the Superintendent or designee shall take steps to ensure the confidentiality of the information, including, but not limited to, assigning another employee the responsibility of reviewing the confidential and privileged information.

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluative responsibilities for the position. When persons in a supervisory relationship become related by marriage, supervisory responsibilities will be changed or an employee transfer will be arranged.

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory or evaluation responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

No spouse, minor child, or dependent of a Board member shall be appointed to a full-time position in the school district.

Persons related otherwise by blood or marriage to a Board member may be employed following full disclosure of the relationship by the Board member in a public meeting and sufficient vote of appointment without counting the vote of the related Board member.

For purposes of this policy, "relative" includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of their relationship than it would be or another person.

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

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

State References	Description
2 CCR 7292.0-7292.6	Marital status discrimination - https://simbli.eboardsolutions.com/SU/OYM2wETre8OJcLFpNJgsXg==
2 CCR 7292.5	Employee selection - https://simbli.eboardsolutions.com/SU/QvKUnBWZM9B1slshH6e8qzyKg==
Ed. Code 35107	School district employees - https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTIw==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==

Gov. Code 1090-1098	Prohibitions applicable to specified officers - https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==

Management Resources References	Description
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	League of California Cities - https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Cross References	Description
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/plusxD1AEfA9V7ss5plusgDNHDkw==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/h2UUcLqR6nWn8M9XHlk1FQ==
4113	Assignment - https://simbli.eboardsolutions.com/SU/8TGgSGrhlGDT3a1Y0kfN5A==
4113	Assignment - https://simbli.eboardsolutions.com/SU/WslshslsheslshYeJGKmOdpUu98PFTw==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/cDFj5C3slsh0spRWKmYYpRyLA==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/NpFplusnESCyvrT6FLrecexYA==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/BGk7cxSb7N8plusXwplusAAzaUlQ==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/vtQsSxlSWQT65vWD0ounlw==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/UdQGNJ46U3p26Pl80PL6cQ==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/7FlKjwQtJ6ErOskzum2ymw==
9270-E PDF(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/1pr6ublzcUt51mYCwwocqQ==
9270-E PDF(2)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/K7ityvEsig55qNtibyqpDw==

Original Adopted Date: 05/01/2016 | **Last Revised Date:** ~~03~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2022~~2023

CSBA NOTE: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

I. To All Employees

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

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

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on ~~year-round~~ implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

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

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

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
BoardPolicy/AdministrativeRegulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

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

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: To be included in AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

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

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

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

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

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

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

When/Whom to Notify: To new employees upon hire and other employees upon request, in

districts with 25 or more employees
Education or Other Legal Code: Labor Code 230.1
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

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

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

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

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

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

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable

Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted
Education or Other Legal Code: Labor Code 6409.6
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

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

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

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

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

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

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

When/Whom to Notify: To all employees ~~working with homeless families~~
~~Education or Other Legal Code: 42 USC 11432~~
~~Board Policy/Administrative Regulation #: AR 6173~~
~~Subject: Duties of district liaison for homeless students~~

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

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

~~II.~~

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technicaleducationopportunities are offeredwithout regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

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

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

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

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

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee Education or Other Legal Code: EducationCode 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

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

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

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

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

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

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

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

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15
Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject:Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

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

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

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

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

III. To Classified Employees

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

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

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

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

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

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

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment
Education or Other Legal Code: 49 CFR 382.113, 382.601
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus
Education or Other Legal Code: 49 CFR 382.303
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

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

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

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year
Education or Other Legal Code: Education Code 44951
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

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

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

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

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

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

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

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

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

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

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

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous ~~chemical~~chemicals are present, ~~upon initial assignment and upon new~~within 15 working days after receiving a monitoring result related to an employee exposure ~~situation~~determination Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1

Subject: ~~Location~~Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: ~~Any~~Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under militaryleave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
Board Policy/Administrative Regulation #: AR 6173
Subject: Duties of district liaison for homeless students and availability of training and services

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

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling: limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination: pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Notice of public hearing on year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees

Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classifiedemployees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students whoare homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in actsre: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B

H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and
benefits W&I Code 827	Limited exception to juvenile court record

Federal	**Description**
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
20 USC 2354	Local application for career and technical education programs
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testingnotification

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check

4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision

4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
9310	Board Policies
9321	Closed Session

9321-E(1)	Closed Session
9321-E(2)	Closed Session

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

Status: ADOPTED

Original Adopted Date: 10/15/2020 | **Last Reviewed Date:** 10/15/2020

See PDF on the next page.

Exhibit **Descriptor Code: 4112.9**
Employee Notifications

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To all employees	Government Code 8355; 41 USC 8102;	BP 4020 BP 4159	District's drug- and alcohol-free workplace; actions to be

	34 CFR 84.205, 84.210	4259 4359	taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2 4354	AR 4154 4254	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
I. To All Employees (continued)			
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave	Unemployment Insurance Code	AR 4154 4254	Disability insurance rights and benefits

for specified reasons	2613	4354	
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act(CFRA); obligation to provide 30 days' notice of need for leave when possible
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress

II. To Certificated Employees

To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**

II. To Certificated Employees (continued)

To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary

nonpermanent employees in July of each school year			
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/ dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
II. To Certificated Employees (continued)			
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on

due to alleged misconduct or while allegation is pending			Teacher Credentialing

III. To Classified Employees

When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**

III. To Classified Employees (continued)

To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions

IV. To Administrative/Supervisory Personnel

To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract

When/Whom	**Education or Other Legal**	**Board Policy/ Administrative**

to Notify	Code	Regulation #	Subject
IV. To Administrative/Supervisory Personnel (continued)			
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining

least annually thereafter			and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

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

State References	Description
13 CCR 1234	Reports regarding school buses and bus drivers - https://simbli.eboardsolutions.com/SU/SQau3DbO6CrkhKYsUmPVoA==
13 CCR 2480	Vehicle idling; limitations - https://simbli.eboardsolutions.com/SU/fSf0ysaXD9tFEJN0131FOw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2slIxUTvYokVNC15GA==
Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjZXTfC5WyWcFrTPNSDXQ==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/xc4N8izB3LAiHeKeL3IJdg==
Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUIlvWPvqOKh6aaQ==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9ILspkF1JrplusGQ==
Ed. Code 44663-44664	Evaluation of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUIjo0s7aFiIsuhQ==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==

Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPzoj1slsh848GQ==
Ed. Code 44934	Notice of disciplinary action for cause - https://simbli.eboardsolutions.com/SU/YOdpDmEESUnJCt39UZQg7g==
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct - https://simbli.eboardsolutions.com/SU/75B2doHslshmwPKmFVKktuR5A==
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.3-44948.5	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA - https://simbli.eboardsolutions.com/SU/qotcBdQOslshAglcYayqDcLUA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkL8mvYPJbeSWA==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJIn2uiAVe9PIjo6DqA==
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance - https://simbli.eboardsolutions.com/SU/pluslys02LslYiEat5fGXaaTQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7lKgjZqYaGNLdhSslshXw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45169	Employee salary data; classified employees - https://simbli.eboardsolutions.com/SU/KEgHD9a5rHqRYNxWbmXXWg==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/RyI3ROIDs3Wpd6bXcwUadw==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/eIQocY4QEyKvslshVzhn7SJMA==
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023IL35ATIslshnz6plusQ==
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==

Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtwnKDXZTLNeez6mprIg==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOlU3XnZ3A==
Gov. Code 21029	Retirement credit for period of military service - https://simbli.eboardsolutions.com/SU/YM1QtJRBZG0wCeQIDslshkIGQ==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Gov. Code 54963	Unauthorized disclosure of confidential information - https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==
H&S Code 104420	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslshkw==
H&S Code 1797.196	Automated external defibrillators; notification of use and locations - https://simbli.eboardsolutions.com/SU/OZEfsg1H8M5bW0OJBmKMcA==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 2800.2	Notification of availability of continuation health coverage - https://simbli.eboardsolutions.com/SU/8zpT75rE0YXl8QDCqDoH9Q==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTsntcY6NjUJ19aRkNw==
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility - https://simbli.eboardsolutions.com/SU/i8dzTiFD0wZN4u8udoF8Pg==
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement - https://simbli.eboardsolutions.com/SU/plusQslshakMpTBWl6RIW8FtsR6Q==
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect - https://simbli.eboardsolutions.com/SU/U8mUJwOdXcXc4Et3bvslshQjg==
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits - https://simbli.eboardsolutions.com/SU/TZohU2KxaWriZO4wNO2mww==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==

Federal References	**Description**
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance

34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources References	**Description**
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References	**Description**
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/WkUrNM2FzVVkLqFLyxiZng==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/4jRHUfaUfv4zxjwR1ydrpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/axGpVjdPOgNZrBMZBQtiFQ==

3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/n7CuOUfbHIaAcCzD0HsiyA==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/Xq6QvK96MQpL0Sn9Ir2G6Q==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/RtceBEi0vGaXMj3nJZplusAgQ==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/nHjErTm6oJjhW7gDtLAUoA==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/ThjcPyO0ekUJ2UV3ySsQiQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/Z3Ivz9vxU2oiWyN9L92y6Q==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/loMLd3BH1YLrQLYf49i0Ug==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/XM0KuESSYhrSXUqWpZU2DQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/T0scHHvuAUFPuitvQL2Tuw==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MlJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDaVyYyEsX2uuayPhodYCw==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/RwoubYUMsslsh7slshAUvWrC2HpQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/EwrjZwOzB0IMlRNssLNa5Q==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/slshc8H338sMsyslshK0Vx2AxQoA==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==

4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/BFKvy27TplusmplusRfe2qbx0UIg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/j95uO7vaattqunphvBbYlQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/hwaFajBHvODCXQdKIqvz4Q==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/fkKpWrGocWplusjGcWuQNrIjg==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/JUkbiRF0xDtplus8un1Rky4Dg==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/5vxslshSc21DjNGzgzUinCXdA==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/0fBMLlgInYCghPZBY2sRLQ==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/sslsheQFBIMt52hdLiAzgmIFw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/7JiAshwQTfplusxslshjQJWPwfDQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/C1oIJMTu9uKyXLoFPi5KGQ==
4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/SbCVSQvBU8KncBEeWK24EA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/JKzHWiwEhHQgdeLTYQO05A==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/4aJ0QgdgWdUu5uTzMfuRzg==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/512nFAyqGZHIslshEQaBgy5Ig==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/NpFplusnESCyvrT6FLrecexYA==

4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/K2kSL91OyCcPJiCAGQlplusMw==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/elWezLExrodwsXFsrcssdw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/o6K8pgb52THHyO1jzJplusVpA==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/DRy4BSK5ulVPKOoBm3Z4pw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/zNQhELplusR4nnskmkoZICMCw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/N6plushya8pXbPlOQwpV2uOwQ==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/eYTANWH0QslshLHQAJZ5iplusghA==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/QplusfoUYdpUlxfam7muyACpg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/nHpFpB0utGFo5TpslshvmrDgw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93Invlg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/plus9GbFtvVplus4RplusshED0Wi7Gg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/aaQ0wxobQIebJBjW1aGtoQ==
4257.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/21mHzvAtHhrg4GGuhjslshMjg==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/f5NlpIlopgzpo5aQiLFVpA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/pWrmVpMKVNihYFSSTCyEplusQ==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshGdKtplusVRslshgA==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/j5gOeo5YYaJ4JueRxNV0dw==

4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/hslshQwvW7ctM8plus871gvslshe29A==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/HdBqOe93olNlDwSZ3dCnUQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/UdQGNJ46U3p26PI80PL6cQ==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/ovcfmRGXCBFK62N2d8mElA==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/YOOZmnslshIAplusAKslshuOCt7xRVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4kRFw9G7bIhlmMmkifAJow==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/9aslshWj5Vmwx5Tplus3UcdOeRIA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/fjdmJlSoeKjiNzfxEXbslshsA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/U76kplusccUzof7RbGH8234kQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/SKefrjeaKkn5QQ7c970VTg==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/oFsJ9aWYbkRVbHwjVzuNqA==
4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/KWxVxx8F6JLVGqslshr3C6XWw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/5EMpVOjqGlO5cNybjGeEdg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/3MVnD2slshwKgkmSRBY8jbN5w==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJlsKmCTtNw==

4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/fn5ZHICRhUZMSGhsTrp7plusA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/oQ5qkpluswaNVsZFi4HHMlfwg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VjM4FfQvrAXs7V14zIU8TQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/H1TslshcOVjvTplusTFFslsh35CuG1Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/FbJpk8FkpfZ33slshptQlLjHg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Exhibit (1) 4212.9 - Employee Notifications

Original Adopted Date: 05/01/2016 | **Last Revised Date:** ~~03~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2022~~2023

CSBA NOTE: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

I. To All Employees

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

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

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on ~~year-round~~ implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

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

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

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
BoardPolicy/AdministrativeRegulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

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

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: To be included in AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

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

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

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

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

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

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

When/Whom to Notify: To new employees upon hire and other employees upon request, in

districts with 25 or more employees
Education or Other Legal Code: Labor Code 230.1
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

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

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

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

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

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

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable

Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted
Education or Other Legal Code: Labor Code 6409.6
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

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

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

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

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

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

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

When/Whom to Notify: To all employees ~~working with homeless families~~
~~Education or Other Legal Code: 42 USC 11432~~
~~Board Policy/Administrative Regulation #: AR 6173~~
~~Subject: Duties of district liaison for homeless students~~

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

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

~~II.~~

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technicaleducationopportunities are offeredwithout regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

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

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

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

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

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee Education or Other Legal Code: EducationCode 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

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

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

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

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

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

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

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

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15
Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject:Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

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

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

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

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

III. To Classified Employees

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

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

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

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

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

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

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment
Education or Other Legal Code: 49 CFR 382.113, 382.601
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus
Education or Other Legal Code: 49 CFR 382.303
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

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

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

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year
Education or Other Legal Code: Education Code 44951
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

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

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

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

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

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

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

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

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

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

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

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous ~~chemical~~chemicals are present, ~~upon initial assignment and upon new~~within 15 working days after receiving a monitoring result related to an employee exposure ~~situation~~determination Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1

Subject: ~~Location~~Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: ~~Any~~Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under militaryleave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
Board Policy/Administrative Regulation #: AR 6173
Subject: Duties of district liaison for homeless students and availability of training and services

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

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling: limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination: pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Notice of public hearing on year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees

Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classifiedemployees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students whoare homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in actsre: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B

H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and
benefits W&I Code 827	Limited exception to juvenile court record

Federal	**Description**
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
20 USC 2354	Local application for career and technical education programs
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testingnotification

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check

4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision

4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
9310	Board Policies
9321	Closed Session

9321-E(1)	Closed Session
9321-E(2)	Closed Session

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

Status: ADOPTED

Original Adopted Date: 10/15/2020 | **Last Reviewed Date:** 10/15/2020

See PDF on the next page.

Exhibit **Descriptor Code: 4212.9**
Employee Notifications

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To all employees	Government Code 8355; 41 USC 8102;	BP 4020 BP 4159	District's drug- and alcohol-free workplace; actions to be

	34 CFR 84.205, 84.210	4259 4359	taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2 4354	AR 4154 4254	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
I. To All Employees (continued)			
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave	Unemployment Insurance Code	AR 4154 4254	Disability insurance rights and benefits

for specified reasons	2613	4354	
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act(CFRA); obligation to provide 30 days' notice of need for leave when possible
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress

II. To Certificated Employees

To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**

II. To Certificated Employees (continued)

To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary

nonpermanent employees in July of each school year			
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/ dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
II. To Certificated Employees (continued)			
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on

due to alleged misconduct or while allegation is pending			Teacher Credentialing

III. To Classified Employees

When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**

III. To Classified Employees (continued)

To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions

IV. To Administrative/Supervisory Personnel

To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract

When/Whom	**Education or Other Legal**	**Board Policy/ Administrative**

to Notify	Code	Regulation #	Subject
IV. To Administrative/Supervisory Personnel (continued)			
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining

least annually thereafter			and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

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

State References	Description
13 CCR 1234	Reports regarding school buses and bus drivers - https://simbli.eboardsolutions.com/SU/SQau3DbO6CrkhKYsUmPVoA==
13 CCR 2480	Vehicle idling; limitations - https://simbli.eboardsolutions.com/SU/fSf0ysaXD9tFEJN0131FOw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2slIxUTvYokVNC15GA==
Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjZXTfC5WyWcFrTPNSDXQ==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/xc4N8izB3LAiHeKeL3IJdg==
Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUIlvWPvqOKh6aaQ==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9ILspkF1JrplusGQ==
Ed. Code 44663-44664	Evaluation of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUIjo0s7aFiIsuhQ==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==

Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPzoj1slsh848GQ==
Ed. Code 44934	Notice of disciplinary action for cause - https://simbli.eboardsolutions.com/SU/YOdpDmEESUnJCt39UZQg7g==
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct - https://simbli.eboardsolutions.com/SU/75B2doHslshmwPKmFVKktuR5A==
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.3-44948.5	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA - https://simbli.eboardsolutions.com/SU/qotcBdQOslshAglcYayqDcLUA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkL8mvYPJbeSWA==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJIn2uiAVe9PIjo6DqA==
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance - https://simbli.eboardsolutions.com/SU/pluslys02LslYiEat5fGXaaTQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7lKgjZqYaGNLdhSslshXw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45169	Employee salary data; classified employees - https://simbli.eboardsolutions.com/SU/KEgHD9a5rHqRYNxWbmXXWg==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/RyI3ROIDs3Wpd6bXcwUadw==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/eIQocY4QEyKvslshVzhn7SJMA==
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023IL35ATIslshnz6plusQ==
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==

Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtwnKDXZTLNeez6mprIg==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOlU3XnZ3A==
Gov. Code 21029	Retirement credit for period of military service - https://simbli.eboardsolutions.com/SU/YM1QtJRBZG0wCeQIDslshkIGQ==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Gov. Code 54963	Unauthorized disclosure of confidential information - https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==
H&S Code 104420	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslshkw==
H&S Code 1797.196	Automated external defibrillators; notification of use and locations - https://simbli.eboardsolutions.com/SU/OZEfsg1H8M5bW0OJBmKMcA==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 2800.2	Notification of availability of continuation health coverage - https://simbli.eboardsolutions.com/SU/8zpT75rE0YXl8QDCqDoH9Q==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTsntcY6NjUJ19aRkNw==
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility - https://simbli.eboardsolutions.com/SU/i8dzTiFD0wZN4u8udoF8Pg==
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement - https://simbli.eboardsolutions.com/SU/plusQslshakMpTBWl6RIW8FtsR6Q==
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect - https://simbli.eboardsolutions.com/SU/U8mUJwOdXcXc4Et3bvslshQjg==
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits - https://simbli.eboardsolutions.com/SU/TZohU2KxaWriZO4wNO2mww==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==

Federal References	**Description**
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance

34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources References	**Description**
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References	**Description**
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/WkUrNM2FzVVkLqFLyxiZng==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/4jRHUfaUfv4zxjwR1ydrpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==

3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/axGpVjdPOgNZrBMZBQtiFQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/n7CuOUfbHIaAcCzD0HsiyA==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/Xq6QvK96MQpL0Sn9Ir2G6Q==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/RtceBEi0vGaXMj3nJZplusAgQ==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/nHjErTm6oJjhW7gDtLAUoA==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/ThjcPyO0ekUJ2UV3ySsQiQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/Z3Ivz9vxU2oiWyN9L92y6Q==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/IoMLd3BH1YLrQLYf49i0Ug==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/XM0KuESSYhrSXUqWpZU2DQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/T0scHHvuAUFPuitvQL2Tuw==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MIJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDaVyYyEsX2uuayPhodYCw==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/RwoubYUMsslsh7slshAUvWrC2HpQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/EwrjZwOzB0IMlRNssLNa5Q==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/slshc8H338sMsyslshK0Vx2AxQoA==

4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/BFKvy27TplusmplusRfe2qbx0UIg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/j95uO7vaattqunphvBbYlQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/hwaFajBHvODCXQdKIqvz4Q==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/fkKpWrGocWplusjGcWuQNrIjg==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/JUkbiRF0xDtplus8un1Rky4Dg==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/5vxslshSc21DjNGzgzUinCXdA==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/0fBMLlgInYCghPZBY2sRLQ==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/sslsheQFBIMt52hdLiAzgmIFw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/7JiAshwQTfplusxslshjQJWPwfDQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/C1oIJMTu9uKyXLoFPi5KGQ==
4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/SbCVSQvBU8KncBEeWK24EA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/JKzHWiwEhHQgdeLTYQO05A==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/4aJ0QgdgWdUu5uTzMfuRzg==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/512nFAyqGZHIslshEQaBgy5Ig==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==

4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/NpFplusnESCyvrT6FLrecexYA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/K2kSL91OyCcPJiCAGQlplusMw==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/elWezLExrodwsXFsrcssdw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/o6K8pgb52THHyO1jzJplusVpA==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/DRy4BSK5ulVPKOoBm3Z4pw==
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4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/nHpFpB0utGFo5TpslshvmrDgw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93Invlg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/plus9GbFtvVplus4RplusshED0Wi7Gg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/aaQ0wxobQIebJBjW1aGtoQ==
4257.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/21mHzvAtHhrg4GGuhjslshMjg==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/f5NlpIlopgzpo5aQiLFVpA==
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4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslsIh6dKtplusVRslshgA==

4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/j5gOeo5YYaJ4JueRxNV0dw==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/hslshQwvW7ctM8plus871gvslshe29A==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/HdBqOe93olNlDwSZ3dCnUQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/ovcfmRGXCBFK62N2d8mElA==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/YOOZmnslshIAplusAKslshuOCt7xRVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4kRFw9G7bIhlmMmkifAJow==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/9aslshWj5Vmwx5Tplus3UcdOeRlA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/fjdmJlSoeKjiNzfxEXbslshsA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/U76kplusccUzof7RbGH8234kQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/SKefrjeaKkn5QQ7c970VTg==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/oFsJ9aWYbkRVbHwjVzuNqA==
4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/KWxVxx8F6JLVGqslshr3C6XWw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/5EMpVOjqGlO5cNybjGeEdg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/3MVnD2slshwKgkmSRBY8jbN5w==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJlsKmCTtNw==

4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/fn5ZHICRhUZMSGhsTrp7plusA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/oQ5qkpluswaNVsZFi4HHMlfwg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VjM4FfQvrAXs7V14zIU8TQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/H1TslshcOVjvTplusTFFslsh35CuG1Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/FbJpk8FkpfZ33slshptQlLjHg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Exhibit (1) 4312.9 - Employee Notifications

Original Adopted Date: 05/01/2016 | **Last Revised Date:** ~~03~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2022~~2023

CSBA NOTE: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

I. To All Employees

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

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

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on ~~year-round~~ implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

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

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

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
BoardPolicy/AdministrativeRegulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

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

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: To be included in AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

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

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

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

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

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

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

When/Whom to Notify: To new employees upon hire and other employees upon request, in

districts with 25 or more employees
Education or Other Legal Code: Labor Code 230.1
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

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

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

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

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

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

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable

Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted
Education or Other Legal Code: Labor Code 6409.6
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

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

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

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

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

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

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

When/Whom to Notify: To all employees ~~working with homeless families~~
~~Education or Other Legal Code: 42 USC 11432~~
~~Board Policy/Administrative Regulation #: AR 6173~~
~~Subject: Duties of district liaison for homeless students~~

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

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

~~II.~~

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technicaleducationopportunities are offeredwithout regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

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

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

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

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

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee Education or Other Legal Code: EducationCode 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

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

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

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

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

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

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

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

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15
Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject:Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

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

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

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

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

III. To Classified Employees

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

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

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

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

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

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

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment
Education or Other Legal Code: 49 CFR 382.113, 382.601
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus
Education or Other Legal Code: 49 CFR 382.303
Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42
Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

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

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

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year
Education or Other Legal Code: Education Code 44951
Board Policy/Administrative Regulation #: AR 4313.2
Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

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

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

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

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

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

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

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

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

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

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

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous ~~chemical~~chemicals are present, ~~upon initial assignment and upon new~~within 15 working days after receiving a monitoring result related to an employee exposure ~~situation~~determination Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1

Subject: ~~Location~~Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: ~~Any~~Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under militaryleave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
Board Policy/Administrative Regulation #: AR 6173
Subject: Duties of district liaison for homeless students and availability of training and services

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

State	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling: limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination: pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Notice of public hearing on year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees

Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classifiedemployees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students whoare homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in actsre: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B

H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and
benefits W&I Code 827	Limited exception to juvenile court record

Federal	**Description**
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
20 USC 2354	Local application for career and technical education programs
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testingnotification

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check

4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision

4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
9310	Board Policies
9321	Closed Session

9321-E(1)	Closed Session
9321-E(2)	Closed Session

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

Status: ADOPTED

Original Adopted Date: 10/15/2020 **| Last Reviewed Date:** 10/15/2020

See PDF on the next page.

Exhibit **Descriptor Code: 4312.9**
Employee Notifications

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To all employees	Government Code 8355; 41 USC 8102;	BP 4020 BP 4159	District's drug- and alcohol-free workplace; actions to be

	34 CFR 84.205, 84.210	4259 4359	taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2 4354	AR 4154 4254	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
I. To All Employees (continued)			
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave	Unemployment Insurance Code	AR 4154 4254	Disability insurance rights and benefits

for specified reasons	2613	4354	
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act(CFRA); obligation to provide 30 days' notice of need for leave when possible
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress

II. To Certificated Employees

To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**

II. To Certificated Employees (continued)

To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary

nonpermanent employees in July of each school year			
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/ dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
II. To Certificated Employees (continued)			
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on

due to alleged misconduct or while allegation is pending			Teacher Credentialing

III. To Classified Employees

When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**

III. To Classified Employees (continued)

To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions

IV. To Administrative/Supervisory Personnel

To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract

When/Whom	**Education or Other Legal**	**Board Policy/ Administrative**

to Notify	Code	Regulation #	Subject
IV. To Administrative/Supervisory Personnel (continued)			
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining

least annually thereafter			and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

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

State References	Description
13 CCR 1234	Reports regarding school buses and bus drivers - https://simbli.eboardsolutions.com/SU/SQau3DbO6CrkhKYsUmPVoA==
13 CCR 2480	Vehicle idling; limitations - https://simbli.eboardsolutions.com/SU/fSf0ysaXD9tFEJN0131FOw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2slIxUTvYokVNC15GA==
Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjZXTfC5WyWcFrTPNSDXQ==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/xc4N8izB3LAiHeKeL3IJdg==
Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUIlvWPvqOKh6aaQ==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9ILspkF1JrplusGQ==
Ed. Code 44663-44664	Evaluation of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUIjo0s7aFiIsuhQ==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==

Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPzoj1slsh848GQ==
Ed. Code 44934	Notice of disciplinary action for cause - https://simbli.eboardsolutions.com/SU/YOdpDmEESUnJCt39UZQg7g==
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct - https://simbli.eboardsolutions.com/SU/75B2doHslshmwPKmFVKktuR5A==
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.3-44948.5	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA - https://simbli.eboardsolutions.com/SU/qotcBdQOslshAglcYayqDcLUA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkL8mvYPJbeSWA==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJIn2uiAVe9PIjo6DqA==
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance - https://simbli.eboardsolutions.com/SU/pluslys02LslYiEat5fGXaaTQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7lKgjZqYaGNLdhSslshXw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45169	Employee salary data; classified employees - https://simbli.eboardsolutions.com/SU/KEgHD9a5rHqRYNxWbmXXWg==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/RyI3ROIDs3Wpd6bXcwUadw==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/eIQocY4QEyKvslshVzhn7SJMA==
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023IL35ATIslshnz6plusQ==
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==

Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtwnKDXZTLNeez6mprIg==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOlU3XnZ3A==
Gov. Code 21029	Retirement credit for period of military service - https://simbli.eboardsolutions.com/SU/YM1QtJRBZG0wCeQIDslshkIGQ==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Gov. Code 54963	Unauthorized disclosure of confidential information - https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==
H&S Code 104420	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslshkw==
H&S Code 1797.196	Automated external defibrillators; notification of use and locations - https://simbli.eboardsolutions.com/SU/OZEfsg1H8M5bW0OJBmKMcA==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 2800.2	Notification of availability of continuation health coverage - https://simbli.eboardsolutions.com/SU/8zpT75rE0YXl8QDCqDoH9Q==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTsntcY6NjUJ19aRkNw==
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility - https://simbli.eboardsolutions.com/SU/i8dzTiFD0wZN4u8udoF8Pg==
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement - https://simbli.eboardsolutions.com/SU/plusQslshakMpTBWl6RIW8FtsR6Q==
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect - https://simbli.eboardsolutions.com/SU/U8mUJwOdXcXc4Et3bvslshQjg==
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits - https://simbli.eboardsolutions.com/SU/TZohU2KxaWriZO4wNO2mww==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==

Federal References	**Description**
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance

34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources References	**Description**
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References	**Description**
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/WkUrNM2FzVVkLqFLyxiZng==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/4jRHUfaUfv4zxjwR1ydrpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==

3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/axGpVjdPOgNZrBMZBQtiFQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/n7CuOUfbHIaAcCzD0HsiyA==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/Xq6QvK96MQpL0Sn9Ir2G6Q==
3514.1	Hazardous Substances - https://simbli.eboardsolutions.com/SU/RtceBEi0vGaXMj3nJZplusAgQ==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/nHjErTm6oJjhW7gDtLAUoA==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/ThjcPyO0ekUJ2UV3ySsQiQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/Z3Ivz9vxU2oiWyN9L92y6Q==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/IoMLd3BH1YLrQLYf49i0Ug==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/XM0KuESSYhrSXUqWpZU2DQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/T0scHHvuAUFPuitvQL2Tuw==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MIJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDaVyYyEsX2uuayPhodYCw==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/RwoubYUMsslsh7slshAUvWrC2HpQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/EwrjZwOzB0IMlRNssLNa5Q==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/slshc8H338sMsyslshK0Vx2AxQoA==

4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/BFKvy27TplusmplusRfe2qbx0UIg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/j95uO7vaattqunphvBbYlQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/hwaFajBHvODCXQdKIqvz4Q==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/fkKpWrGocWplusjGcWuQNrIjg==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/JUkbiRF0xDtplus8un1Rky4Dg==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/5vxslshSc21DjNGzgzUinCXdA==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/0fBMLlgInYCghPZBY2sRLQ==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/sslsheQFBIMt52hdLiAzgmIFw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/7JiAshwQTfplusxslshjQJWPwfDQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/C1oIJMTu9uKyXLoFPi5KGQ==
4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/SbCVSQvBU8KncBEeWK24EA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/JKzHWiwEhHQgdeLTYQO05A==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/4aJ0QgdgWdUu5uTzMfuRzg==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/512nFAyqGZHIslshEQaBgy5Ig==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==

4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/NpFplusnESCyvrT6FLrecexYA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/K2kSL91OyCcPJiCAGQlplusMw==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/elWezLExrodwsXFsrcssdw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/o6K8pgb52THHyO1jzJplusVpA==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/DRy4BSK5ulVPKOoBm3Z4pw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/zNQhELplusR4nnskmkoZICMCw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/N6plushya8pXbPlOQwpV2uOwQ==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/eYTANWH0QslshLHQAJZ5iplusghA==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/QplusfoUYdpUlxfam7muyACpg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/nHpFpB0utGFo5TpslshvmrDgw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93Invlg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/plus9GbFtvVplus4RplusshED0Wi7Gg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/aaQ0wxobQIebJBjW1aGtoQ==
4257.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/21mHzvAtHhrg4GGuhjslshMjg==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/f5NlpIlopgzpo5aQiLFVpA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/pWrmVpMKVNihYFSSTCyEplusQ==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==

4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/j5gOeo5YYaJ4JueRxNV0dw==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/hslshQwvW7ctM8plus871gvslshe29A==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/HdBqOe93olNlDwSZ3dCnUQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/ovcfmRGXCBFK62N2d8mElA==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/YOOZmnslshIAplusAKslshuOCt7xRVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4kRFw9G7bIhlmMmkifAJow==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/9aslshWj5Vmwx5Tplus3UcdOeRlA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/fjdmJlSoeKjiNzfxEXbslshsA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/U76kplusccUzof7RbGH8234kQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/SKefrjeaKkn5QQ7c970VTg==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/oFsJ9aWYbkRVbHwjVzuNqA==
4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/KWxVxx8F6JLVGqslshr3C6XWw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/5EMpVOjqGlO5cNybjGeEdg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/3MVnD2slshwKgkmSRBY8jbN5w==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJlsKmCTtNw==

4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/fn5ZHICRhUZMSGhsTrp7plusA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/oQ5qkpluswaNVsZFi4HHMlfwg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VjM4FfQvrAXs7V14zIU8TQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/H1TslshcOVjvTplusTFFslsh35CuG1Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/FbJpk8FkpfZ33slshptQlLjHg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

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CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

CSBA NOTE: In *East Whittier School District*, the Public Employment Relations Board (PERB) found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, (EERA), as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity.
PERB continues to use a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons by employees is justified by special circumstances. ~~See~~, as seen in PERB's ruling in *City of Sacramento*. with regard to union insignia on employees' hardhats. ~~Due to the legal uncertainty in this area, districts are encouraged to~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel prior to limiting the

wearing of union buttons that support the union's position in collective bargaining.

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, *supervisory employee* means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means ~~any~~an employee ~~who has~~in a position having significant responsibilities for formulating district policies or administering district programs,~~ and whose position is~~. Management positions shall be designated ~~as a management position~~ by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Pursuant to Government Code 3551.5, as added by SB 931 (Ch. 823, Statutes of 2022), any district found by PERB to be in violation of this prohibition may be subject to civil penalties of $1,000 for each affected employee, up to a maximum of $100,000 in total, and ~~may be ordered to pay attorney's fees and costs to the employee organization.~~

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

CSBA NOTE: The remainder of this section is optional. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights ~~under the law.~~ to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' ~~right to join or support an employee organization or to refrain from joining or supporting an employee organization~~rights under the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other

means or mediums, of theiremploymentstatus,rights,benefits,duties,responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

CSBA NOTE: The following paragraph applies until June 30, 2025, unless the date is extended by law. Government Code 3556, as amended by SB 191 (Ch. 67, Statutes of 2022), provides additional obligations for public employers under the conditions specified in the following paragraph.

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting. -

   ~~Upon the request of an exclusive representative scheduling~~, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

   Within seven days of an exclusive representative's request to schedule such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space ~~within seven days of receiving the exclusive representative's request.~~.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If

such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permitgatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code ~~6254.3~~7928.300, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code ~~6254.3~~7928.300, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In *County of Los Angeles v.* ~~Service Employees International Union, Local 721~~*Los Angeles County Employee Relations Commission*, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee ~~in the bargaining unit,~~ within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, ~~6254.3)~~
7928.300)

However, the Superintendent or designee shall not disclose ~~the~~: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions, ~~nor disclose the home address, home~~

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6207 to protect victims of domestic violence, sexual

stalking. This type of protection has been pursuant to Government Code 6215 and 6215.2, as amended by SB 1131 (Ch. 554, Statutes of 2022), to employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 ~~or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the~~

3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers from any mailing list maintained by the district unless the list is only used by the district to contact the employee. ~~(Government Code 3558, 6207, 6254.3)~~

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. ~~Government Code 3558, as amended by SB 270 (Ch. 330, Statutes of 2021), allows the district 20 calendar days to cure an~~ If the alleged violation ~~that~~ involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation and to give the exclusive representative written notice of the actions taken. If a violation is found, PERB is required to assess against the district a civil penalty of $10,000 and attorney's fees and costs in addition to any other remedy provided by law.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

CSBA NOTE: Government Code 3558~~, as amended,~~ limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violation and may be revised to reflect district practice.

~~At least, at the beginning of each school year,~~ To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees ~~to ensure that the list is complete and contains accurate information.~~at the beginning of each school year, or more often as appropriate.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, bargaining unit employees who choose not to join an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by *Janus v.*
AFSCME.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing

these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

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

State	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
~~8 CCR 34020~~	~~Petition to rescind organizational security arrangement~~
~~8 CCR 34055~~	~~Reinstatement of organizational security arrangement~~
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management ~~position~~and confidential positions; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information, and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence,

	sexual assault, or stalking
Gov. Code ~~6254.3~~6215-6216	~~Disclosure of employee contact information to employee organization~~Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies;
agreement Gov. Code 7920.200-7930.215	Public Records Act
Gov. Code 7928.300	Personal information of agency employee

Federal	**Description**
~~8 CFR 33015-33490~~	~~Recognition of exclusive representative; proceedings~~
~~8 CFR 33700-33710~~	~~Severance of established unit~~
~~8 CFR 34020~~	~~Petition to rescind organizational security arrangement~~
~~8 CFR 34055~~	~~Reinstatement of organizational security arrangement~~

Management Resources	**Description**
Court Decision	County of Los Angeles v. ~~Service Employees International Union, Local 721,~~Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al~~.~~, (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB
Public Employment Relations Board Ruling	Dec. No. 1727 City of Sacramento, (2019)
	PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Website	Association of California School Administrators
Website	CSBA

Cross References

Code	**Description**
0450	Comprehensive Safety Plan

0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel

4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4140: Bargaining Units

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting.

   Upon the request of an exclusive representative scheduling such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space within seven days of receiving the exclusive representative's request.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent

or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

At least, at the beginning of each school year, the Superintendent or designee shall review the list of district employees to ensure that the list is complete and contains accurate information.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

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

State References	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAaFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tslshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees - https://simbli.eboardsolutions.com/SU/fLGvOTRVZd22uLP8v8njcg==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMLw0DYJ1N3w==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAz0zDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJIqw5N9cMRIqjAGv6Og==
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership - https://simbli.eboardsolutions.com/SU/slshzkD4Aro9zKzEARJ6OqslshqA==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, or stalking - https://simbli.eboardsolutions.com/SU/slshNIpluspfwcFBmAniRplusqvJFiA==
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement - https://simbli.eboardsolutions.com/SU/Cc7QslshrM7g99FMq1ucjDHVg==
Gov. Code 7928.300	Disclosure of employee contact information to employee organization - https://simbli.eboardsolutions.com/SU/pLun3Xu6cE4iVDPl3u66uQ==

Management Resources References	Description
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHyxBdPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
1431	Waivers - https://simbli.eboardsolutions.com/SU/zheIVgBw9INSaqaXaujz9w==
4113	Assignment - https://simbli.eboardsolutions.com/SU/8TGgSGrhIGDT3a1Y0kfN5A==
4113	Assignment - https://simbli.eboardsolutions.com/SU/WslshslsheslshYeJGKmOdpUu98PFTw==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BgXUb0QzPzlfdZJHyeT8yw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/axM9sYMOoucrnC7t4m3Xhw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/2BoHsfNNtQCFjhxQW3N4ew==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==

4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/wZnNM3RAk9plus895W08plusDlfw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/5delrplusXNDSay8MQWOklblg==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pk0PXlowq24KhlqALNtqCA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/ID1Xt4z35CCOVS5ZEgTWeg==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/lKjUZQaslshY5EK4jALVfvN4g==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/eSbcS0GmPYy37P8XqE6AtQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/CfAGslsh3vQhplusOXjYqhrpjTkQ==
4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/IdrLrNgtjnDoyPTSlRVnQQ==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/UdQGNJ46U3p26PI80PL6cQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/bnFSYIjxxO4EpluswqlEtaWow==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/V88zs0w9slshwAgr49hnw8vSw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/RKWplusob0FkiH3n56CYcSslshFg==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/HsQDR3MYlEMXm5QGYbYRDA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==

9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/BQGNxKewahWVQiPdXWOODA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Original Adopted Date: 11/01/2011 | **Last Revised Date:** ~~09~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~09~~06/01/~~2022~~2023

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

CSBA NOTE: In *East Whittier School District*, the Public Employment Relations Board (PERB) found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, (EERA), as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity.
PERB continues to use a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons by employees is justified by special circumstances. ~~See~~, as seen in PERB's ruling in *City of Sacramento*. with regard to union insignia on employees' hardhats. ~~Due to the legal uncertainty in this area, districts are encouraged to~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel prior to limiting the

wearing of union buttons that support the union's position in collective bargaining.

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, *supervisory employee* means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means ~~any~~an employee ~~who has~~in a position having significant responsibilities for formulating district policies or administering district programs,~~ and whose position is~~. Management positions shall be designated ~~as a management position~~ by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Pursuant to Government Code 3551.5, as added by SB 931 (Ch. 823, Statutes of 2022), any district found by PERB to be in violation of this prohibition may be subject to civil penalties of $1,000 for each affected employee, up to a maximum of $100,000 in total, and ~~may be ordered to pay attorney's fees and costs to the employee organization.~~

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

CSBA NOTE: The remainder of this section is optional. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights ~~under the law.~~ to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' ~~right to join or support an employee organization or to refrain from joining or supporting an employee organization~~rights under the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other

means or mediums, of theiremploymentstatus,rights,benefits,duties,responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

CSBA NOTE: The following paragraph applies until June 30, 2025, unless the date is extended by law. Government Code 3556, as amended by SB 191 (Ch. 67, Statutes of 2022), provides additional obligations for public employers under the conditions specified in the following paragraph.

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting. -

   ~~Upon the request of an exclusive representative scheduling~~, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

   Within seven days of an exclusive representative's request to schedule such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space ~~within seven days of receiving the exclusive representative's request.~~.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If

such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permitgatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code ~~6254.3~~7928.300, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code ~~6254.3~~7928.300, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In *County of Los Angeles v.* ~~Service Employees International Union, Local 721~~*Los Angeles County Employee Relations Commission*, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee ~~in the bargaining unit,~~ within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, ~~6254.3)~~
7928.300)

However, the Superintendent or designee shall not disclose ~~the~~: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions, ~~nor disclose the home address, home~~

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6207 to protect victims of domestic violence, sexual

stalking. This type of protection has been pursuant to assault and extended, Government Code 6215 and 6215.2, as amended by SB 1131 (Ch. 554, Statutes of 2022), to employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 ~~or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the~~

3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers from any mailing list maintained by the district unless the list is only used by the district to contact the employee. ~~(Government Code 3558, 6207, 6254.3)~~

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. ~~Government Code 3558, as amended by SB 270 (Ch. 330, Statutes of 2021), allows the district 20 calendar days to cure an~~ If the alleged violation ~~that~~ involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation and to give the exclusive representative written notice of the actions taken. If a violation is found, PERB is required to assess against the district a civil penalty of $10,000 and attorney's fees and costs in addition to any other remedy provided by law.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

CSBA NOTE: Government Code 3558~~, as amended,~~ limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violation and may be revised to reflect district practice.

~~At least, at the beginning of each school year,~~ To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees ~~to ensure that the list is complete and contains accurate information.~~at the beginning of each school year, or more often as appropriate.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, bargaining unit employees who choose not to join an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by *Janus v.*
AFSCME.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing

these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

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

State	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
~~8 CCR 34020~~	~~Petition to rescind organizational security arrangement~~
~~8 CCR 34055~~	~~Reinstatement of organizational security arrangement~~
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management ~~position~~and confidential positions; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information, and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence,

	sexual assault, or stalking
Gov. Code ~~6254.3~~6215-6216	~~Disclosure of employee contact information to employee organization~~Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies;
agreement Gov. Code 7920.200-7930.215	Public Records Act
Gov. Code 7928.300	Personal information of agency employee

Federal	**Description**
~~8 CFR 33015-33490~~	~~Recognition of exclusive representative; proceedings~~
~~8 CFR 33700-33710~~	~~Severance of established unit~~
~~8 CFR 34020~~	~~Petition to rescind organizational security arrangement~~
~~8 CFR 34055~~	~~Reinstatement of organizational security arrangement~~

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Court Decision	County of Los Angeles v. ~~Service Employees International Union, Local 721,~~Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
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4113	Assignment
4115	Evaluation/Supervision
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4119.25	Political Activities Of Employees
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4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4240: Bargaining Units

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting.

   Upon the request of an exclusive representative scheduling such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space within seven days of receiving the exclusive representative's request.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent

or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

At least, at the beginning of each school year, the Superintendent or designee shall review the list of district employees to ensure that the list is complete and contains accurate information.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

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

State References	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAaFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tslshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees - https://simbli.eboardsolutions.com/SU/fLGvOTRVZd22uLP8v8njcg==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMLw0DYJ1N3w==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAz0zDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJIqw5N9cMRIqjAGv6Og==
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership - https://simbli.eboardsolutions.com/SU/slshzkD4Aro9zKzEARJ6OqslshqA==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, or stalking - https://simbli.eboardsolutions.com/SU/slshNIpluspfwcFBmAniRplusqvJFiA==
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement - https://simbli.eboardsolutions.com/SU/Cc7QslshrM7g99FMq1ucjDHVg==
Gov. Code 7928.300	Disclosure of employee contact information to employee organization - https://simbli.eboardsolutions.com/SU/pLun3Xu6cE4iVDPl3u66uQ==

Management Resources References	Description
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHyxBdPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
1431	Waivers - https://simbli.eboardsolutions.com/SU/zheIVgBw9INSaqaXaujz9w==
4113	Assignment - https://simbli.eboardsolutions.com/SU/8TGgSGrhIGDT3a1Y0kfN5A==
4113	Assignment - https://simbli.eboardsolutions.com/SU/WslshslsheslshYeJGKmOdpUu98PFTw==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BgXUb0QzPzlfdZJHyeT8yw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/axM9sYMOoucrnC7t4m3Xhw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/2BoHsfNNtQCFjhxQW3N4ew==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==

4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/wZnNM3RAk9plus895W08plusDlfw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/5delrplusXNDSay8MQWOklblg==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pk0PXlowq24KhlqALNtqCA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/ID1Xt4z35CCOVS5ZEgTWeg==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/lKjUZQaslshY5EK4jALVfvN4g==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/eSbcS0GmPYy37P8XqE6AtQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/CfAGslsh3vQhplusOXjYqhrpjTkQ==
4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/IdrLrNgtjnDoyPTSlRVnQQ==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/UdQGNJ46U3p26PI80PL6cQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/bnFSYIjxxO4EpluswqlEtaWow==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/V88zs0w9slshwAgr49hnw8vSw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/RKWplusob0FkiH3n56CYcSslshFg==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/HsQDR3MYlEMXm5QGYbYRDA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==

9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/BQGNxKewahWVQiPdXWOODA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Original Adopted Date: 11/01/2011 | **Last Revised Date:** ~~09~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~09~~06/01/~~2022~~2023

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

CSBA NOTE: In *East Whittier School District*, the Public Employment Relations Board (PERB) found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, (EERA), as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity.
PERB continues to use a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons by employees is justified by special circumstances. ~~See~~, as seen in PERB's ruling in *City of Sacramento*. with regard to union insignia on employees' hardhats. ~~Due to the legal uncertainty in this area, districts are encouraged to~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel prior to limiting the

wearing of union buttons that support the union's position in collective bargaining.

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, *supervisory employee* means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means ~~any~~an employee ~~who has~~in a position having significant responsibilities for formulating district policies or administering district programs,~~ and whose position is~~. Management positions shall be designated ~~as a management position~~ by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Pursuant to Government Code 3551.5, as added by SB 931 (Ch. 823, Statutes of 2022), any district found by PERB to be in violation of this prohibition may be subject to civil penalties of $1,000 for each affected employee, up to a maximum of $100,000 in total, and ~~may be ordered to pay attorney's fees and costs to the employee organization.~~

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

CSBA NOTE: The remainder of this section is optional. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights ~~under the law.~~ to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' ~~right to join or support an employee organization or to refrain from joining or supporting an employee organization~~rights under the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other

means or mediums, of theiremploymentstatus,rights,benefits,duties,responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

CSBA NOTE: The following paragraph applies until June 30, 2025, unless the date is extended by law. Government Code 3556, as amended by SB 191 (Ch. 67, Statutes of 2022), provides additional obligations for public employers under the conditions specified in the following paragraph.

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting. -

   ~~Upon the request of an exclusive representative scheduling~~, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

   Within seven days of an exclusive representative's request to schedule such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space ~~within seven days of receiving the exclusive representative's request.~~.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If

such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permitgatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code ~~6254.3~~7928.300, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code ~~6254.3~~7928.300, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In *County of Los Angeles v.* ~~Service Employees International Union, Local 721~~*Los Angeles County Employee Relations Commission*, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee ~~in the bargaining unit,~~ within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, ~~6254.3)~~
7928.300)

However, the Superintendent or designee shall not disclose ~~the~~: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions, ~~nor disclose the home address, home~~

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6207 to protect victims of domestic violence, sexual

stalking. This type of protection has been pursuant to Government Code 6215 and 6215.2, as amended by SB 1131 (Ch. 554, Statutes of 2022), to employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 ~~or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the~~

3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers from any mailing list maintained by the district unless the list is only used by the district to contact the employee. ~~(Government Code 3558, 6207, 6254.3)~~

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. ~~Government Code 3558, as amended by SB 270 (Ch. 330, Statutes of 2021), allows the district 20 calendar days to cure an~~ If the alleged violation ~~that~~ involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation and to give the exclusive representative written notice of the actions taken. If a violation is found, PERB is required to assess against the district a civil penalty of $10,000 and attorney's fees and costs in addition to any other remedy provided by law.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

CSBA NOTE: Government Code 3558~~, as amended,~~ limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violation and may be revised to reflect district practice.

~~At least, at the beginning of each school year,~~ To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees ~~to ensure that the list is complete and contains accurate information.~~at the beginning of each school year, or more often as appropriate.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, bargaining unit employees who choose not to join an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by *Janus v.*
AFSCME.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing

these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

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

State	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
~~8 CCR 34020~~	~~Petition to rescind organizational security arrangement~~
~~8 CCR 34055~~	~~Reinstatement of organizational security arrangement~~
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management ~~position~~and confidential positions; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information, and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence,

	sexual assault, or stalking
Gov. Code ~~6254.3~~6215-6216	~~Disclosure of employee contact information to employee organization~~Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies;
agreement Gov. Code 7920.200-7930.215	Public Records Act
Gov. Code 7928.300	Personal information of agency employee

Federal	**Description**
~~8 CFR 33015-33490~~	~~Recognition of exclusive representative; proceedings~~
~~8 CFR 33700-33710~~	~~Severance of established unit~~
~~8 CFR 34020~~	~~Petition to rescind organizational security arrangement~~
~~8 CFR 34055~~	~~Reinstatement of organizational security arrangement~~

Management Resources	**Description**
Court Decision	County of Los Angeles v. ~~Service Employees International Union, Local 721,~~Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al~~.~~, (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB
Public Employment Relations Board Ruling	Dec. No. 1727 City of Sacramento, (2019)
	PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Website	Association of California School Administrators
Website	CSBA

Cross References

Code	**Description**
0450	Comprehensive Safety Plan

0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel

4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4340: Bargaining Units

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting.

   Upon the request of an exclusive representative scheduling such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space within seven days of receiving the exclusive representative's request.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent

or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

At least, at the beginning of each school year, the Superintendent or designee shall review the list of district employees to ensure that the list is complete and contains accurate information.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

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

State References	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAaFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tslshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees - https://simbli.eboardsolutions.com/SU/fLGvOTRVZd22uLP8v8njcg==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMLw0DYJ1N3w==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAz0zDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJIqw5N9cMRIqjAGv6Og==
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership - https://simbli.eboardsolutions.com/SU/slshzkD4Aro9zKzEARJ6OqslshqA==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, or stalking - https://simbli.eboardsolutions.com/SU/slshNIpluspfwcFBmAniRplusqvJFiA==
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement - https://simbli.eboardsolutions.com/SU/Cc7QslshrM7g99FMq1ucjDHVg==
Gov. Code 7928.300	Disclosure of employee contact information to employee organization - https://simbli.eboardsolutions.com/SU/pLun3Xu6cE4iVDPl3u66uQ==

Management Resources References	Description
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHyxBdPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
1431	Waivers - https://simbli.eboardsolutions.com/SU/zheIVgBw9INSaqaXaujz9w==
4113	Assignment - https://simbli.eboardsolutions.com/SU/8TGgSGrhIGDT3a1Y0kfN5A==
4113	Assignment - https://simbli.eboardsolutions.com/SU/WslshslsheslshYeJGKmOdpUu98PFTw==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BgXUb0QzPzlfdZJHyeT8yw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/axM9sYMOoucrnC7t4m3Xhw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/2BoHsfNNtQCFjhxQW3N4ew==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==

4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/wZnNM3RAk9plus895W08plusDlfw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/5delrplusXNDSay8MQWOklblg==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/pk0PXlowq24KhlqALNtqCA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/ID1Xt4z35CCOVS5ZEgTWeg==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/lKjUZQaslshY5EK4jALVfvN4g==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/eSbcS0GmPYy37P8XqE6AtQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/CfAGslsh3vQhplusOXjYqhrpjTkQ==
4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/IdrLrNgtjnDoyPTSlRVnQQ==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/UdQGNJ46U3p26PI80PL6cQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/bnFSYIjxxO4EpluswqlEtaWow==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/V88zs0w9slshwAgr49hnw8vSw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/RKWplusob0FkiH3n56CYcSslshFg==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/HsQDR3MYlEMXm5QGYbYRDA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==

9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/BQGNxKewahWVQiPdXWOODA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Regulation 4161.1: Personal Illness/Injury Leave

Original Adopted Date: 03/01/2017 | **Last Revised Date:** ~~03~~06/01/~~2019~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2019~~2023

CSBA NOTE: The following administrative regulation is subject to collective bargaining. Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days or more within a year of their employment, including temporary and substitute employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of their employment or each calendar year or 12-month period.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

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

Use of Sick Leave

CSBA NOTE: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

3. Personal necessity (Education Code 44981)

CSBA NOTE: Optional ~~item~~Item #4 below may be revised ~~as desired~~ to specify a different minimum increment for sick leave.

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child~~, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed.~~. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

~~Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.~~

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2~~, 12945.6~~; 29 USC 2612; 29 CFR 825.112)

CSBA NOTE: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit ~~them~~an employee to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in ~~items #7-8 below~~Items #7-8 below. Pursuant to Labor Code 233, designation of sick leave taken under this provision is at the sole discretion of the employee. Labor Code 233 does not extend the maximum period of leave to which an employee is entitled under CFRA or FMLA, regardless of whether the employee receives sick leave compensation during that leave.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in ~~item~~Item #7 below, Labor Code 245.5 ~~defines~~, as amended by AB 1041 (Ch. 748, Statutes of 2022), includes a designated person in the definition of a "family member" ~~as~~," in addition to an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling. Pursuant to Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, a "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave, and the district may limit the employee to one designated person per 12-month period for family care and medical leave. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with ~~item~~Item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and~~/or~~ 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

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

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

CSBA NOTE: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

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

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

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

CSBA NOTE:Pursuant to EducationCode 44979-44980, certificatedemployeesareentitled to have their accumulated sick leave transferred with them in the circumstances specified in the following optional paragraph.

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

Additional Leave for Disabled Military Veterans

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

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

CSBA NOTE: Pursuant to Education Code 44978.2, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

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

Notification of Absence

CSBA NOTE: The following optional section may be revised to reflect district practice.

An employee shall notify the ~~district~~Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. Thisnotification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day

preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

CSBA NOTE: Pursuant to Education Code 44977, employees who are absent due to illness for up to five months after exhausting all available sick leave must receive their regular salary minus the cost of a substitute. Alternatively, Education Code 44983 allows districts to adopt a rule that gives certificated employees 50 percent or more of their regular salary during the period of absence.
When an employee is absent for a cause other than illness, Education Code 44977 and 44983 provide that the amount deducted from the employee's salary shall be determined according to the rules and regulations adopted by the Board as long as such rules are not in conflict with State Board of Education regulations.

Option 1 below is for use by districts that subtract the cost of a substitute from the absent employee's salary pursuant to Education Code 44977. Option 2 is mandated pursuant to Education Code 44983 for districts that choose to give certificated employees 50 percent or more of their regular salary during the period of absence, and may be revised to specify a percentage higher than 50 percent in accordance with district practice.

If not covered in the district's bargaining agreement, the district may add provisions to this section reflecting salary deductions for employees absent longer than five months.

OPTION 1:

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

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

OPTION 1 ENDS HERE

OPTION 2:

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, the employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence. (Education Code 44983)

OPTION 2 ENDS HERE

Absence Beyond Five-Month Period/Reemployment List

CSBA NOTE: The following paragraph is required for districts that select Option 1 (i.e., differential pay) in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above and should be carefully considered by districts that select Option 2 (i.e., 50 percent pay). Education Code 44978.1 requires the establishment of a reemployment list for employees who are unable to resume their duties after the five-month period provided pursuant to Education Code 44977.

Although Education Code 44978.1 does not explicitly require a reemployment list for districts selecting Option 2, such districts should be aware that failure to establish a reemployment list may subject employees to termination following a five-month absence. Therefore, any district that selects Option 2 and currently maintains a reemployment list for employees who are absent beyond the five-month period, or that wishes to establish such a list, should consult CSBA's District and County Office of Education Legal Services or district legal counsel before changing its policy or practices.

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

CSBA NOTE: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

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

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

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

CSBA NOTE: Pursuant to Education Code 44977.5, the district is required to provide differential pay to a certificated employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. ~~As amended by AB 2012 (Ch.~~

~~994, Statutes of 2018),~~ Education Code 44977.5 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 44977.5 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel if they have questions regarding differential pay for such employees.

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

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

Verification Requirements

CSBA NOTE: Education Code 44978 **mandates** the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8
- Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5~~, the paid sick leave law~~. Because ~~the paid sick leave law~~Labor Code 246.5 is silent on requests for verification, and ~~actually~~ requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (~~items~~Items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

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

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

CSBA NOTE: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase employees' or their family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

Healthy Workplaces, Healthy Families Act Requirements

CSBA NOTE: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult ~~its~~ CSBA's District and County Office of Education Legal Services ~~or district~~ ~~legal counsel~~.

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

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

a. That an employee is entitled to accrue, request, and use paid sick days

b. The number of sick days provided by Labor Code 245-249

c. The terms of use of paid sick days

d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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

State	Description
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Ed. Code 44976	Transfer of leave rights when school is transferred to another district
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 44978	Sick leave; certificated employees
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list
Ed. Code 44978.2	Leave for military service -connected disability
Ed. Code 44979	Transfer of accumulated sick leave to another district

Ed. Code 44980	Transfer of ~~accumulate~~accumulated sick leave to a county office of education
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44983	Compensation during leave; certificated employees
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 44986	Leave of absence; state disability
benefits Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
Lab. Code 233	~~Illness of child, parent, spouse or domestic partner~~Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

Federal	**Description**
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources	**Description**
Court Decision	Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**
0470	COVID-19 Mitigation Plan
2121	Superintendent's Contract
4032	Reasonable Accommodation
4112.2	Certification
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Regulation 4161.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Reviewed Date:** 07/11/2019

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

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

3. Personal necessity (Education Code 44981)

4. Medical and dental appointments, defined by the collective bargaining agreement

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

7. Need of the employee or employee's family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

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

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

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

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

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

Additional Leave for Disabled Military Veterans

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

entitled to such leave in proportion to the time worked. (Education Code 44978.2)

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

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

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

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

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

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

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

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

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

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

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

Verification Requirements

A unit member shall be required to present a medical doctor's verification for the personal illness or injury after five consecutive working days of absence.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician

or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

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

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

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

State References	Description
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine - https://simbli.eboardsolutions.com/SU/ZbftAVQrxH4m3w7r6GH2jg==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==
Ed. Code 44976	Transfer of leave rights when school is transferred to another district - https://simbli.eboardsolutions.com/SU/cuSKX31dTSNAqR3hmKcSKA==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted - https://simbli.eboardsolutions.com/SU/2AoVpYBuhuKN0WH79iXvsQ==
Ed. Code 44978	Sick leave; certificated employees - https://simbli.eboardsolutions.com/SU/xVHfJDcRqreQkXM9SAee6Q==
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list - https://simbli.eboardsolutions.com/SU/tbzONF4ACeEY0Nf2Ej1nuw==
Ed. Code 44978.2	Leave for military service-connected disability - https://simbli.eboardsolutions.com/SU/4ZyAQTqRPKjQUTGVwBYFOQ==
Ed. Code 44979	Transfer of accumulated sick leave to another district - https://simbli.eboardsolutions.com/SU/gYf4JjslshrGpyjzeavSv6twA==
Ed. Code 44980	Transfer of accumulated sick leave to a county office of education - https://simbli.eboardsolutions.com/SU/dNv7hrxToE9ws8bv0raKhw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44983	Compensation during leave; certificated employees - https://simbli.eboardsolutions.com/SU/mplusK5gh5HVBd7pmmplusM0H7Mg==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Ed. Code 44986	Leave of absence; state disability benefits - https://simbli.eboardsolutions.com/SU/3tAPM67nVM9kvoSTplusO5plusDw==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees - https://simbli.eboardsolutions.com/SU/mrs5MN2KFE1Wv2SFvHgx3Q==

Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyy0240KOwuslshevQg==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenINv4Ye8wbp1A==

Federal References	**Description**
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References	**Description**
Court Decision	Veguez v. Governing Board of Long Beach Unified School District (2005) 127 Cal.App.4th 406
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References	**Description**
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/IP2ckslshv29XTxZtLjhslsh3MLg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MlJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/adsKexRfucd54Fh12Hsulg==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/EwrjZwOzB0IMlRNssLNa5Q==

4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/slshc8H338sMsyslshK0Vx2AxQoA==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/ClYksTuNtLVRwcQsMnHrkw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/MBSgROgVyeslshbOLCrSKHigw==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/Ty3VkoAf8UKQmjgZeccNaQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/SbCVSQvBU8KncBEeWK24EA==
4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/PGTHLcamVI7SB97XzHwyhg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/512nFAyqGZHIslshEQaBgy5Ig==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/jBZTdslshFphFP7Nfzlplusjp5vg==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/6T3fQEzB1OivVbH5JRgQmw==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/plusjV1P4gplus26Aa1gzMXzR0VQ==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/tatlr45bF7ZDplusbpluskeQVe9g==

4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/1lQzKKWAkaSUCj66qxM43w==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/2VIxhxOw3ODt7Lrfpk6ioQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4257.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/21mHzvAtHhrg4GGuhjslshMjg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/0diS1slshgzyplusXplus78avZIDDIQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshshA==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/j5gOeo5YYaJ4JueRxNV0dw==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/kd5UuCUiWPtG6BB2S7ZNDA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/FcSKOqplusZ1REftDF7wqTdqg==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyfIPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/NdKDEoFPlRqRlt9islshlIK8g==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/68enzUt1LpyAvTNsWe5Jqw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/KWxVxx8F6JLVGqslshr3C6XWw==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/vQQ9OWPsLjBf7gkA9FDMAA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==

4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/fn5ZHICRhUZMSGhsTrp7plusA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/KPyQlENuux7h4YaY026iPg==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/a2trMaiKW1PMm6cdnyT40g==

Regulation 4361.1: Personal Illness/Injury Leave

Original Adopted Date: 03/01/2017 | **Last Revised Date:** ~~03~~06/01/~~2019~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2019~~2023

CSBA NOTE: The following administrative regulation is subject to collective bargaining. Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days or more within a year of their employment, including temporary and substitute employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of their employment or each calendar year or 12-month period.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

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

Use of Sick Leave

CSBA NOTE: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

3. Personal necessity (Education Code 44981)

CSBA NOTE: Optional ~~item~~Item #4 below may be revised ~~as desired~~ to specify a different minimum increment for sick leave.

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child~~, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed.~~. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

~~Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.~~

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2~~, 12945.6~~; 29 USC 2612; 29 CFR 825.112)

CSBA NOTE: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit ~~them~~an employee to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in ~~items #7-8 below~~Items #7-8 below. Pursuant to Labor Code 233, designation of sick leave taken under this provision is at the sole discretion of the employee. Labor Code 233 does not extend the maximum period of leave to which an employee is entitled under CFRA or FMLA, regardless of whether the employee receives sick leave compensation during that leave.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in ~~item~~Item #7 below, Labor Code 245.5 ~~defines~~, as amended by AB 1041 (Ch. 748, Statutes of 2022), includes a designated person in the definition of a "family member" ~~as~~," in addition to an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling. Pursuant to Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, a "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave, and the district may limit the employee to one designated person per 12-month period for family care and medical leave. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with ~~item~~Item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and~~/or~~ 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

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

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

CSBA NOTE: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

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

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

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

CSBA NOTE:Pursuant to EducationCode 44979-44980, certificatedemployeesareentitled to have their accumulated sick leave transferred with them in the circumstances specified in the following optional paragraph.

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

Additional Leave for Disabled Military Veterans

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

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

CSBA NOTE: Pursuant to Education Code 44978.2, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

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

Notification of Absence

CSBA NOTE: The following optional section may be revised to reflect district practice.

An employee shall notify the ~~district~~Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. Thisnotification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day

preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

CSBA NOTE: Pursuant to Education Code 44977, employees who are absent due to illness for up to five months after exhausting all available sick leave must receive their regular salary minus the cost of a substitute. Alternatively, Education Code 44983 allows districts to adopt a rule that gives certificated employees 50 percent or more of their regular salary during the period of absence.
When an employee is absent for a cause other than illness, Education Code 44977 and 44983 provide that the amount deducted from the employee's salary shall be determined according to the rules and regulations adopted by the Board as long as such rules are not in conflict with State Board of Education regulations.

Option 1 below is for use by districts that subtract the cost of a substitute from the absent employee's salary pursuant to Education Code 44977. Option 2 is mandated pursuant to Education Code 44983 for districts that choose to give certificated employees 50 percent or more of their regular salary during the period of absence, and may be revised to specify a percentage higher than 50 percent in accordance with district practice.

If not covered in the district's bargaining agreement, the district may add provisions to this section reflecting salary deductions for employees absent longer than five months.

OPTION 1:

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

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

OPTION 1 ENDS HERE

OPTION 2:

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, the employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence. (Education Code 44983)

OPTION 2 ENDS HERE

Absence Beyond Five-Month Period/Reemployment List

CSBA NOTE: The following paragraph is required for districts that select Option 1 (i.e., differential pay) in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above and should be carefully considered by districts that select Option 2 (i.e., 50 percent pay). Education Code 44978.1 requires the establishment of a reemployment list for employees who are unable to resume their duties after the five-month period provided pursuant to Education Code 44977.

Although Education Code 44978.1 does not explicitly require a reemployment list for districts selecting Option 2, such districts should be aware that failure to establish a reemployment list may subject employees to termination following a five-month absence. Therefore, any district that selects Option 2 and currently maintains a reemployment list for employees who are absent beyond the five-month period, or that wishes to establish such a list, should consult CSBA's District and County Office of Education Legal Services or district legal counsel before changing its policy or practices.

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

CSBA NOTE: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

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

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

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

CSBA NOTE: Pursuant to Education Code 44977.5, the district is required to provide differential pay to a certificated employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. ~~As amended by AB 2012 (Ch.~~

~~994, Statutes of 2018),~~ Education Code 44977.5 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 44977.5 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel if they have questions regarding differential pay for such employees.

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

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

Verification Requirements

CSBA NOTE: Education Code 44978 **mandates** the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8
- Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5~~, the paid sick leave law~~. Because ~~the paid sick leave law~~Labor Code 246.5 is silent on requests for verification, and ~~actually~~ requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (~~items~~Items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

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

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

CSBA NOTE: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase employees' or their family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

Healthy Workplaces, Healthy Families Act Requirements

CSBA NOTE: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult ~~its~~CSBA's District and County Office of Education Legal Services or district ~~legal counsel.~~

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

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

    a. That an employee is entitled to accrue, request, and use paid sick days

b. The number of sick days provided by Labor Code 245-249

c. The terms of use of paid sick days

d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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

State	Description
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Ed. Code 44976	Transfer of leave rights when school is transferred to another district
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 44978	Sick leave; certificated employees
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list
Ed. Code 44978.2	Leave for military service -connected disability
Ed. Code 44979	Transfer of accumulated sick leave to another district
Ed. Code 44980	Transfer of ~~accumulate~~accumulated sick leave to a county office of education

Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44983	Compensation during leave; certificated employees
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 44986	Leave of absence; state disability benefits
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
Lab. Code 233	~~Illness of child, parent, spouse or domestic partner~~Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

Federal	**Description**
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources	**Description**
Court Decision	Veguez-v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**
0470	COVID-19 Mitigation Plan
2121	Superintendent's Contract
4032	Reasonable Accommodation
4112.2	Certification
4112.2	Certification
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers

4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.11	Preretirement Part-Time Employment
4119.41	Employees With Infectious Disease
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157.1	Work-Related Injuries
4159	Employee Assistance Programs
4161	Leaves
4161	Leaves
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely
4219.41	Employees With Infectious Disease

4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257.1	Work-Related Injuries
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4317.11	Preretirement Part-Time Employment
4319.41	Employees With Infectious Disease
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357.1	Work-Related Injuries
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave

4361.8	Family Care And Medical Leave
4361.9	Catastrophic Leave Program

4361.9	Catastrophic Leave Program

Regulation 4361.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Reviewed Date:** 07/11/2019

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

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

3. Personal necessity (Education Code 44981)

4. Medical and dental appointments, defined by the collective bargaining agreement

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

7. Need of the employee or employee's family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

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

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

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

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

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

Additional Leave for Disabled Military Veterans

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

entitled to such leave in proportion to the time worked. (Education Code 44978.2)

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

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

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

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

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

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

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

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

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

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

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

Verification Requirements

A unit member shall be required to present a medical doctor's verification for the personal illness or injury after five consecutive working days of absence.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician

or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

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

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

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

State References	Description
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine - https://simbli.eboardsolutions.com/SU/ZbftAVQrxH4m3w7r6GH2jg==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==
Ed. Code 44976	Transfer of leave rights when school is transferred to another district - https://simbli.eboardsolutions.com/SU/cuSKX31dTSNAqR3hmKcSKA==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted - https://simbli.eboardsolutions.com/SU/2AoVpYBuhuKN0WH79iXvsQ==
Ed. Code 44978	Sick leave; certificated employees - https://simbli.eboardsolutions.com/SU/xVHfJDcRqreQkXM9SAee6Q==
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list - https://simbli.eboardsolutions.com/SU/tbzONF4ACeEY0Nf2Ej1nuw==
Ed. Code 44978.2	Leave for military service-connected disability - https://simbli.eboardsolutions.com/SU/4ZyAQTqRPKjQUTGVwBYFOQ==
Ed. Code 44979	Transfer of accumulated sick leave to another district - https://simbli.eboardsolutions.com/SU/gYf4JjslshrGpyjzeavSv6twA==
Ed. Code 44980	Transfer of accumulated sick leave to a county office of education - https://simbli.eboardsolutions.com/SU/dNv7hrxToE9ws8bv0raKhw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44983	Compensation during leave; certificated employees - https://simbli.eboardsolutions.com/SU/mplusK5gh5HVBd7pmmplusM0H7Mg==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Ed. Code 44986	Leave of absence; state disability benefits - https://simbli.eboardsolutions.com/SU/3tAPM67nVM9kvoSTplusO5plusDw==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees - https://simbli.eboardsolutions.com/SU/mrs5MN2KFE1Wv2SFvHgx3Q==

Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyy0240KOwuslshevQg==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenINv4Ye8wbp1A==

Federal References	**Description**
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References	**Description**
Court Decision	Veguez v. Governing Board of Long Beach Unified School District (2005) 127 Cal.App.4th 406
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References	**Description**
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/IP2ckslshv29XTxZtLjhslsh3MLg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MlJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/adsKexRfucd54Fh12Hsulg==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/EwrjZwOzB0IMlRNssLNa5Q==

4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/slshc8H338sMsyslshK0Vx2AxQoA==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/ClYksTuNtLVRwcQsMnHrkw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/MBSgROgVyeslshbOLCrSKHigw==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/Ty3VkoAf8UKQmjgZeccNaQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4157.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/SbCVSQvBU8KncBEeWK24EA==
4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/PGTHLcamVI7SB97XzHwyhg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/512nFAyqGZHIslshEQaBgy5Ig==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/jBZTdslshFphFP7Nfzlplusjp5vg==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/6T3fQEzB1OivVbH5JRgQmw==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/plusjV1P4gplus26Aa1gzMXzR0VQ==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/tatlr45bF7ZDplusbpluskeQVe9g==

4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/1lQzKKWAkaSUCj66qxM43w==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/2VIxhxOw3ODt7Lrfpk6ioQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4257.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/21mHzvAtHhrg4GGuhjslshMjg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/0diS1slshgzyplusXplus78avZIDDIQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/j5gOeo5YYaJ4JueRxNV0dw==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/kd5UuCUiWPtG6BB2S7ZNDA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/FcSKOqplusZ1REftDF7wqTdqg==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyfIPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/NdKDEoFPlRqRlt9islshlIK8g==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/68enzUt1LpyAvTNsWe5Jqw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4357.1	Work-Related Injuries - https://simbli.eboardsolutions.com/SU/KWxVxx8F6JLVGqslshr3C6XWw==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/vQQ9OWPsLjBf7gkA9FDMAA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==

4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/fn5ZHICRhUZMSGhsTrp7plusA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/KPyQlENuux7h4YaY026iPg==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/a2trMaiKW1PMm6cdnyT40g==

Regulation 4261.1: Personal Illness/Injury Leave

Original Adopted Date: 03/01/2017 | **Last Revised Date:** ~~03~~06/01/~~2019~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2019~~2023

CSBA NOTE: The following administrative regulation is subject to collective bargaining. ~~Twelve~~Education Code 45191 provides a minimum of 12 days of ~~paid~~ personal illness or injury leave (sick leave) per year ~~is the minimum prescribed by Education Code 45191~~ for classified employees ~~employed~~working five days a week, in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of ~~their~~ employment, including classified employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of ~~their~~ employment or each calendar year or 12-monthperiod.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, part-time employees who are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

Use of Sick Leave

CSBA NOTE: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease (Education Code 45199)

CSBA NOTE: Although Education Code 45193 does not expressly provide classified employees leave for miscarriage, in order to treat employees consistently, the Board may grant leave to classified employees for miscarriage as provided for certificated employees pursuant to Education Code 44965 and 44978.

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 45193)

3. Personal necessity ~~as specified in~~ (Education Code 45207)

CSBA NOTE: Optional ~~item~~Item #4 below may be revised to specify a different minimum increment.

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child~~, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed~~. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave. ~~Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or~~ CFRA when the district employs 20-49 employees within 75 miles of the worksite where the requesting the leave is

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2~~, 12945.6~~; 29 USC 2612; 29 CFR 825.112)

CSBA NOTE: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit ~~them~~an employee to use sick leave, in an amount not less than the sick leave

that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in ~~items #7-8 below~~Items #7-8 below. Pursuant to Labor Code 233, designation of sick leave taken under this provision is at the sole discretion of the employee. Labor Code 233 does not extend the maximum period of leave to which an employee is entitled under CFRA or FMLA, regardless of whether the employee receives sick leave compensation during that leave.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in ~~item~~Item #7 below, Labor Code 245.5 ~~defines~~, as amended by AB 1041 (Ch. 748, Statutes of 2022), includes a designated person in the definition of a "family member~~" as~~," in addition to an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling. Government Code 12945.2, as amended by AB 1041, defines a "designated person" as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave, and the district may limit the employee to one designated person per 12-month period for family care and medical leave. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with ~~item~~Item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233,246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

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

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

CSBA NOTE: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

CSBA NOTE: Pursuant to Education Code 45202, classified employees who are terminated after at least one year of employment for any reason unrelated to discipline are entitled to have their accumulated sick leave transferred with them in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is optional and may revised to reflect district practice.

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

CSBA NOTE: Pursuant to Education Code 45191.5, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

CSBA NOTE: The following optional section may be revised to reflect district practice.

An employee shall notify the Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

CSBA NOTE: Pursuant to Education Code 45196, districts may choose one of two methods for compensating classified employees who have exhausted their paid leaves and continue to be absent due to illness or injury.

Option 1 below is for use by districts that subtract the actual cost of a substitute from the absent employee's salary for up to five months. Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes. In *California School Employees Association v. TustinUnified School District*, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Option 2 is mandated pursuant to Education Code 45196 for districts that annually credit regular classified employees with at least 100 working days of paid sick leave and, after they have exhausted all fully paid leaves, compensate them at 50 percent or more of their regular salary for the remainder of the 100 working days. Option 2 may be revised to specify more than 100 working days and/or the level of compensation the district will pay an employee, if it chooses to pay more than 50 percent of the employee's salary.

Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

OPTION 1:

When a classified employee has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of five months or less, the district shall deduct from the employee's regular salary for that period an amount that does not exceed the actual cost of a substitute to fill the position. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

OPTION 1 ENDS HERE

OPTION 2:

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave.
When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at least 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

OPTION 2 ENDS HERE

Parental Leave

CSBA NOTE: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.
During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 45196.1 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.
Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

CSBA NOTE: Pursuant to Education Code 45196.1, the district is required to provide differential pay to a classified employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. ~~As amended by AB 2012 (Ch. 994, Statutes of 2018),~~ Education Code 45196.1 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 45196.1 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel if they have questions regarding differential pay for such employees.
An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50

percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

CSBA NOTE: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

Verification Requirements

CSBA NOTE: Education Code 45191 **mandates** the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5 the paid sick leave law. Because the paid sick leave law Labor Code is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (items Items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's immediate supervisor.

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

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

CSBA NOTE: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

Short-Term and Substitute Employees

CSBA NOTE: Pursuant to Labor Code 245-249, the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of employment. In implementing this requirement, Labor Code 246 permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of employment or each calendar year or 12-month period. Option 3 is for any district that credits employees with 24 hours or three days of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions. The district should select the option below which corresponds to its approach under Labor Code 246.

See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional requirements.

OPTION 1:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 1 ENDS HERE

OPTION 2:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of their employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 2 ENDS HERE

OPTION 3:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be credited with 24 hours or three days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

OPTION 3 ENDS HERE

CSBA NOTE: The following paragraph applies to all the above options.

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

CSBA NOTE: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, a district is not required to inquire into the purposes for which an employee uses paid leave.

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

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care

2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

CSBA NOTE: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult ~~its~~CSBA's District and County ~~Office of Education Legal Services or district~~ ~~legal counsel.~~

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

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

    a. That an employee is entitled to accrue, request, and use paid sick days

    b. The number of sick days provided by Labor Code 245-249

    c. The terms of use of paid sick days

    d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Policy Reference UPDATE Service
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Policy Reference Disclaimer:

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

State	**Description**
Ed. Code 45103	Classified service in districts not incorporating the merit system
Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45191	Personal illness and injury leave; classified employees
Ed. Code 45191.5	Leave for military service -connected disability
Ed. Code 45193	Leave of absence for pregnancy ~~(re~~; use of sick leave under certain circumstance)
Ed. Code 45195	Additional leave
Ed. Code 45196	Salary deductions during sick leave; classified employees
Ed. Code 45196.1	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 45202	Transfer of accumulated sick leave and other
benefits Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims,; right to time off
Lab. Code 233	~~Illness of child, parent, spouse or domestic partner~~Leave to attend to family illness
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
Federal	**Description**
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
Management Resources	**Description**
Court Decision	California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957
Court Decision	California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
4032	Reasonable Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4119.41	Employees With Infectious Disease
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161	Leaves
4161	Leaves
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely

4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.41	Employees With Infectious Disease
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4319.41	Employees With Infectious Disease
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave

4361.8	Family Care And Medical Leave
4361.9	Catastrophic Leave Program

4361.9	Catastrophic Leave Program

Regulation 4261.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Reviewed Date:** 07/11/2019

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, part-time employees who are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease (Education Code 45199)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

3. Personal necessity as specified in Education Code 45207

4. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

5. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

6. Need of the employee or the employee's family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

7. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

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

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Board of Education. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the

submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

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

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at least 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

Parental Leave

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's immediate supervisor.

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

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

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

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

Short-Term and Substitute Employees

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

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

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care

2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

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

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

    a. That an employee is entitled to accrue, request, and use paid sick days

    b. The number of sick days provided by Labor Code 245-249

    c. The terms of use of paid sick days

    d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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

State References	Description
Ed. Code 45103	Classified service in districts not incorporating the merit system - https://simbli.eboardsolutions.com/SU/NJ3x1mSOGslshplusdAG7Mgplus0dplusw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45191	Personal illness and injury leave; classified employees - https://simbli.eboardsolutions.com/SU/brYFpHVtCc3tRslshRuQZ6EAQ==
Ed. Code 45191.5	Leave for military service-connected disability - https://simbli.eboardsolutions.com/SU/zmHmDeDrSh9MdQ7JryePQA==
Ed. Code 45193	Leave of absence for pregnancy; use of sick leave under certain circumstance - https://simbli.eboardsolutions.com/SU/VFCX6NOo4bgzKsP7Eu1AsA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/RyI3ROIDs3Wpd6bXcwUadw==
Ed. Code 45196	Salary deductions during sick leave; classified employees - https://simbli.eboardsolutions.com/SU/oW4RejghdX8GPN0GaslshevPA==
Ed. Code 45196.1	Differential pay during parental leave up to 12 weeks after sick leave is exhausted - https://simbli.eboardsolutions.com/SU/slshh5W6iqkFbfA4OT8ystClA==
Ed. Code 45202	Transfer of accumulated sick leave and other benefits - https://simbli.eboardsolutions.com/SU/pUUuAjD7ZvTp0mWNr9WCWA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyy0240KOwuslshevQg==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenlNv4Ye8wbp1A==

Federal References	Description
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References	Description
Court Decision	California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

Court Decision	California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References	Description
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/IP2ckslshv29XTxZtLjhslsh3MLg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MlJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/adsKexRfucd54Fh12Hsulg==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/CIYksTuNtLVRwcQsMnHrkw==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/MBSgROgVyeslshbOLCrSKHigw==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/Ty3VkoAf8UKQmjgZeccNaQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/PGTHLcamVI7SB97XzHwyhg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/512nFAyqGZHIslshEQaBgy5Ig==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/jBZTdslshFphFP7Nfzlplusjp5vg==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/6T3fQEzB1OivVbH5JRgQmw==

4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/plusjV1P4gplus26Aa1gzMXzR0VQ==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/o6K8pgb52THHyO1jzJplusVpA==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/DRy4BSK5ulVPKOoBm3Z4pw==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/tatlr45bF7ZDplusbpluskeQVe9g==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/1lQzKKWAkaSUCj66qxM43w==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/2VIxhxOw3ODt7Lrfpk6ioQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/0diS1slshgzyplusXplus78avZIDDIQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/j5gOeo5YYaJ4JueRxNV0dw==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/kd5UuCUiWPtG6BB2S7ZNDA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/FcSKOqplusZ1REftDF7wqTdqg==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==

4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyfIPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/NdKDEoFPlRqRlt9islshlIK8g==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/68enzUt1LpyAvTNsWe5Jqw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/vQQ9OWPsLjBf7gkA9FDMAA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/fn5ZHICRhUZMSGhsTrp7plusA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/KPyQlENuux7h4YaY026iPg==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/a2trMaiKW1PMm6cdnyT40g==

Regulation 4161.2: Personal Leaves

Original Adopted Date: 11/01/2012 | **Last Revised Date:** ~~09~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~09~~06/01/~~2022~~2023

CSBA NOTE: The following administrative regulation is subject to collective bargaining agreements.

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult ~~CSBA~~CSBA's District and CountyOffice of Education Legal Services or ~~the district's~~district legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

CSBA NOTE: ~~Education Code 44985 and 45194 allow the Governing Board~~Pursuant to ~~expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition,~~ Government Code 12945.2~~2~~7, as ~~amended~~added by AB ~~1033~~1949 (Ch. ~~327~~767, Statutes of ~~2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA)~~2022), districts are required to provide up to five days of bereavement leave. ~~Thus, to ensure consistency,~~ for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the ~~definition~~ bereavement leave. Education Code 44985 and 45194 grant three days, or five days if out-of ~~"~~-state travel is required, of paid bereavement leave for certificated and classified employees upon the death of a member of the employee's "immediate family." Government Code 12945.7, as added by AB 1949, potentially expands the length of this leave. Education Code 44985 and 45194 grant bereavement leave for a member of the employee's "immediate family" ~~below includes "mother-in-law" and father-in-law," as permitted by law.~~ ," the definition of which is more expansive than a "family member," pursuant to Government Code 12945.7. Any bereavement leave taken under the Education Code and/or Government Code runs concurrently and not consecutively.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide

employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal

leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. Additionally, Government Code 12945.7, as added by AB 1949, makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

Districts with questions about bereavement leave should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The following ~~two~~ paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to ~~three days, or~~ five days ~~if out-of-state travel is required,~~ upon the death of any member of the employee's immediate family. , as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

CSBA NOTE: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2 includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" includes "parent-in-law" as permitted by law.

~~Members of an employee's immediate family include: (Education Code 44985, 45194)~~

1. ~~The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse~~

2. ~~The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister~~

3. ~~Any relative living in the employee's immediate household~~

Immediate Family means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

CSBA NOTE: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in the applicable collective bargaining agreement, or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraphaccordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to

districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, ~~45207~~); Government Code 12945.7)

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

CSBA NOTE: Pursuant to Education Code 44981, a certificated employee may use personal necessity leave for the serious illness of a member of the employee's immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel regarding any interaction of Education Code provisions with Labor Code 233, 245.5, and 246.5, which allow the use of sick leave for the need of the employee or family member for the diagnosis, care, or treatment of an existing health condition or for preventive care and which include in the definition of "family member" a registered domestic partner, grandparent, and sibling. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave.

~~Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, parent-in-law, or spouse/registered domestic partner or the employee's own serious health condition.~~

Pursuant to Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041 (Ch. 748, Statutes of 2022), CFRA provides an eligible employee with up to 12 weeks of unpaid, job-protected leave to care for a designated person who has a serious health condition, in addition to caring for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in Item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Leave to Perform Legal Duties" below.

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

CSBA NOTE: Items #5 and #6 are optional and may be deleted or modified to reflect district practice.

5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot

disregard Leave for personal necessity may be allowed for other reasons at the

discretion of the

Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personalnecessity.

CSBA NOTE: The following paragraph is optional. The district is prohibited from requiring employees to obtain advance permission prior to taking leaves in certain situations. Pursuant to Education Code 44981 and 45207, the district may not require advance permission for leaves taken by classified employees for the reasons specified in Items #1-2 above and by certificated employees for the reasons specified in Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, (DIR), employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or CFRA (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

CSBA NOTE: Education Code 44981 and 45207 **mandate** the adoption of regulations requiring proof of personal necessity and prescribing the manner of the required proof. The following paragraph may be revised to specify the manner of proof required by the district.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

Pursuant to Education Code 44037, it is unlawful for the district, or personnel commission for merit districts, to (1) adopt any rule, regulation, or policy that encourages classified employees

exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that the employee seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of the employee's service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

CSBA NOTE: The following optional paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not grant such leave should delete this paragraph.

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

CSBA NOTE: The following paragraph is optional. Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear in court as witnesses other than as litigants or to respond to orders from another governmental jurisdiction. Districts that do not grant such leave should delete this paragraph.

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

CSBA NOTE: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

CSBA NOTE: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee.

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

CSBA NOTE: Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime to use any available vacation, personal leave, or compensatory time off for the purposes described in Items #1-5 below, and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes. Pursuant to Labor Code 230.1, Items #2-5 apply to districts with 25 or moreemployees.

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse

3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse

4. Obtain psychological counseling or mental health services related to an experience of crime or abuse

5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

CSBA NOTE: Pursuant to Labor Code 230, the following certification may include documentation from a victim advocate (defined as an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, a court, or a law enforcement or prosecution

agency) or 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.

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim

2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

CSBA NOTE: Pursuant to Labor Code 230.1, districts with 25 or more employees are required to notify district employees of employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on ~~the web site of the Department of Industrial Relations~~ DIR's website, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form.

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

CSBA NOTE: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion.

Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using ~~the~~ leave for child-related activities is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

CSBA NOTE: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following optional paragraph may be revised to reflect district practice.

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Uponrequest by the Superintendent or designee, the employeeshallprovidedocumentationfrom the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state. -

2. The board, commission, organization, or group informs the district in writing of the service. -

3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

CSBA NOTE: The following optional section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that any certificated or classified employee may take time off without loss of compensation to serve as an elected officer of any local, statewide, or national employee organization of which the employee is a member. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

Pursuant to Education Code 44987 and 45210, ~~as amended by SB 294 (Ch. 539, Statutes of 2021),~~ an employee's leave of absence to serve as an elected officer of an employee organization is additional to any other leave available for the employee's use by law or in agreement with the district.

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classifiedemployees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should

delete this section. However, the district should consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel beforedenying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

CSBA NOTE:Thefollowingoptionalparagraphreflects the CaliforniaSupremeCourt's interpretation of Article 1, Section 8 of the California Constitution as stated in Rankin v. Commission on Professional Competence.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

CSBA NOTE: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

CSBA NOTE: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

CSBA NOTE: Pursuant to Labor Code 230.4, a district with 50 or more employees must grant an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel a leave of absence for up to 14 days per calendar year for training purposes. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

CSBA NOTE: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

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

State	Description
CA Constitution Article 1, Section 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official
appearances Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.

Ed. Code 45190	Leaves ofabsence and vacations; classified
Ed. Code 45194	Bereavement leave of absence; classified
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity; classified
Ed. Code 45210	Service as officer of employee organization; classified
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law;registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights
Act Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault, or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	~~Illness of child, parent, spouse or domestic partner~~ Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms; enhancement of prisonterms

Federal	**Description**
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

Management Resources	**Description**
Court Decision	Rankin v. Commission on Professional Competence,- (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services

Website	California Department of Industrial Relations
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association

Cross References

Code	Description
2121	Superintendent's Contract
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4143	Negotiations/Consultation
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4243	Negotiations/Consultation
4258	Employee Security
4258	Employee Security
4261	Leaves
4261	Leaves

4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4340	Bargaining Units
4358	Employee Security
4358	Employee Security
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave
5148	Child Care And Development
5148	Child Care And Development

Regulation 4161.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse

2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, niece, nephew, aunt or uncle

3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Classified employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Certificated employees may use a maximum of ten days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity.

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

5. Fire, flood, or other immediate danger to the home of the employee

6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each

scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse

3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse

4. Obtain psychological counseling or mental health services related to an experience of crime or abuse

5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim

2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.

2. The board, commission, organization, or group informs the district in writing of the service.

3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987,

45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The

Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

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

State References	Description
CA Constitution Article 1, Section 8	Religious discrimination - https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44963	Power to grant leaves of absence; certificated - https://simbli.eboardsolutions.com/SU/2EDALtD6VUeLrdBh4nkUzw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44985	Leave of absence due to death in immediate family; certificated - https://simbli.eboardsolutions.com/SU/baSKHxaP1H0SPm9mB3keYw==
Ed. Code 44987	Service as officer of employee organization; certificated - https://simbli.eboardsolutions.com/SU/y2SRxiaoeEgtl2y5YIrR3A==
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc. - https://simbli.eboardsolutions.com/SU/fWIvEq8tajzFxHz3TMclJw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45194	Bereavement leave of absence; classified - https://simbli.eboardsolutions.com/SU/SiSRVnbCNQFE7IslshzfvsgmA==
Ed. Code 45198	Effect of provisions authorizing leaves of absence - https://simbli.eboardsolutions.com/SU/bCWDwplus4PXszRFplusRuuCERQQ==
Ed. Code 45207	Personal necessity; classified - https://simbli.eboardsolutions.com/SU/olZTTBvcKz5Jj955qyFufw==
Ed. Code 45210	Service as officer of employee organization; classified - https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==
Ed. Code 45240-45320	Merit system - https://simbli.eboardsolutions.com/SU/ZewEnmUIwNuv3WapgPmX5Q==
Evid. Code 1035.2	Sex assault counselor; definition - https://simbli.eboardsolutions.com/SU/qJOPtcrRdPhYLEhzLduo7Q==
Evid. Code 1037.1	Domestic violence counselor; definition - https://simbli.eboardsolutions.com/SU/2OO7AFpeplus6zZNlyhplusm44Gg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KlC6A==
Lab. Code 1500-1507	Civil Air Patrol leave - https://simbli.eboardsolutions.com/SU/Am7dQr5iEboILmeWXKIxVg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDIee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNIogX9lOtdDc9A==

Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==
Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7IC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 246.5	Paid sick days; purposes for use - https://simbli.eboardsolutions.com/SU/hsPPeoMgRbyMeslsh7UWdH3aw==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLROmQnOSnpa6R6w==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Federal References	**Description**
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

Management Resources References	**Description**
Court Decision	Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPIwN0g==

Cross References	**Description**
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==

4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/XV03lGrQRXBofMnEo7qoMQ==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/MBSgROgVyeslshbOLCrSKHigw==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/Ty3VkoAf8UKQmjgZeccNaQ==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/JKzHWiwEhHQgdeLTYQO05A==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/4aJ0QgdgWdUu5uTzMfuRzg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/1qBVTP33q78t6B8k1WbrOg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/1lQzKKWAkaSUCj66qxM43w==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/2VIxhxOw3ODt7Lrfpk6ioQ==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/f5NlpIlopgzpo5aQiLFVpA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/pWrmVpMKVNihYFSSTCyEplusQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==

4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyflPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/YDChwvbD7tvakVp1QNkBqw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/5EMpVOjqGlO5cNybjGeEdg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/3MVnD2slshwKgkmSRBY8jbN5w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==

Regulation 4261.1: Personal Illness/Injury Leave

Original Adopted Date: 03/01/2017 | **Last Revised Date:** ~~03~~06/01/~~2019~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2019~~2023

CSBA NOTE: The following administrative regulation is subject to collective bargaining. ~~Twelve~~Education Code 45191 provides a minimum of 12 days of ~~paid~~ personal illness or injury leave (sick leave) per year ~~is the minimum prescribed by Education Code 45191~~ for classified employees ~~employed~~working five days a week, in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of ~~their~~ employment, including classified employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of ~~their~~ employment or each calendar year or 12-monthperiod.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, part-time employees who are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

Use of Sick Leave

CSBA NOTE: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease (Education Code 45199)

CSBA NOTE: Although Education Code 45193 does not expressly provide classified employees leave for miscarriage, in order to treat employees consistently, the Board may grant leave to classified employees for miscarriage as provided for certificated employees pursuant to Education Code 44965 and 44978.

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 45193)

3. Personal necessity ~~as specified in~~ (Education Code 45207)

CSBA NOTE: Optional ~~item~~Item #4 below may be revised to specify a different minimum increment.

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child~~, if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed~~. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave. ~~Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or~~ CFRA when the district employs 20-49 employees within 75 miles of the worksite where the requesting the leave is

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2~~, 12945.6~~; 29 USC 2612; 29 CFR 825.112)

CSBA NOTE: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit ~~them~~an employee to use sick leave, in an amount not less than the sick leave

that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in ~~items #7-8 below~~Items #7-8 below. Pursuant to Labor Code 233, designation of sick leave taken under this provision is at the sole discretion of the employee. Labor Code 233 does not extend the maximum period of leave to which an employee is entitled under CFRA or FMLA, regardless of whether the employee receives sick leave compensation during that leave.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in ~~item~~Item #7 below, Labor Code 245.5 ~~defines~~, as amended by AB 1041 (Ch. 748, Statutes of 2022), includes a designated person in the definition of a "family member~~" as~~," in addition to an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling. Government Code 12945.2, as amended by AB 1041, defines a "designated person" as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave, and the district may limit the employee to one designated person per 12-month period for family care and medical leave. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 – Family Care and Medical Leave.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with ~~item~~Item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233,246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

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

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

CSBA NOTE: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

CSBA NOTE: Pursuant to Education Code 45202, classified employees who are terminated after at least one year of employment for any reason unrelated to discipline are entitled to have their accumulated sick leave transferred with them in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is optional and may revised to reflect district practice.

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

CSBA NOTE: Pursuant to Education Code 45191.5, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

CSBA NOTE: The following optional section may be revised to reflect district practice.

An employee shall notify the Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

CSBA NOTE: Pursuant to Education Code 45196, districts may choose one of two methods for compensating classified employees who have exhausted their paid leaves and continue to be absent due to illness or injury.

Option 1 below is for use by districts that subtract the actual cost of a substitute from the absent employee's salary for up to five months. Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes. In *California School Employees Association v. TustinUnified School District*, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Option 2 is mandated pursuant to Education Code 45196 for districts that annually credit regular classified employees with at least 100 working days of paid sick leave and, after they have exhausted all fully paid leaves, compensate them at 50 percent or more of their regular salary for the remainder of the 100 working days. Option 2 may be revised to specify more than 100 working days and/or the level of compensation the district will pay an employee, if it chooses to pay more than 50 percent of the employee's salary.

Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

OPTION 1:

When a classified employee has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of five months or less, the district shall deduct from the employee's regular salary for that period an amount that does not exceed the actual cost of a substitute to fill the position. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

OPTION 1 ENDS HERE

OPTION 2:

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave.
When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at least 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

OPTION 2 ENDS HERE

Parental Leave

CSBA NOTE: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.
During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 45196.1 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.
Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

CSBA NOTE: Pursuant to Education Code 45196.1, the district is required to provide differential pay to a classified employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. ~~As amended by AB 2012 (Ch. 994, Statutes of 2018),~~ Education Code 45196.1 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 45196.1 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel if they have questions regarding differential pay for such employees.
An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50

percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

CSBA NOTE: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

Verification Requirements

CSBA NOTE: Education Code 45191 **mandates** the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5 the paid sick leave law. Because the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (items Items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's immediate supervisor.

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

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

CSBA NOTE: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

Short-Term and Substitute Employees

CSBA NOTE: Pursuant to Labor Code 245-249, the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of employment. In implementing this requirement, Labor Code 246 permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of employment or each calendar year or 12-month period. Option 3 is for any district that credits employees with 24 hours or three days of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions. The district should select the option below which corresponds to its approach under Labor Code 246.

See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional requirements.

OPTION 1:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 1 ENDS HERE

OPTION 2:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of their employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 2 ENDS HERE

OPTION 3:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be credited with 24 hours or three days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

OPTION 3 ENDS HERE

CSBA NOTE: The following paragraph applies to all the above options.

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

CSBA NOTE: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, a district is not required to inquire into the purposes for which an employee uses paid leave.

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

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care

2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

CSBA NOTE: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult ~~its~~CSBA's District and County ~~Office of Education Legal Services or district~~ ~~legal counsel.~~

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

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

    a. That an employee is entitled to accrue, request, and use paid sick days

    b. The number of sick days provided by Labor Code 245-249

    c. The terms of use of paid sick days

    d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Policy Reference UPDATE Service
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Policy Reference Disclaimer:

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

State	**Description**
Ed. Code 45103	Classified service in districts not incorporating the merit system
Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45191	Personal illness and injury leave; classified employees
Ed. Code 45191.5	Leave for military service -connected disability
Ed. Code 45193	Leave of absence for pregnancy ~~(re~~; use of sick leave under certain circumstance)
Ed. Code 45195	Additional leave
Ed. Code 45196	Salary deductions during sick leave; classified employees
Ed. Code 45196.1	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 45202	Transfer of accumulated sick leave and other
benefits Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims,; right to time off
Lab. Code 233	~~Illness of child, parent, spouse or domestic partner~~Leave to attend to family illness
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
Federal	**Description**
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
Management Resources	**Description**
Court Decision	California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957
Court Decision	California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
4032	Reasonable Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4119.41	Employees With Infectious Disease
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161	Leaves
4161	Leaves
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely

4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.41	Employees With Infectious Disease
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4319.41	Employees With Infectious Disease
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave

4361.8	Family Care And Medical Leave
4361.9	Catastrophic Leave Program

4361.9	Catastrophic Leave Program

Regulation 4261.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse

2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, niece, nephew, uncle or aunt

3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

5. Fire, flood, or other immediate danger to the home of the employee

6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a

holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after

the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse

3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse

4. Obtain psychological counseling or mental health services related to an experience of crime or abuse

5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim

2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time

off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.

2. The board, commission, organization, or group informs the district in writing of the service.

3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification.

(Labor Code 1503)

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

State References	Description
CA Constitution Article 1, Section 8	Religious discrimination - https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24Ij43Z8w==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44963	Power to grant leaves of absence; certificated - https://simbli.eboardsolutions.com/SU/2EDALtD6VUeLrdBh4nkUzw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44985	Leave of absence due to death in immediate family; certificated - https://simbli.eboardsolutions.com/SU/baSKHxaP1H0SPm9mB3keYw==
Ed. Code 44987	Service as officer of employee organization; certificated - https://simbli.eboardsolutions.com/SU/y2SRxiaoeEgtl2y5YIrR3A==
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc. - https://simbli.eboardsolutions.com/SU/fWIvEq8tajzFxHz3TMclJw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45194	Bereavement leave of absence; classified - https://simbli.eboardsolutions.com/SU/SiSRVnbCNQFE7IslshzfvsgmA==
Ed. Code 45198	Effect of provisions authorizing leaves of absence - https://simbli.eboardsolutions.com/SU/bCWDwplus4PXszRFplusRuuCERQQ==
Ed. Code 45207	Personal necessity; classified - https://simbli.eboardsolutions.com/SU/olZTTBvcKz5Jj955qyFufw==
Ed. Code 45210	Service as officer of employee organization; classified - https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==
Ed. Code 45240-45320	Merit system - https://simbli.eboardsolutions.com/SU/ZewEnmUIwNuv3WapgPmX5Q==
Evid. Code 1035.2	Sex assault counselor; definition - https://simbli.eboardsolutions.com/SU/qJOPtcrRdPhYLEhzLduo7Q==
Evid. Code 1037.1	Domestic violence counselor; definition - https://simbli.eboardsolutions.com/SU/2OO7AFpeplus6zZNlyhplusm44Gg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KlC6A==
Lab. Code 1500-1507	Civil Air Patrol leave - https://simbli.eboardsolutions.com/SU/Am7dQr5iEboILmeWXKIxVg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDIee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNIogX9lOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==

Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7IC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 246.5	Paid sick days; purposes for use - https://simbli.eboardsolutions.com/SU/hsPPeoMgRbyMeslsh7UWdH3aw==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLROmQnOSnpa6R6w==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Federal References	**Description**
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

Management Resources References	**Description**
Court Decision	Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPIwN0g==

Cross References	**Description**
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==

4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/XV03lGrQRXBofMnEo7qoMQ==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/MBSgROgVyeslshbOLCrSKHigw==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/Ty3VkoAf8UKQmjgZeccNaQ==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/JKzHWiwEhHQgdeLTYQO05A==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/4aJ0QgdgWdUu5uTzMfuRzg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/1qBVTP33q78t6B8k1WbrOg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/1lQzKKWAkaSUCj66qxM43w==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/2VIxhxOw3ODt7Lrfpk6ioQ==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/f5NlpIlopgzpo5aQiLFVpA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/pWrmVpMKVNihYFSSTCyEplusQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==

4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyflPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/YDChwvbD7tvakVp1QNkBqw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/5EMpVOjqGlO5cNybjGeEdg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/3MVnD2slshwKgkmSRBY8jbN5w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==

Regulation 4361.2: Personal Leaves

Original Adopted Date: 11/01/2012 | **Last Revised Date:** ~~09~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~09~~06/01/~~2022~~2023

CSBA NOTE: The following administrative regulation is subject to collective bargaining agreements.

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult ~~CSBA~~CSBA's District and CountyOffice of Education Legal Services or ~~the district's~~district legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

CSBA NOTE: ~~Education Code 44985 and 45194 allow the Governing Board~~Pursuant to ~~expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition,~~ Government Code 12945.2~~2~~7, as ~~amended~~added by AB ~~1033~~1949 (Ch. ~~327~~767, Statutes of ~~2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA)~~2022), districts are required to provide up to five days of bereavement leave. ~~Thus, to ensure consistency,~~ for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the ~~definition~~ bereavement leave. Education Code 44985 and 45194 grant three days, or five days if out-of ~~"~~-state travel is required, of paid bereavement leave for certificated and classified employees upon the death of a member of the employee's "immediate family." Government Code 12945.7, as added by AB 1949, potentially expands the length of this leave. Education Code 44985 and 45194 grant bereavement leave for a member of the employee's "immediate family" ~~below includes "mother-in-law" and father-in-law," as permitted by law.~~ ," the definition of which is more expansive than a "family member," pursuant to Government Code 12945.7. Any bereavement leave taken under the Education Code and/or Government Code runs concurrently and not consecutively.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide

employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal

leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. Additionally, Government Code 12945.7, as added by AB 1949, makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

Districts with questions about bereavement leave should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The following ~~two~~ paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to ~~three days, or~~ five days ~~if out-of-state travel is required,~~ upon the death of any member of the employee's immediate family. , as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

CSBA NOTE: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2 includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" includes "parent-in-law" as permitted by law.

~~Members of an employee's immediate family include: (Education Code 44985, 45194)~~

1. ~~The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse~~

2. ~~The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister~~

3. ~~Any relative living in the employee's immediate household~~

Immediate Family means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

CSBA NOTE: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in the applicable collective bargaining agreement, or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraphaccordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to

districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, ~~45207~~); Government Code 12945.7)

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

CSBA NOTE: Pursuant to Education Code 44981, a certificated employee may use personal necessity leave for the serious illness of a member of the employee's immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel regarding any interaction of Education Code provisions with Labor Code 233, 245.5, and 246.5, which allow the use of sick leave for the need of the employee or family member for the diagnosis, care, or treatment of an existing health condition or for preventive care and which include in the definition of "family member" a registered domestic partner, grandparent, and sibling. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave.

~~Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, parent-in-law, or spouse/registered domestic partner or the employee's own serious health condition.~~

Pursuant to Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041 (Ch. 748, Statutes of 2022), CFRA provides an eligible employee with up to 12 weeks of unpaid, job-protected leave to care for a designated person who has a serious health condition, in addition to caring for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in Item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Leave to Perform Legal Duties" below.

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

CSBA NOTE: Items #5 and #6 are optional and may be deleted or modified to reflect district practice.

5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot

disregard Leave for personal necessity may be allowed for other reasons at the

discretion of the

Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

CSBA NOTE: The following paragraph is optional. The district is prohibited from requiring employees to obtain advance permission prior to taking leaves in certain situations. Pursuant to Education Code 44981 and 45207, the district may not require advance permission for leaves taken by classified employees for the reasons specified in Items #1-2 above and by certificated employees for the reasons specified in Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, (DIR), employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or CFRA (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

CSBA NOTE: Education Code 44981 and 45207 **mandate** the adoption of regulations requiring proof of personal necessity and prescribing the manner of the required proof. The following paragraph may be revised to specify the manner of proof required by the district.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

Pursuant to Education Code 44037, it is unlawful for the district, or personnel commission for merit districts, to (1) adopt any rule, regulation, or policy that encourages classified employees

exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that the employee seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of the employee's service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

CSBA NOTE: The following optional paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not grant such leave should delete this paragraph.

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

CSBA NOTE: The following paragraph is optional. Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear in court as witnesses other than as litigants or to respond to orders from another governmental jurisdiction. Districts that do not grant such leave should delete this paragraph.

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

CSBA NOTE: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

CSBA NOTE: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee.

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

CSBA NOTE: Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime to use any available vacation, personal leave, or compensatory time off for the purposes described in Items #1-5 below, and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes. Pursuant to Labor Code 230.1, Items #2-5 apply to districts with 25 or moreemployees.

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse

3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse

4. Obtain psychological counseling or mental health services related to an experience of crime or abuse

5. Participate in safety planning and take other actions to increase safety from future crimeor abuse, including temporary or permanent relocation

CSBA NOTE: Pursuant to Labor Code 230, the following certification may include documentation from a victim advocate (defined as an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, a court, or a law enforcement or prosecution

agency) or 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.

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was avictim

2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

CSBA NOTE: Pursuant to Labor Code 230.1, districts with 25 or more employees are required to notify district employees of employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on ~~the web site of the Department of Industrial Relations~~ DIR's website, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form.

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

CSBA NOTE: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion.

Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using ~~the~~ leave for child-related activities is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the childfrom attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, orflood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

CSBA NOTE: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following optional paragraph may be revised to reflect district practice.

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Uponrequest by the Superintendent or designee, the employee shall provide documentationfrom the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state. -

2. The board, commission, organization, or group informs the district in writing of the service. -

3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

CSBA NOTE: The following optional section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that any certificated or classified employee may take time off without loss of compensation to serve as an elected officer of any local, statewide, or national employee organization of which the employee is a member. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

Pursuant to Education Code 44987 and 45210, ~~as amended by SB 294 (Ch. 539, Statutes of 2021),~~ an employee's leave of absence to serve as an elected officer of an employee organization is additional to any other leave available for the employee's use by law or in agreement with the district.

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employeeorganization. Theemployeeorganizationshallprovidereasonablenotification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should

delete this section. However, the district should consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or ~~the district's~~district legal counsel beforedenying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

CSBA NOTE:Thefollowingoptionalparagraphreflects the CaliforniaSupremeCourt's interpretation of Article 1, Section 8 of the California Constitution as stated in Rankin v. Commission on Professional Competence.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

CSBA NOTE: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

CSBA NOTE: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

CSBA NOTE: Pursuant to Labor Code 230.4, a district with 50 or more employees must grant an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel a leave of absence for up to 14 days per calendar year for training purposes. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

CSBA NOTE: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

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

State	Description
CA Constitution Article 1, Section 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official
appearances Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.

Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45194	Bereavement leave of absence; classified
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity; classified
Ed. Code 45210	Service as officer of employee organization; classified
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights
Act Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault, or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	~~Illness of child, parent, spouse or domestic partner~~ Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal	**Description**
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

Management Resources	**Description**
Court Decision	Rankin v. Commission on Professional Competence,- (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB DecisionNo. 1954
Website	CSBA District and County Office of Education Legal Services

Website	California Department of Industrial Relations
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association

Cross References

Code	Description
2121	Superintendent's Contract
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4143	Negotiations/Consultation
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4243	Negotiations/Consultation
4258	Employee Security
4258	Employee Security
4261	Leaves
4261	Leaves

4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4340	Bargaining Units
4358	Employee Security
4358	Employee Security
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave
5148	Child Care And Development
5148	Child Care And Development

Regulation 4361.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse

2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, niece, nephew, uncle or aunt

3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

5. Fire, flood, or other immediate danger to the home of the employee

6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a

holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after

the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse

3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse

4. Obtain psychological counseling or mental health services related to an experience of crime or abuse

5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim

2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse

4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time

off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.

2. The board, commission, organization, or group informs the district in writing of the service.

3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification.

(Labor Code 1503)

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

State References	Description
CA Constitution Article 1, Section 8	Religious discrimination - https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24Ij43Z8w==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44963	Power to grant leaves of absence; certificated - https://simbli.eboardsolutions.com/SU/2EDALtD6VUeLrdBh4nkUzw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44985	Leave of absence due to death in immediate family; certificated - https://simbli.eboardsolutions.com/SU/baSKHxaP1H0SPm9mB3keYw==
Ed. Code 44987	Service as officer of employee organization; certificated - https://simbli.eboardsolutions.com/SU/y2SRxiaoeEgtl2y5YIrR3A==
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc. - https://simbli.eboardsolutions.com/SU/fWIvEq8tajzFxHz3TMclJw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45194	Bereavement leave of absence; classified - https://simbli.eboardsolutions.com/SU/SiSRVnbCNQFE7IslshzfvsgmA==
Ed. Code 45198	Effect of provisions authorizing leaves of absence - https://simbli.eboardsolutions.com/SU/bCWDwplus4PXszRFplusRuuCERQQ==
Ed. Code 45207	Personal necessity; classified - https://simbli.eboardsolutions.com/SU/olZTTBvcKz5Jj955qyFufw==
Ed. Code 45210	Service as officer of employee organization; classified - https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==
Ed. Code 45240-45320	Merit system - https://simbli.eboardsolutions.com/SU/ZewEnmUIwNuv3WapgPmX5Q==
Evid. Code 1035.2	Sex assault counselor; definition - https://simbli.eboardsolutions.com/SU/qJOPtcrRdPhYLEhzLduo7Q==
Evid. Code 1037.1	Domestic violence counselor; definition - https://simbli.eboardsolutions.com/SU/2OO7AFpeplus6zZNlyhplusm44Gg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KlC6A==
Lab. Code 1500-1507	Civil Air Patrol leave - https://simbli.eboardsolutions.com/SU/Am7dQr5iEboILmeWXKIxVg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDIee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNIogX9lOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==

Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7IC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 246.5	Paid sick days; purposes for use - https://simbli.eboardsolutions.com/SU/hsPPeoMgRbyMeslsh7UWdH3aw==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLROmQnOSnpa6R6w==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Federal References	**Description**
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Court Decision	Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPIwN0g==

Cross References	**Description**
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==

4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/XV03lGrQRXBofMnEo7qoMQ==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/MBSgROgVyeslshbOLCrSKHigw==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/Ty3VkoAf8UKQmjgZeccNaQ==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/JKzHWiwEhHQgdeLTYQO05A==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/4aJ0QgdgWdUu5uTzMfuRzg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/1qBVTP33q78t6B8k1WbrOg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/1lQzKKWAkaSUCj66qxM43w==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/2VIxhxOw3ODt7Lrfpk6ioQ==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/f5NlpIlopgzpo5aQiLFVpA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/pWrmVpMKVNihYFSSTCyEplusQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==

4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyflPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/YDChwvbD7tvakVp1QNkBqw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/5EMpVOjqGlO5cNybjGeEdg==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/3MVnD2slshwKgkmSRBY8jbN5w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==

Regulation 4161.8: Family Care And Medical Leave

Original Adopted Date: 07/01/2015 | **Last Revised Date:** 06/01/~~2022~~2023 | **Last Reviewed Date:** 06/01/~~2022~~2023

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is adifference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~should be consulted~~ as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1041 (Ch. 748, Statutes of 2022), a designated person, as defined below, is added to the class of people an employee may take leave to care for under CFRA. A designated person may be identified by the employee at the time of the employee's requests for the leave, and the district may limit employees to one designated person per 12-month period.

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB ~~1033 (Ch. 327, Statutes of 2021), includes~~1041, a ~~parent-in-law~~"designated person," as defined above, is included in the definition of ~~"parent"~~"eligible family member" for purposes of CFRA~~leave.~~.

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, ~~or~~ sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.
However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

   A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

   Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

a. A period of incapacity of more than three consecutive full days

b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR
825.122)

Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. The care of an eligible family member with a serious health condition

3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is

a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

OPTION 1: The 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

OPTION 1: During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

OPTION 1 ENDS HERE

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

OPTION 2 ENDS HERE

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on a

employee's refusal to provide further information, CSBA's District and County Office of Education Legal Services of district legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissibleinquiriesregarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

~~Certification of Health Condition~~

CSBA NOTE: Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, expands the CFRA leave an eligible employee may take to include caring for a designated person with a serious health condition. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period. An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began

2. The probable duration of thecondition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both ofthe following:

    a. Statement that the serious health condition warrants the participation of the employee to providecare, such as by providingpsychologicalcomfort,arranging for third party care, or directly providing or participating in the medical care of the

eligible family member during a period of the treatment or supervision

b. Estimated amount of time the health care provider believes the employee needs to care for the eligible familymember

4. If the employee is requesting leave because of the employee's own serious healthcondition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the

appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leavewas fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as

a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Coveredactive duty means, for members of the RegularArmedforces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, ~~DOL's~~DOL's, "MilitaryFamily Leave Provisions of the FMLAFrequently AskedQuestions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its ~~web site~~website.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request ~~certification from all employees requesting such leave.~~

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with ~~regards~~regard to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents -in -law"). (29 CFR825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. -

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

    a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

    b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

    c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

    d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA, leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the ~~web sites~~websites of the California Civil Rights Department ~~of Fair Employment and Housing~~ and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)

3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

    a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

    b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

    c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. DesignationNotice: When the Superintendent or designee has information(e.g.,sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State	Description
2 CCR 11035-11051	Unlawful sex discrimination:; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Fam. Code 300	Definition of marriage
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Gov. Code 12945.1-12945.2	California Family Rights
Act Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair employment and Housing Act: discrimination prohibited

Federal	Description
1 USC 7	Definition of marriage and spouse
29 CFR 825.100-825.702	Family and Medical Leave Act of
1993 29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources	Description
Court Decision	Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor, (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services

Website	U.S. Department of Labor, FMLA
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program

4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
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4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Regulation 4161.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

   A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

   Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious

health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

   a. A period of incapacity of more than three consecutive full days

   b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

   c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

   d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

   e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. The care of an eligible family member with a serious health condition

3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began

2. The probable duration of the condition

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:

    a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision

    b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member

4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was

fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on

active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

    a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

    b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

    c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

    d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)

3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

    a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

    b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

    c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

    d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

    e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

    f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

    Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

    If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

    Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

policy.

State References	Description
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Fam. Code 300	Definition of marriage - https://simbli.eboardsolutions.com/SU/05rpsoloLBweplusb92Whyabw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions - https://simbli.eboardsolutions.com/SU/2DmzeI3sr9Q8BhxwgjWUtA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair Employment and Housing Act: discrimination prohibited - https://simbli.eboardsolutions.com/SU/wjtLdzTqqwIov2Syc5bhMQ==

Federal References	Description
1 USC 7	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/znal4bZkEoCQ5lLKxeKqGw==
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References	Description
Court Decision	Faust v. California Portland Cement Company (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Cross References	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==

0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/ODMDFmaqATGsLixNUqGgYg==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/92wfmcN541FlED53K1C2Uw==
1113-E PDF(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/w7nYKjqtVfwCcpawAntpluspg==
1113-E(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/Uf3YpSEplusOyslqUTeEEQMbw==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/IP2ckslshv29XTxZtLjhslsh3MLg==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/T0scHHvuAUFPuitvQL2Tuw==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/VHv28XDwUWTDmgNmplusYhAUA==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MlJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==

4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/jBZTdslshFphFP7Nfzlplusjp5vg==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/6T3fQEzB1OivVbH5JRgQmw==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/j5KgsEwkbz0zSguAkgsplusOA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/DRy4BSK5ulVPKOoBm3Z4pw==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/0diS1slshgzyplusXplus78avZIDDIQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshGdKtplusVRslshgA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/kd5UuCUiWPtG6BB2S7ZNDA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/FcSKOqplusZ1REftDF7wqTdqg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/n2s4CeoDPdaplusBzy0QkOCSw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyfIPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==

4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/vQQ9OWPsLjBf7gkA9FDMAA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/KPyQlENuux7h4YaY026iPg==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/a2trMaiKW1PMm6cdnyT40g==

Regulation 4261.8: Family Care And Medical Leave

Original Adopted Date: 07/01/2015 | **Last Revised Date:** 06/01/~~2022~~2023 | **Last Reviewed Date:** 06/01/~~2022~~2023

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is adifference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~should be consulted~~ as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1041 (Ch. 748, Statutes of 2022), a designated person, as defined below, is added to the class of people an employee may take leave to care for under CFRA. A designated person may be identified by the employee at the time of the employee's requests for the leave, and the district may limit employees to one designated person per 12-month period.

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB ~~1033 (Ch. 327, Statutes of 2021), includes~~1041, a ~~parent-in-law~~"designated person," as defined above, is included in the definition of ~~"parent"~~"eligible family member" for purposes of CFRA~~leave.~~.

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, ~~or~~ sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.
However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

   A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

   Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

a. A period of incapacity of more than three consecutive full days

b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR
825.122)

Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. The care of an eligible family member with a serious health condition

3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is

a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

OPTION 1: The 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

OPTION 1: During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

OPTION 1 ENDS HERE

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

OPTION 2 ENDS HERE

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on a

employee's refusal to provide further information, CSBA's District and County Office of Education Legal Services of district legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissibleinquiriesregarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

~~Certification of Health Condition~~

CSBA NOTE: Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, expands the CFRA leave an eligible employee may take to include caring for a designated person with a serious health condition. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period. An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began

2. The probable duration of thecondition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both ofthe following:

    a. Statement that the serious health condition warrants the participation of the employee to providecare, such as by providingpsychologicalcomfort,arranging for third party care, or directly providing or participating in the medical care of the

eligible family member during a period of the treatment or supervision

b. Estimated amount of time the health care provider believes the employee needs to care for the eligible familymember

4. If the employee is requesting leave because of the employee's own serious healthcondition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the

appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leavewas fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as

a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Coveredactive duty means, for members of the RegularArmedforces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, ~~DOL's~~DOL's, "MilitaryFamily Leave Provisions of the FMLAFrequently AskedQuestions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its ~~web site~~website.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request ~~certification from all employees requesting such leave.~~

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with ~~regards~~regard to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents -in -law"). (29 CFR825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. -

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

    a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

    b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

    c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

    d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA, leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the ~~web sites~~websites of the California Civil Rights Department ~~of Fair Employment and Housing~~ and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)

3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

    a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

    b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

    c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. DesignationNotice: When the Superintendent or designee has information(e.g.,sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State	Description
2 CCR 11035-11051	Unlawful sex discrimination:; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Fam. Code 300	Definition of marriage
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Gov. Code 12945.1-12945.2	California Family Rights
Act Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair employment and Housing Act: discrimination prohibited

Federal	Description
1 USC 7	Definition of marriage and spouse
29 CFR 825.100-825.702	Family and Medical Leave Act of
1993 29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources	Description
Court Decision	Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor, (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services

Website	U.S. Department of Labor, FMLA
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
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Regulation 4261.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

   A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

   Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious

health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

   a. A period of incapacity of more than three consecutive full days

   b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

   c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

   d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

   e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. The care of an eligible family member with a serious health condition

3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began

2. The probable duration of the condition

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:

    a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision

    b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member

4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was

fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on

active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

    a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

    b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

    c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

    d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)

3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

    a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

    b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

    c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

    d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

    e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

    f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

    Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

    If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

    Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

policy.

State References	Description
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Fam. Code 300	Definition of marriage - https://simbli.eboardsolutions.com/SU/05rpsoloLBweplusb92Whyabw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions - https://simbli.eboardsolutions.com/SU/2DmzeI3sr9Q8BhxwgjWUtA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair Employment and Housing Act: discrimination prohibited - https://simbli.eboardsolutions.com/SU/wjtLdzTqqwIov2Syc5bhMQ==

Federal References	Description
1 USC 7	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/znal4bZkEoCQ5lLKxeKqGw==
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References	Description
Court Decision	Faust v. California Portland Cement Company (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Cross References	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==

0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/ODMDFmaqATGsLixNUqGgYg==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/92wfmcN541FlED53K1C2Uw==
1113-E PDF(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/w7nYKjqtVfwCcpawAntpluspg==
1113-E(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/Uf3YpSEplusOyslqUTeEEQMbw==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/IP2ckslshv29XTxZtLjhslsh3MLg==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/T0scHHvuAUFPuitvQL2Tuw==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/VHv28XDwUWTDmgNmplusYhAUA==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MlJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==

4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/jBZTdslshFphFP7Nfzlplusjp5vg==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/6T3fQEzB1OivVbH5JRgQmw==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/j5KgsEwkbz0zSguAkgsplusOA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/DRy4BSK5ulVPKOoBm3Z4pw==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/0diS1slshgzyplusXplus78avZIDDIQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshGdKtplusVRslshgA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/kd5UuCUiWPtG6BB2S7ZNDA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/FcSKOqplusZ1REftDF7wqTdqg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/n2s4CeoDPdaplusBzy0QkOCSw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyfIPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==

4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/vQQ9OWPsLjBf7gkA9FDMAA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/KPyQlENuux7h4YaY026iPg==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/a2trMaiKW1PMm6cdnyT40g==

Regulation 4361.8: Family Care And Medical Leave

Original Adopted Date: 07/01/2015 | **Last Revised Date:** 06/01/~~2022~~2023 | **Last Reviewed Date:** 06/01/~~2022~~2023

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel ~~should be consulted~~ as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1041 (Ch. 748, Statutes of 2022), a designated person, as defined below, is added to the class of people an employee may take leave to care for under CFRA. A designated person may be identified by the employee at the time of the employee's requests for the leave, and the district may limit employees to one designated person per 12-month period.

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB ~~1033 (Ch. 327, Statutes of 2021), includes~~1041, a ~~parent-in-law~~"designated person," as defined above, is included in the definition of ~~"parent"~~"eligible family member" for purposes of CFRA ~~leave.~~.

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, ~~or~~ sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.
However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

   A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

   Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

a. A period of incapacity of more than three consecutive full days

b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR
825.122)

Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. The care of an eligible family member with a serious health condition

3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is

a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious healthcondition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

OPTION 1: The 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

OPTION 1: During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

OPTION 1 ENDS HERE

OPTION 2: During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

OPTION 2 ENDS HERE

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an

employee's refusal to provide further information, CSBA's District and County Office of Education Legal Services of district legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissibleinquiriesregarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

~~Certification of Health Condition~~

CSBA NOTE: Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, expands the CFRA leave an eligible employee may take to include caring for a designated person with a serious health condition. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period. An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began

2. The probable duration of thecondition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both ofthe following:

    a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providingpsychologicalcomfort,arranging for third party care, or directly providing or participating in the medical care of the

eligible family member during a period of the treatment or supervision

b. Estimated amount of time the health care provider believes the employee needs to care for the eligible familymember

4. If the employee is requesting leave because of the employee's ownserious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the

appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leavewas fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as

a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Coveredactive duty means, for members of the RegularArmedforces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, ~~DOL's~~DOL's, "MilitaryFamily Leave Provisions of the FMLAFrequently AskedQuestions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its ~~web site~~website.

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with ~~regards~~regard to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents -in -law"). (29 CFR825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. -

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

    a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

    b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

    c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

    d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA, leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the ~~web sites~~websites of the California Civil Rights Department ~~of Fair Employment and Housing~~ and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)

3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

    a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

    b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

    c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. DesignationNotice: When the Superintendent or designee has information(e.g.,sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State	Description
2 CCR 11035-11051	Unlawful sex discrimination:; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Fam. Code 300	Definition of marriage
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Gov. Code 12945.1-12945.2	California Family Rights
Act Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair employment and Housing Act: discrimination prohibited

Federal	Description
1 USC 7	Definition of marriage and spouse
29 CFR 825.100-825.702	Family and Medical Leave Act of
1993 29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources	Description
Court Decision	Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor, (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services

Website	U.S. Department of Labor, FMLA
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program

4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Regulation 4361.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/20/2022 **| Last Reviewed Date:** 10/20/2022

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

   A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

   Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious

health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

   a. A period of incapacity of more than three consecutive full days

   b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

   c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

   d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

   e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. The care of an eligible family member with a serious health condition

3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.

3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began

2. The probable duration of the condition

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:

    a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision

    b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member

4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was

fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on

active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

    a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

    b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

    c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

    d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)

3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

    a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

    b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

    c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

    d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

    e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

    f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

    Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

    If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

    Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State References	Description
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Fam. Code 300	Definition of marriage - https://simbli.eboardsolutions.com/SU/05rpsoloLBweplusb92Whyabw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions - https://simbli.eboardsolutions.com/SU/2DmzeI3sr9Q8BhxwgjWUtA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair Employment and Housing Act: discrimination prohibited - https://simbli.eboardsolutions.com/SU/wjtLdzTqqwIov2Syc5bhMQ==

Federal References	Description
1 USC 7	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/znal4bZkEoCQ5lLKxeKqGw==
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References	Description
Court Decision	Faust v. California Portland Cement Company (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Cross References	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==

0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/ODMDFmaqATGsLixNUqGgYg==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/92wfmcN541FlED53K1C2Uw==
1113-E PDF(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/w7nYKjqtVfwCcpawAntpluspg==
1113-E(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/Uf3YpSEplusOyslqUTeEEQMbw==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/IP2ckslshv29XTxZtLjhslsh3MLg==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/T0scHHvuAUFPuitvQL2Tuw==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/VHv28XDwUWTDmgNmplusYhAUA==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hdV0LIwK7MlJU6EQSu4Mplusg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/LJWNO5slshNxIEJTZgudKGgTg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBQvtZjslshkGuVMKWdLQ==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/3K9y3slshTHkNy9kh1RvQpmyQ==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/zDXXkWUVmkkyACEi2E1geg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/fiTi5EoO1pzPbDJpVPT6Aw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/qeq8f7e5DY77qoCDwPslshYFg==

4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/jBZTdslshFphFP7Nfzlplusjp5vg==
4161.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/6T3fQEzB1OivVbH5JRgQmw==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/j5KgsEwkbz0zSguAkgsplusOA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/hwdO8cXKrtCnX1wuNzSHTQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/2Wd7LOV8replus4dHz2LtUslshyg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==
4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/DRy4BSK5ulVPKOoBm3Z4pw==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/0diS1slshgzyplusXplus78avZIDDIQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/W7Dj3scSC7JslshyG2kplus1qn4w==
4261	Leaves - https://simbli.eboardsolutions.com/SU/yJEiO4ZjqyAe4tZIyk2enA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/kd5UuCUiWPtG6BB2S7ZNDA==
4261.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/FcSKOqplusZ1REftDF7wqTdqg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/n2s4CeoDPdaplusBzy0QkOCSw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/04EQhZIEC2OplusoiPn8wXislshw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GIkM8e2CWEsKWPRXvWQlUw==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyflPAVADQ==

4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/vQQ9OWPsLjBf7gkA9FDMAA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/4lQ5YNGXxXzXLGxVEmgmLA==
4361	Leaves - https://simbli.eboardsolutions.com/SU/OpK9sAPFxy4plusCg1hEjqmwg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/54SW1QtzTQTlqHNnR3e8Sw==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/KPyQlENuux7h4YaY026iPg==
4361.9	Catastrophic Leave Program - https://simbli.eboardsolutions.com/SU/a2trMaiKW1PMm6cdnyT40g==

Policy 4151: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 | **Last Revised Date:** ~~05~~09/01/2020~~20~~2023 | **Last Reviewed Date:** ~~05~~09/01/~~2020~~2023

CSBA NOTE: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following optional policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

CSBA NOTE: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Eachcertificatedemployee, except an employee in an administrative or supervisoryposition, shall be classified on the salaryschedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether ~~or not~~ the employees are engaged in teaching during the month.
Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

Additionally, pursuant to Education Code 45500, districts may participate in the Classified School ~~Employee Summer Assistance Program whereby eligible classified employees may elect to have~~ up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in

either one or two payments.

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. ~~(Education Code 45038, 45039, 45048, 45165~~However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which ~~interrupts~~ interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the ~~web site~~website of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, must receive overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of

hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions. See; see BP/AR 4300 - Administrative and SupervisoryPersonnel.However,EducationCode 45130 requires that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee must 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.

Overtime pay requirements are also not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school.

District 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)

CSBA NOTE: The following optional paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, 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 if the use of the compensatory time does not unduly disrupt district 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

CSBA NOTE: Education Code 44042.5, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023), requires districts to follow the process specified below when a

overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, agreements shall be controlling until the expiration or renewal of such agreements. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the overpayment, the district shall initiate legal action and obtain a court order or binding arbitration decision. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the and representative procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district 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 district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (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 district 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 district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district 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 district shall, with Board approval, 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)

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

State	Description

8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages

Federal	**Description**
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources	**Description**
Court Decision	Flores v. City of San Gabriel, ~~(~~9th Cir., ~~June 2,~~ 2016, ~~No. 14-56421~~) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients ~~&~~and Applicants of ~~Fed. Fin. Assist.~~Federal Financial Assistance Directly Impacted by COVID-19 ~~Due~~due to Loss of Operations, Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	Internal Revenue Service
Website	School Services of California, Inc.
Website	CSBA

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units

4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	HealthAnd Welfare Benefits
4254	HealthAnd Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	HealthAnd Welfare Benefits
4354	HealthAnd Welfare Benefits

Policy 4151: Employee Compensation

Status: ADOPTED

Original Adopted Date: 07/11/2019 | **Last Revised Date:** 10/15/2020 | **Last Reviewed Date:** 10/15/2020

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

District 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 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)

When authorized in a collective bargaining agreement or other agreement between the district and employees, 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 if the use of the compensatory time does not unduly disrupt district 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.

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

State References	Description
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==
Ed. Code 44042.5	Wage overpayment - https://simbli.eboardsolutions.com/SU/mbPycNbT3du2filYWiaMTw==
Ed. Code 45022-45061.5	Salaries - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45023	Availability of salary schedule - https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VkNV3aoiEQ==
Ed. Code 45028	Salary schedule and exceptions - https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==
Ed. Code 45160-45169	Salaries for classified employees - https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==
Ed. Code 45268	Salary schedule for classified service in merit system districts - https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==
Ed. Code 45500	Classified School Employee Summer Assistance Program - https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==
Gov. Code 3540-3549	Meeting and negotiating - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 3543.7	Duty to meet and negotiate in good faith - https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbguJU6R7A==
Lab. Code 226	Employee access to payroll records - https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==
Lab. Code 232	Disclosure of wages - https://simbli.eboardsolutions.com/SU/uEvslshl0HNyJkvBWXKPM5ZslshA==

Federal References	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources References	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Labor, Wage and Hour Division - https://simbli.eboardsolutions.com/SU/iay7fplusDOKLfLDyGDwmHQYA==
Website	Internal Revenue Service - https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOlNPGdkIslshZR9e7VNuDXg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
3100	Budget - https://simbli.eboardsolutions.com/SU/aC8PPargIbjIhplusnObjfp2g==
3100	Budget - https://simbli.eboardsolutions.com/SU/0onvwoV1fxbpJr5OyAa8nA==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/clm77Hslsh9RplusDUndTMnG5tLg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/Eh4AWcSQOckQHzhhNrRWBQ==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/HSmJg5YjaX9poo6fWtyBOg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/adsKexRfucd54Fh12Hsulg==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/XV03lGrQRXBofMnEo7qoMQ==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/NpFplusnESCyvrT6FLrecexYA==

4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/plusjV1P4gplus26Aa1gzMXzR0VQ==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/1qBVTP33q78t6B8k1WbrOg==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/NdKDEoFPlRqRlt9islshlIK8g==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/YDChwvbD7tvakVp1QNkBqw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==

Policy 4251: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 | **Last Revised Date:** ~~05~~09/01/2020~~20~~2023 | **Last Reviewed Date:** ~~05~~09/01/~~2020~~2023

CSBA NOTE: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following optional policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

CSBA NOTE: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Eachcertificatedemployee, except an employee in an administrative or supervisoryposition, shall be classified on the salaryschedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether ~~or not~~ the employees are engaged in teaching during the month.
Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

Additionally, pursuant to Education Code 45500, districts may participate in the Classified School ~~Employee Summer Assistance Program whereby eligible classified employees may elect to have~~ up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in

either one or two payments.

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. ~~(Education Code 45038, 45039, 45048, 45165~~However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which ~~interrupts~~ interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the ~~web site~~website of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, must receive overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of

hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions. See; see BP/AR 4300 - Administrative and SupervisoryPersonnel.However,EducationCode 45130 requires that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee must 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.

Overtime pay requirements are also not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school.

District 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)

CSBA NOTE: The following optional paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, 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 if the use of the compensatory time does not unduly disrupt district 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

CSBA NOTE: Education Code 44042.5, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023), requires districts to follow the process specified below when a

overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, agreements shall be controlling until the expiration or renewal of such agreements. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the overpayment, the district shall initiate legal action and obtain a court order or binding arbitration decision. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the and representative procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district 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 district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (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 district 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 district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district 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 district shall, with Board approval, 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)

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

State	Description

8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages

Federal	**Description**
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources	**Description**
Court Decision	Flores v. City of San Gabriel, ~~(~~9th Cir., ~~June 2,~~ 2016, ~~No. 14-56421~~) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients ~~&~~and Applicants of ~~Fed. Fin. Assist.~~Federal Financial Assistance Directly Impacted by COVID-19 ~~Due~~due to Loss of Operations, Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	Internal Revenue Service
Website	School Services of California, Inc.
Website	CSBA

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units

4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	HealthAnd Welfare Benefits
4254	HealthAnd Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	HealthAnd Welfare Benefits
4354	HealthAnd Welfare Benefits

Policy 4251: Employee Compensation

Status: ADOPTED

Original Adopted Date: 07/11/2019 | **Last Revised Date:** 10/15/2020 | **Last Reviewed Date:** 10/15/2020

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

District 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 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)

When authorized in a collective bargaining agreement or other agreement between the district and employees, 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 if the use of the compensatory time does not unduly disrupt district 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.

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

State References	Description
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==
Ed. Code 44042.5	Wage overpayment - https://simbli.eboardsolutions.com/SU/mbPycNbT3du2filYWiaMTw==
Ed. Code 45022-45061.5	Salaries - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45023	Availability of salary schedule - https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VkNV3aoiEQ==
Ed. Code 45028	Salary schedule and exceptions - https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==
Ed. Code 45160-45169	Salaries for classified employees - https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==
Ed. Code 45268	Salary schedule for classified service in merit system districts - https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==
Ed. Code 45500	Classified School Employee Summer Assistance Program - https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==
Gov. Code 3540-3549	Meeting and negotiating - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 3543.7	Duty to meet and negotiate in good faith - https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbguJU6R7A==
Lab. Code 226	Employee access to payroll records - https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==
Lab. Code 232	Disclosure of wages - https://simbli.eboardsolutions.com/SU/uEvslshl0HNyJkvBWXKPM5ZslshA==

Federal References	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources References	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Labor, Wage and Hour Division - https://simbli.eboardsolutions.com/SU/iay7fplusDOKLfLDyGDwmHQYA==
Website	Internal Revenue Service - https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOlNPGdkIslshZR9e7VNuDXg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
3100	Budget - https://simbli.eboardsolutions.com/SU/aC8PPargIbjIhplusnObjfp2g==
3100	Budget - https://simbli.eboardsolutions.com/SU/0onvwoV1fxbpJr5OyAa8nA==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/clm77Hslsh9RplusDUndTMnG5tLg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/Eh4AWcSQOckQHzhhNrRWBQ==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/HSmJg5YjaX9poo6fWtyBOg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/adsKexRfucd54Fh12Hsulg==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/XV03lGrQRXBofMnEo7qoMQ==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/NpFplusnESCyvrT6FLrecexYA==

4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/plusjV1P4gplus26Aa1gzMXzR0VQ==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/1qBVTP33q78t6B8k1WbrOg==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/NdKDEoFPlRqRlt9islshlIK8g==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/YDChwvbD7tvakVp1QNkBqw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==

Policy 4351: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 | **Last Revised Date:** ~~05~~09/01/2020~~20~~2023 | **Last Reviewed Date:** ~~05~~09/01/~~2020~~2023

CSBA NOTE: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following optional policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

CSBA NOTE: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Eachcertificatedemployee, except an employee in an administrative or supervisoryposition, shall be classified on the salaryschedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether ~~or not~~ the employees are engaged in teaching during the month.
Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

Additionally, pursuant to Education Code 45500, districts may participate in the Classified School Employee Summer Assistance Program whereby eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in

either one or two payments.

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. ~~(Education Code 45038, 45039, 45048, 45165~~However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which ~~interrupts~~ interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the ~~web site~~website of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, must receive overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of

hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions. See; see BP/AR 4300 - Administrative and SupervisoryPersonnel.However,EducationCode 45130 requires that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee must 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.

Overtime pay requirements are also not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school.

District 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)

CSBA NOTE: The following optional paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, 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 if the use of the compensatory time does not unduly disrupt district 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

CSBA NOTE: Education Code 44042.5, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023), requires districts to follow the process specified below when a

overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, agreements shall be controlling until the expiration or renewal of such agreements. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the overpayment, the district shall initiate legal action and obtain a court order or binding arbitration decision. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the and representative procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district 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 district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (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 district 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 district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district 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 district shall, with Board approval, 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)

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

State	Description

8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages

Federal	**Description**
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources	**Description**
Court Decision	Flores v. City of San Gabriel, ~~(~~9th Cir., ~~June 2,~~ 2016, ~~No. 14-56421~~) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients ~~&~~and Applicants of ~~Fed. Fin. Assist.~~Federal Financial Assistance Directly Impacted by COVID-19 ~~Due~~due to Loss of Operations, Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	Internal Revenue Service
Website	School Services of California, Inc.
Website	CSBA

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units

4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	HealthAnd Welfare Benefits
4254	HealthAnd Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	HealthAnd Welfare Benefits
4354	HealthAnd Welfare Benefits

Policy 4351: Employee Compensation

Status: ADOPTED

Original Adopted Date: 07/11/2019 | **Last Revised Date:** 10/15/2020 | **Last Reviewed Date:** 10/15/2020

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

District 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 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)

When authorized in a collective bargaining agreement or other agreement between the district and employees, 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 if the use of the compensatory time does not unduly disrupt district 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.

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8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==
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Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
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3100	Budget - https://simbli.eboardsolutions.com/SU/aC8PPargIbjIhplusnObjfp2g==
3100	Budget - https://simbli.eboardsolutions.com/SU/0onvwoV1fxbpJr5OyAa8nA==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/clm77Hslsh9RplusDUndTMnG5tLg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/Eh4AWcSQOckQHzhhNrRWBQ==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/HSmJg5YjaX9poo6fWtyBOg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/NrEVwMw6PJJDL4bplus1RslshmwQ==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/slshVbQa5lcplus7jCyplusN0vaOJnw==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/adsKexRfucd54Fh12Hsulg==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/XV03lGrQRXBofMnEo7qoMQ==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/CgJ2ArA3mL3rpfWke2U1XA==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/2Cyp5HS4R1aumR0WVV3uCw==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/haplusOjplus0Lu2FslshS6slsh1dTDpiA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/RtHnCNGFzN91fPKpluszTCrOQ==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/NpFplusnESCyvrT6FLrecexYA==

4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/plusjV1P4gplus26Aa1gzMXzR0VQ==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/1qBVTP33q78t6B8k1WbrOg==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/s2xLzslshRyqgBq5gQimovryA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/NPMGKYZBEIAVLaihslshWCDdA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/LyPHx1aFqhqrnPjFchr8fw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/Aolbe0XsyKo7WnK93lnvlg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/NdKDEoFPlRqRlt9islshlIK8g==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/YDChwvbD7tvakVp1QNkBqw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/h706eDUeQJpjlyYgsqDFCQ==

Regulation 4217.3: Layoff/Rehire **Status:** ADOPTED

Original Adopted Date: 11/01/2003 | **Last Revised Date:** ~~12~~09/01/2021~~2023~~ | **Last Reviewed Date:** ~~12~~09/01/~~2021~~2023

CSBA NOTE: The following optional regulation is subject to collective bargaining, and may be deleted by those districts whose agreements fully cover the provisions specified below.

Education Code 45114, 45117, 45298, and 45308 establish the procedures by which the Governing Board may lay off and reemploy classified employees.

Because of the complexity of related Education Code provisions and the interaction with collective bargaining agreements, it is strongly recommended that the district consult with CSBA's District and County Office of Education Legal Services or district legal counsel before instituting layoff proceedings.

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

CSBA NOTE: For any district whose average daily attendance (ADA) is under ~~400~~250,000, Education Code 45308 , as amended by SB 913 (Ch. 920, Statutes of 2022), defines "length of service" as employees' hours in paid status (Option 1 below). However, such a district may instead choose to enter into an agreement with the exclusive representative of classified employees to determine "length of service" based on an employee's date of hire (Option 2 below).

For any district with an ADA of ~~400~~250,000 or higher, Education Code 45308 requires length of service to be based on the date of hire; such districts should select Option 2 below.

"Date of hire" is not defined in the law and could refer to the employee's first date of hire in the district or the employee's date of hire in the classification or higher classification. Districts selecting Option 2 below may revise the applicable paragraph to reflect the definition determined by the district or by agreement with the exclusive representative of classified employees, as applicable.

OPTION1: (Fordistrictswithaverage dailyattendance (ADA)under 400 250,000 that do not have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire)

"*~~L~~ength of service*" ~~m~~means all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. However, length of service shall not include hours compensated solely on an overtime basis, as provided ~~in~~for Education Code 45128, and shall not include hours for any service performed prior to entering into probationary or permanent status except for service in a restricted position pursuant to Education Code 45105. (Education Code 45308)

The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. (Education Code 45308)

For an employee who is a member of the Military Reserve or the National Guard, length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war. (Education Code 45297, 45308)

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)

OPTION 1 ENDS HERE

OPTION 2: (For districts with ADA under 400250,000 that have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire, and for districts with ADA over 400250,000)

Length of service shall be determined by the date of hire. The employee who has been employed the shortest time in the class, plus higher classes, by the district shall be laid off first. (Education Code 45308)

~~END OF~~ OPTION 2 ENDS HERE

CSBA NOTE: The following paragraph applies to both Options 1 and 2. Pursuant to Education Code 45105 and 45259, persons employed in "restricted positions" are classified employees. However, they do not acquire permanent status or seniority credits unless they satisfy the conditions specified below.

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine the length of service, provided the employee has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

Notice of Layoff and Hearing Rights

CSBA NOTE: Education Code 45117 applies to both districts that have adopted the merit system and those that have not. Education Code 45117~~, as amended by AB 438 (Ch. 665, Statutes of 2021),~~ specifies notice requirements and hearing rights the district must provide to permanent classified employees, as defined, who are subject to layoff due to lack of work or lack of funds, including that notice be given no later than March 15. If a permanent classified employee is not given the required notice and a right to a hearing in accordance with law, the employee is deemed reemployed for the next school year.

Pursuant to Education Code 45117, as amended by AB ~~438,~~ a "permanent employee" is defined as an employee who was permanent at the time the notice or right to a hearing was required and an employee who became permanent after the date of the required notice.

Whenever a permanent classified employee is to be laid off for lack of work or lack of funds, the Superintendent or designee shall, no later than March 15 and before the employee is given formal notice by the Governing Board, give to the employee written notice of the recommendation, the reasons that the employee's services will not be required for the ensuing year, any displacement rights, reemployment rights, and the employee's right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 45117, Government Code 11503 and 11505, and other applicable provisions of law. (Education Code 45117)

An employee who is so notified may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. The request shall be in writing and shall be delivered to the person who sent notice to the employee, on or before March 15 but not less than seven days after the date the notice is served on the employee. Failure of an employee to request a hearing on or before the date specified shall constitute a waiver of the employee's right to a hearing. (Education Code 45117)

The Superintendent or designee shall serve an employee who timely requests a hearing with ~~the~~ District Statement of Reduction in Force documents. The employee has five calendar days from service of the ~~District Statement of Reduction in Force~~ documents to timely file a notice of participation with the district. The parties are entitled to discovery, if requested within 15 days of service ~~of the District Statement of Reduction in Force documents.~~. (Education Code 45117)

CSBA NOTE: Education Code 45117~~, as amended by AB 438,~~ allows permanent classified employees given notice of a layoff to request a hearing before an administrative law judge. Education Code 45117, as amended by AB 185 (Ch. 571, Statutes of 2022), authorizes such ~~employee to be represented at the hearing by an attorney or by a nonattorney representative of~~ the employee organization designated as the exclusive representative of the district's classified employees. On or before May 7, the administrative judge is required to submit the proposed decision, containing a determination as to the sufficiency of the cause and a recommendation as to disposition regarding the layoff, to the Board for consideration and to the affected employee(s).

If a hearing is requested by a permanent classified employee, the proceeding shall be conducted and a decision made by an administrative law judge in accordance with Government Code 11500-11529. At the hearing, the employee may be represented by an attorney or by a nonattorney representative of the employee organization designated as the exclusive representative for classified employees. The Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations in the proposed decision prepared by the administrative law judge shall be binding on the Board. (Education Code 45117)

Following the Board's decision, the Superintendent or designee shall give final notice of termination to the affected employee(s) before May 15 unless a continuance was granted after a request for hearing was made, in which case such date may be extended by the number of days of the continuance. (Education Code 45117)

CSBA NOTE:Pursuant to EducationCode 45117~~, as amended byAB 438~~, the districtmayreduce classified staff due to lack of work or lack of funds when the Board determines, during the time between five days after the enactment of the Budget Act and August 15, that the district's total local control funding formula apportionment per unit of ADA for the fiscal year of the Budget Act has not increased by at least two percent.

If during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, and that it is therefore necessary to decrease the number of classified employees due to lack of work or lack of funds, the Board may issue a District Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing adopted by the Board, and layoff proceedings shall be carried out as required by law. (Education Code 45117)

When classified positions are eliminated as a result of the expiration of a specifically funded program, the district shall give written notice to the affected employee(s) not less than 60 days prior to the effective date of the layoff informing the employee(s) of the layoff date, any displacement rights, and employment rights. (Education Code 45117)

The district is not required to provide a layoff notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Additionally, the district may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds. (Education Code 45117)

Reemployment

CSBA NOTE: The following optional section specifies the rights of employees who are laid off or who take voluntary demotion or reduction in assigned time in lieu of layoff. Pursuant to Education Code 45308, laid-off classified employees have reemployment rights which are enforced in order of seniorityrather than reverseorder of layoff. In *Tuckerv. GrossmontUnionHighSchoolDistrict*, a California appellate court ruled that a laid-off employee's reemployment right entitled the employee to preference over any new applicant to available positions for which the employee is qualified, including positions in different classes from which the employee was laid off.

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

CSBA NOTE: Pursuant to *San Mateo City School District v. Public Employment Relations Board*, districts may adopt procedures which implement Education Code 45113 and 45114 as long as such procedures do not replace or set aside mandatory Education Code provisions. These procedures may be adopted pursuant to Board policy and/or collective bargaining agreement.

The following optional paragraph should be deleted by districts with a collective bargaining agreement that contains reemployment procedures, unless the district also has unrepresented classified employees.

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at the employee's last known telephone number to notify the employee of the vacancy and then sending written notice by certified and standard mail to the employee's last known address. The employee shall advise the district of the decision by any means no later than 10 calendar days from the date the notice was sent. If the employee accepts, the employee shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

CSBA NOTE: The following paragraph is optional and may be modified to reflect district practice.
In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to
perform the essential duties of the job, the employee shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

CSBA NOTE: An argument can be made that, absent a collective bargaining provision to the contrary, once a district has offered a laid-off classified employee a position pursuant to the employee's reemployment rights under Education Code 45298 and that employee has refused the position, the district has discharged its duty to that employee. Whether such action conflicts with an employee's statutory right to reemployment is unclear.

The following two optional paragraphs should be used only with the approval of CSBA's Distri and County Office of Education Legal Services or the district's legal counsel; the number of refusals that will trigger the removal of the employee's name from the district's reemployment list should be modified accordingly.

Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and the employee will forfeit all reemployment rights to which the employee would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by districtprocedures, the employee'snameshall be removed from the reemployment list and all reemployment rights to which the employee would otherwise be entitled shall be forfeited.

If an employee is reemployed in a new position and fails to complete the probationary period in the new position, the employee shall be returned to the reemployment list for the remainder of the 39- month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

CSBA NOTE: The following optional section should be deleted by districts that do not reinstate laid-off employee benefits upon reemployment and those whose collective bargaining agreements address the issue.

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The employeeshallalso be reemployedwithallrights and benefitsaccorded to a probationaryemployee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which the employee would have progressed had the employee remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

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

State	Description
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45103	Classified service in districts not incorporating the merit system
Ed. Code 45105	Positions under various acts not requiringcertification qualifications
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45114	Layoff and reemployment procedures; definitions
Ed. Code 45115	Layoff; reinstatement from service retirement

Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45286	Limited term employees
Ed. Code 45297	Right to takeequivalent examination while employee in military service
Ed. Code 45298	Reemployment of persons laid off; voluntarydemotions or reductions in time
Ed. Code 45308	Order of layoff and reemployment; length of service
Ed. Code 45309	Reinstatement of permanent noncertified employees after resignation
Gov. Code 11500-11529	Administrative adjudication; formal hearings

Federal	**Description**
38 USC 4301-4335	Employment and reemploymentrights of members of the uniformed services

Management Resources	**Description**
Court Decision	San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850
Court Decision	Tucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640
Website	CSBA District and County Office of Education Legal Services
Website	California School Employees Association

Cross References

Code	**Description**
1240	Volunteer Assistance
1240	Volunteer Assistance
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4161.11	Industrial Accident/Illness Leave
4161.5	Military Leave
4161.8	Family Care And Medical Leave

4200	Classified Personnel
4200	Classified Personnel
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4361.11	Industrial Accident/Illness Leave
4361.5	Military Leave
4361.8	Family Care And Medical Leave

Regulation 4217.3: Layoff/Rehire

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 03/10/2022 **| Last Reviewed Date:** 03/10/2022

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

OPTION 2: (For districts with ADA under 400,000 that have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire, and for districts with ADA over 400,000)

Length of service shall be determined by the date of hire. The employee who has been employed the shortest time by the district shall be laid off first. (Education Code 45308)

END OF OPTION 2

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine the length of service, provided the employee has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

Notice of Layoff and Hearing Rights

Whenever a permanent classified employee is to be laid off for lack of work or lack of funds, the Superintendent or designee shall, no later than March 15 and before the employee is given formal notice by the Governing Board, give to the employee written notice of the recommendation, the reasons that the employee's services will not be required for the ensuing year, any displacement rights, reemployment rights, and the employee's right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 45117, Government Code 11503 and 11505, and other applicable provisions of law. (Education Code 45117)

An employee who is so notified may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. The request shall be in writing and shall be delivered to the person who sent notice to the employee, on or before March 15 but not less than seven days after the date the notice is served on the employee. Failure of an employee to request a hearing on or before the date specified shall constitute a waiver of the employee's right to a hearing. (Education Code 45117)

The Superintendent or designee shall serve an employee who timely requests a hearing with the District Statement of Reduction in Force documents. The employee has five calendar days from service of the District Statement of Reduction in Force documents to timely file a notice of participation with the district. The parties are entitled to discovery, if requested within 15 days of service of the District Statement of Reduction in Force documents. (Education Code 45117)

If a hearing is requested by a permanent classified employee, the proceeding shall be conducted and a decision made by an administrative law judge in accordance with Government Code 11500-11529. The Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations in the proposed decision prepared by the administrative law judge shall be binding on the Board. (Education Code 45117)

Following the Board's decision, the Superintendent or designee shall give final notice of termination to the affected employee(s) before May 15 unless a continuance was granted after a request for hearing was made, in which case

such date may be extended by the number of days of the continuance. (Education Code 45117)

If during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, and that it is therefore necessary to decrease the number of classified employees due to lack of work or lack of funds, the Board may issue a District Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing adopted by the Board, and layoff proceedings shall be carried out as required by law. (Education Code 45117)

When classified positions are eliminated as a result of the expiration of a specifically funded program, the district shall give written notice to the affected employee(s) not less than 60 days prior to the effective date of the layoff informing the employee(s) of the layoff date, any displacement rights, and employment rights. (Education Code 45117)

The district is not required to provide a layoff notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Additionally, the district may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds. (Education Code 45117)

Reemployment

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at the employee's last known telephone number to notify the employee of the vacancy and then sending written notice by certified and standard mail to the employee's last known address. The employee shall advise the district of the decision by any means no later than 10 calendar days from the date the notice was sent. If the employee accepts, the employee shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, the employee shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and the employee will forfeit all reemployment rights to which the employee would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, the employee's name shall be removed from the reemployment list and all reemployment rights to which the employee would otherwise be entitled shall be forfeited.

If an employee is reemployed in a new position and fails to complete the probationary period in the new position, the employee shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The employee shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which the employee would have progressed had the employee remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

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Ed. Code 45115	Layoff; reinstatement from service retirement - https://simbli.eboardsolutions.com/SU/JsRbgslshj3RdUDVdTIplusyoxZw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45286	Limited term employees - https://simbli.eboardsolutions.com/SU/rG3xzjp7Zs5IWHoclKq7hA==
Ed. Code 45297	Right to take equivalent examination while employee in military service - https://simbli.eboardsolutions.com/SU/vAYyD4uO8At0qpfEP3v35Q==
Ed. Code 45298	Reemployment of persons laid off; voluntary demotions or reductions in time - https://simbli.eboardsolutions.com/SU/D3cQJpnR1HJ5lG5fRhechQ==
Ed. Code 45308	Order of layoff and reemployment; length of service - https://simbli.eboardsolutions.com/SU/7Uqsslshr2x58VWaplusZrn5ZI5g==
Ed. Code 45309	Reinstatement of permanent noncertified employees after resignation - https://simbli.eboardsolutions.com/SU/1wplusX8i4CcvbUl9SrmgTddg==

Gov. Code 11500-11529	Administrative adjudication; formal hearings - https://simbli.eboardsolutions.com/SU/FA0CcBSXGeMKeEphk0aOkg==

Federal References	Description
38 USC 4301-4335	Employment and reemployment rights of members of the uniformed services

Management Resources References	Description
Court Decision	San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850
Court Decision	Tucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==

Cross References	Description
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/x1QewT4YgzruZlTbYpBsCw==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/AEEKECijKNmVMzEslshyCbIkw==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/IP2ckslshv29XTxZtLjhslsh3MLg==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/8BF4XXtThplusHyMYDG4JT3fw==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/URm8f8Y9UWWByR30slshlaKDw==
4112.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/rqSp7LsvGwgeRBuO3CjudA==
4112.9-E PDF(4)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RiY6sBOvtZjslshkGuVMKWdLQ==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/AsBoDgGI508ngQYc5plusY52g==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/jUGqXuU18XDO86onXzLApA==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/nk80muslshEVIF5JIMsRmJ88w==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/512nFAyqGZHIslshEQaBgy5Ig==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/plusrDft8q0nHETCkslshRS7MJSQ==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/Gfarf9slshWqzkn8n8quY1slsh1g==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/jhplusY9B5OsA5a9pmo0NV8wg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Whi8UKXYLR1N5t2qid1APg==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/bKgNwdQAUULSpluscGFRsLmXQ==
4212.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/zMD6tbaIzFplus6SLtFFoB3Hg==

4212.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/7bZTplus3Z98mODNKQSpyslshZ4w==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/uLAw49y7BLfuJvifsTzylQ==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/i1xPcpkplus8APDKUDGrpS1jA==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/j5gOeo5YYaJ4JueRxNV0dw==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/HNb5esUpgXN0z7slshEigHzmg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/VQbO5zeg9aWBJyflPAVADQ==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TN2PDxjjZhNlWdb1qB5MSA==
4312.9-E PDF(2)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nEAdd6ffJchjaUXV7FgoEw==
4312.9-E PDF(3)	Employee Notifications - https://simbli.eboardsolutions.com/SU/RNaAVmS6ngJ9zPWtfa7jSQ==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/3WslshERRP8U5mdFruBRgY10g==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/fn5ZHICRhUZMSGhsTrp7plusA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/mvTMhNFprbET7T5hFepWnw==

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Russell Little, Asst. Supt. of Educational Leadership and Pupil Services

☐ Informational
☒ Action

AGENDA ITEM: FIRST READING AND ADOPTION OF REVISED BOARD POLICIES, ADMINISTRATIVE REGULATIONS AND EXHIBITS - 5000 SERIES

BACKGROUND INFORMATION:
The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of new and revised Board Policies (BP), Administrative Regulations (AR) and Exhibits (E):

- Board Policy 5117 - Interdistrict Attendance
- Board Policy 5131.9 – Academic Honesty
- Board Policy 5141.5 - Mental Health
- Board Policy 5141.6 - School Health Services
- Administrative Regulation 5141.6 - School Health Services
- Board Policy 5145.6 - Parent/Guardian Notifications
- Exhibit(1) 5145.6 - Parent/Guardian Notifications
- Board Policy 5148 - Child Care and Development,
- Administrative Regulation 5148 - Child Care and Development.

RECOMMENDATION:
Approve the First Reading and Adoption of Revised Board Policies, Administrative Regulations and Exhibits - 5000 series: Board Policy 5117 - Interdistrict Attendance, Board Policy 5131.9 – Academic Honesty, Board Policy 5141.5 - Mental Health, Board Policy 5141.6 - School Health Services, Administrative Regulation 5141.6 - School Health Services, Policy 5145.6 - Parent/Guardian Notifications, Exhibit(1) 5145.6 - Parent/Guardian Notifications, Board Policy 5148 - Child Care and Development, and Administrative Regulation 5148 - Child Care and Development.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

5000 SERIES

Board Policy 5117 - Interdistrict Attendance
Policy updated to reference **NEW LAW (AB 185, 2022)** which extends the school district of choice program to July 1, 2028, and to reflect **NEW LAW (SB 941 2022)** which authorizes a district to enter into an Instruction Collaboration Agreement with another local educational agency(ies) (LEA) to offer the same or similar courses and coursework to students from another LEA who have been impacted by teacher shortages, disruptions, or cancelations in science, technology, engineering, and mathematics classes, or dual language immersion programs.

Board Policy 5131.9 – Academic Honesty
Policy updated to address prohibited and permitted student use of technology, including artificial intelligence, as it relates to academic honesty. Policy also updated to include that a student with a disability be permitted to use technology for any purpose for which technology is identified in the student's individualized education program, that a student be given the opportunity to demonstrate that the use of technology was in accordance with policy when suspected by an employee that such use was in violation of academic honesty, and that any information acquired from an employee's use of technology in determining whether a student has committed and act of academic dishonesty be shared with the student and the student's parent/guardian, as appropriate. Additionally, policy updated to authorize the provision of staff training regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

Board Policy 5141.5 - Mental Health
Policy updated to expand the first philosophical paragraph and reflect the **U.S. Surgeon General's NEW GUIDANCE** regarding the importance of social connection and the impact of social media on health and well-being. Policy also updated to reflect **NEW LAW (SB 14, 2021)** which requires the California Department of Education (CDE) to recommend best practices and identify training programs to address student behavioral and mental health, including common psychiatric conditions and substance use disorders, safely deescalating crisis situations involving students with a behavioral health disorder, linking students with referrals, and providing instruction on how to maintain student privacy and confidentiality. Policy also updated to reflect that districts are required to notify students and parents/guardians twice a year about how to access mental health services, **NEW LAW (AB 748, 2022)** which requires each school site serving students in any of grades 6-12 to create a mental health poster, and **NEW LAW (AB 167, 2021)** which requires CDE to develop guidelines for the use of telehealth technology in schools.

Board Policy 5141.6 - School Health Services
Policy updated to expand the first philosophical paragraph to include the unique position of districts to increase health equity and the utilization of telehealth as a method to deliver health care services in schools. Policy also updated to provide for preventative programming and intervention strategies as types of health services to be provided by districts.

Administrative Regulation 5141.6 - School Health Services
Regulation updated to include behavioral health services in the list of school health services that the district may provide, and that the district may deliver health care services to students by way of telehealth technology. Regulation also updated to reflect Department of Healthcare Services Policy and Procedure Letters No. 21-017R and No. 23-004 which require districts to develop a plan to ensure that individuals with disabilities are able to effectively communicate and participate in the Medi-Cal program. Additionally, regulation updated to provide that a district may seek reimbursement from a student's health care service plan when the district provides services or arranges for the provision of services to a student for treatment of a mental health or

substance use disorder.

Policy 5145.6 - Parent/Guardian Notifications
Policy updated to reflect Health Care Services Policy and Procedures letter No. 21-017R and No. 23-004 which require districts to develop a plan to meet alternative formatting requirements for individuals with disabilities to enable individuals with speech, vision, and hearing disabilities to effectively communicate and participate in the Medi-Cal program.

Exhibit(1) 5145.6 - Parent/Guardian Notifications
Exhibit updated to add parent/guardian notifications related to (1) the manner in which district-established graduation requirements and career and technical education courses satisfy college entrance A-G course criteria, (2) California's child access prevention laws and laws related to the safe stories of firearms, (3) transfer of coursework and credits for highly mobile student populations, (4) how to access mental health services at school and/or in the community, (5) the online distribution of a digitized mental health poster, (6) type 1 diabetes information, (7) the opportunity to submit written comments on the local control and accountability plan, (8) student's participation in state assessments and option to request an exemption from testing, (9) information related to the district's food service programs, (10) upcoming eye examinations at school site and option to opt-out of eye examinations, (11) potential eligibility for services or accommodations pursuant to Section 504 or an individualized education program, (12) limitations on disenrollment of a child in a preschool or child care program, including expulsion and suspension, including how to file an appeal in the event of expulsion or suspension, (13) program plan for maintaining a child's safe participation in a preschool or child care program when a child exhibits persistent and serious challenging behaviors, (14) receipt of a "Notice of Action, Recipient of Services," prior to suspending or expelling a child in a preschool program, (15) the provision of a suspension and expulsion notice, manifestation determination notice, involuntary transfer notice, and related information to a foster youth's educational rights holder, attorney, and county social worker, and an Indian child's tribal social worker and, if applicable, county social worker, (16) findings from an evaluation of participating in an independent study course when satisfactory education progress is not being met, (17) exemption from district-established graduation requirements for students with disabilities, (18) requirement to stock and make available an adequate supply of menstrual products free of cost, (19) posting of child care license, and (20) requirement to post rates, discounts and scholarship options at child care facilities. exhibit also updated for conforming changes.

Board Policy 5148 - Child Care and Development
Policy updated to reflect NEW LAW (AB 210, 2022) which (1) provides grant funding until June 30, 2027 for the purpose of increasing access to inclusive early care and education programs, (2) extends the date by which the California Department of Education and the California Department of Social Services (CDSS) are required to adopt implementing regulations related to early childhood development, and (3) specifies as one of the indicators for the implementation of quality child care and development programs that staff have the appropriate and required training, or any combination of qualifications, experience, or training. Policy also updated to delete material specific to COVID-19 and reflect a district's obligation to provide distance learning when a child care program is physically closed by a local or state public health order, reference that the Commission on Teacher Credentialing has adopted regulations pertaining to the prekindergarten-grade 3 early childhood education specialist credential that include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers, and reference NEW LAW (AB 2827, 2022) which requires CDSS to revise its regulations to permit children with disabilities to use outdoor play spaces simultaneously with children who do not have disabilities without having to first seek a regulatory waiver and to specify any health and safety requirements that are required to be met when simultaneous play occurs.

Administrative Regulation 5148 - Child Care and Development

Regulation updated to reference NEW LAW (AB 2131, 2022) which authorizes the California Department of Social Services (CDSS) to implement and administer the creation of a single child care center license through all-county or similar written instruction until regulations are adopted and to reflect NEW LAW (AB 210, 2022) which (1) specifies as one of the indicators for the implementation of quality child care and development program activities that meet the needs of dual language learners, and (2) provides that when eligibility for child care and development services are based on an adjusted monthly family income at or below 85 percent of the state median income, adjusted for family size, that calculation does not include foster care payments made on behalf of a child or guaranteed income payments. Regulation also updated to delete outdated material regarding the requirement to test for lead contamination in drinking water for buildings constructed before January 1, 2010, reference NEW LAW (AB 185, 2022) which requires CDSS to adopt regulations regarding the exclusion from family income of foster care payments made on behalf of a child or income guaranteed income payments, as described above, and reflect NEW LAW (SB 1047, 2022) which (1) extends eligibility for child care and development programs to families in which a member of the family has been certified as eligible to receive benefits from specified means tested government programs and that priority for enrollment must be based on the income declared on the application of the government program, and (2) provides that upon establishing initial eligibility or ongoing ability for child care and development services, a family is considered to meet eligibility and need requirements for services for not less than 24 months before having eligibility or need recertified, unless an exceptions exists. In addition, regulation updated to reflect NEW LAW (AB 321, 2022) which provides that in the second priority category for enrollment, when there are two or more families with the same income ranking, children who reside in homes in which the primary language is not English are required to be admitted first, add material regarding a family establishing eligibility for child care and development services on the basis of receiving services under a CalWORKs Stage 1,2, or 3 program since this differs from the 24 month eligibility period as described above, delete material applicable only to the 2021-22 school year, add that licensed child care centers are required to post their rates, and discounts or scholarship policies, if any, in a prominent location adjacent to the license at the child care facility, add a new section entitled "Expulsion/Unenrollment and Suspension Based on Behavior" which reflects NEW LAW (AB 2806, 2022) establishing requirements for expulsion, unenrollment, or suspension of a child from a child care and development program and reflects a joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services in regard to ensuring that children with disabilities are not suspended or expelled because of disability-related behaviors. Additionally, regulation updated to more closely align with law the order of disenrollment when necessary due to a reduction in state reimbursements, delete material related to the personal belief exemption as this exemption no longer exists, clarify that medical exemptions are required to specify how long the exemption is expected to be needed and that it may not extend beyond the current grade span, reflect NEW LAW (AB 1797, 2022) which requires child care centers to disclose specified immunization information to local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, clarify that verification of an excused absence be signed by the district's authorized representative if verification is made by telephone, include procedures districts are required to follow when a child has been absent and the family has not been in communication with the district's child care and development services program coordinator or site supervisor for seven consecutive calendar days, specify that any appeal from a hearing requested by a parent/guardian regarding a Notice of Action be appealed to the Child Development Division, and add a new section entitled "Coordinating Transitions" which includes material regarding the district's obligations when a child in the district's child care and development program transfers to a local public school and reflects NEW LAW (SB 188, 2022) which requires districts to designate a main point of contact for coordinating and completing the transition of a child and family from Part C of the Individuals with Disabilities Education Act (IDEA), infant/toddler programs, to Part B of IDEA, preschool.

Policy 5117: Interdistrict Attendance

Original Adopted Date: 12/01/2015 | **Last Revised Date:** ~~12~~06/01/~~2019~~2023 | **Last Revised Date:** 06/01/2023

CSBA NOTE: The Education Code provides a number of options under which a district may enroll a student whose parent/guardian does not reside within district boundaries. Under an "interdistrict attendance permit" or "reciprocal agreement" pursuant to Education Code 46600-46610, a student may attend school in a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Alternatively, pursuant to Education Code 48300-48317, as amended by AB 185 (Ch. 571, Statutes of 2022), the Governing Board may, until July 1, 2028, declare the district to be a "school district of choice" willing to accept a specific number of interdistrict transfers into the district through a random selection process (Option 2 below). In order to maintain the integrity of the random selection process, it is recommended that a school district of choice not also accept transfers under the interdistrict attendance permit option except when extraordinary circumstances exist, as provided in Option 2 below. Districts that wish to use both sources of authority should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

In addition to these options, pursuant to Education 48345, as added by SB 941 (Ch. 711, Statutes of 2022), the Board is authorized, until July 1, 2029, to enter into an agreement with other local educational agencies (LEA) to offer courses and coursework to students from another LEA who have been impacted by disruptions or cancellations to specified courses, or teacher shortages to such courses. See the section "Instruction Collaboration Agreements" below.

Pursuant to Education Code 48204, a district may authorize a student whose parent/guardian is employed within district boundaries to attend a school in the district (Allen bill transfer); see AR 5111.1 - District Residency.

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

OPTION 1: Interdistrict Attendance Agreements and Permits

CSBA NOTE: The following section is for use by districts that have entered into an agreement with one or more other districts to accept student transfers through interdistrict attendance permits pursuant to Education Code 46600-46610. Districts selecting this option should also select Option 1 in the accompanying administrative regulation.

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

CSBA NOTE: Education Code 46600 requires that the interdistrict attendance agreement specify the terms and conditions under which individual permits may be granted or denied. In addition, pursuant to Education Code 46600, students who have been granted an interdistrict attendance

permit must be allowed to continue to attend the school without having to reapply unless the agreement between the two districts contains specific agreed-upon standards for reapplication; see the accompanying administrative regulation. Districts also may include in the agreement the agreed-upon standards for revocation of students' interdistrict attendance. Examples of conditions that may result in revocation include falsification of information stated on the permit application, unsatisfactory attendance, continual disruption, or poor academic achievement.

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

CSBA NOTE: Pursuant to Education Code 46600, it is the responsibility of the ~~superintendent~~Superintendent or designee of the district of residence, subject to ~~board~~Board policies of the district of residence and terms of the agreement, to issue an individual permit verifying the district's approval of an interdistrict transfer out of the district. The permit shall become valid when endorsed by the ~~board's~~Board's designee in the district of proposed enrollment.

See the accompanying administrative regulation for procedures to follow when the permit is denied.

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

OPTION 1 ENDS HERE

OPTION 2: School District of Choice Program

CSBA NOTE: The following section is for use by districts that elect to participate in the school district of choice program pursuant to Education Code 48300-48317. Pursuant to Education Code 48301, such a district must register as a school district of choice with the Superintendent of Public Instruction and County Board of Education before enrolling students under this option. Districts selecting this option should also select Option 2 in the accompanying administrative regulation.

Pursuant to Education Code 48315, as amended by AB 185 (Ch. 571, Statutes of 2022), the school district of choice program has been extended until July 1, 2028.

The Board has designated the district as a "school district of choice" and shall accept students who reside within other California school districts who wish to attend a district school.

The Board shall, by resolution, annually establish the number of students who will be accepted into the district through this program based on recommendations by the Superintendent or designee as to the number of transfer students the district will be able to accept and the schools, grades, and programs that will be able to accept the students. Once established, the district shall accept all students who apply to transfer into the district until the district is at maximum capacity, as required pursuant to Education Code 48301.

CSBA NOTE: Education Code 48301 requires a random, unbiased process for selecting students who will be admitted through the school district of choice program and prohibits consideration of certain characteristics and factors in making the selections. Pursuant to Education Code 48301, family income may only be considered to the extent necessary to determine enrollment priority pursuant to Education Code 48306; see the accompanying administrative regulation.

Students shall be admitted to district schools through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether ~~or not~~ a student should be enrolled based upon the student's academic or athletic performance, physical condition, proficiency in English, any of the individual characteristics set forth in Education Code 200, or family income. (Education Code 48301)

If the number of transfer applications exceeds the number of transfers the Board has elected to accept, approval for transfer shall be determined by a random drawing held in public at a regularly scheduled Board meeting. (Education Code 48301)

CSBA NOTE: Because the school district of choice program requires a random selection process, it is recommended that participating districts not admit students through the interdistrict attendance permit process described in Option 1 above except under extraordinary circumstances. Such circumstances might include approving interdistrict attendance permits for students who are victims of an act of bullying. Such students are given priority for interdistrict attendance permits pursuant to Education Code 46600; see the accompanying administrative regulation.

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits, pursuant to Education Code 46600-46610, except under extraordinary circumstances.

The Superintendent or designee shall keep an accounting of all requests for admittance through the school district of choice program and a record of their disposition, including, but not limited to, all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial

2. The number of students transferred into and out of the district pursuant to this program

3. The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the district of residence for each student transferred into or out of the district pursuant to thisprogram

4. The number of students transferred into or out of the district pursuant to this program who are classified as English learners or students with disabilities

CSBA NOTE: Education Code 48311 authorizes, but does not require, a school district of choice to provide transportation to participating students to the extent that the district provides transportationassistance to other students. Seesection on "Transportation" below. Item #5 may be deleted by districts that do not provide transportation.

5. As applicable, the number of students described in ~~items~~Items #3 and 4 above who are provided transportation assistance to a district school or program, and the total number

of

students provided transportationassistance, pursuant to the school district of choice program

The information specified in Items #1-5 above shall be reported by the Superintendent or designee ~~shall report~~ to the Board, at a regularly scheduled meeting, ~~the information specified in items #1-5 above~~. No later than October 15 of each year, the Superintendent or designee shall provide the same information for the current school year, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, and the Superintendent of Public Instruction. (Education Code 48313)

The district's compliance with specified program requirements shall be reviewed as part of the annual district audit conducted pursuant to Education Code 41020. (Education Code 48301)

~~OPTION2 ENDS HERE~~

Instruction Collaboration Agreements

CSBA NOTE: Pursuant to Education Code 48345, as added by SB 941, the Board may enter into an instruction collaboration agreement (ICA) with school districts, county offices of education or charter schools to offer the same or similar corresponding individual courses and coursework to students from another LEA who have been impacted by teacher shortages, disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes, or disruptions or cancellations in dual language immersion programs.

The Superintendent or designee may, with board approval, enter into an instruction collaboration agreement (ICA) with another school district, county office of education or charter school to offer the same or similar courses and coursework to students who have been impacted by any of the following: (Education Code 48345)

1. Disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes
2. Disruptions or cancellations in dual language immersion programs
3. Teacher shortages in STEM classes or dual language immersion programs

Prior to accepting students for classes for any of the reasons specified in Items #1-3 above, the Superintendent or designee shall, with Board Approval, determine the maximum number of students that the district can accept for these purposes. The district shall accept students who apply until the district is at maximum capacity.

Students shall be admitted to this program through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, whether a student should be authorized to participate in the course or coursework based upon the student's current academic or athletic performance, proficiency in English, physical condition, any of the individual characteristics specified in Education Code 200, or family income. If the number of applicants exceeds the number of seats available, the approval for participation shall be determined by a random public drawing at a regularly scheduled Board meeting. (Education Code 48345)

The Superintendent or designee shall publicly post information, including, but not limited to, applicable forms and timelines for submission pursuant to the ICA, to ensure that students and their families are aware of the opportunities to participate. (Education Code 48345)

CSBA NOTE: Pursuant to Education Code 48345, as added by SB 941, the average daily attendance attributable to a student participating in the ICA shall remain with the LEA of origination for purposes of state apportionment.

When negotiating the ICA, the Superintendent or designee shall collaborate with the other participating LEA(s) to agree upon an appropriate shared cost structure. (Education Code 48345)

Transportation

CSBA NOTE: The following optional section is for use by all districts and should be revised to reflect district practice. Districts are not required to provide transportation or transportation assistance to students admitted under an interdistrict attendance permit pursuant to Education Code 46600-46610, except that Education Code 46600, ~~as amended by AB 1127 (Ch. 781, Statutes of 2019),~~ requires the district of enrollment to provide transportation assistance to a student who is eligible for free or reduced price meals and is either a child of an active military duty parent/guardian or a victim of an act of bullying, as defined in Education Code 48900.

Pursuant to Education Code 48311, a school district of choice is authorized, but not required, to provide transportation assistance to the extent that the district otherwise provides transportation assistance to students.

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

In addition, upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for any interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

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

State	Description
CA Constitution Article 1, Section 31	Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin
Ed. Code 41020	Requirement for annual audit
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48300-48317	Student attendance alternatives; school district of choice program

Ed. Code 48345	Local educational agency instruction collaboration agreements
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48915.1	Expelled individuals; enrollment in another district
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other thanEnglish
Ed. Code 52317	Regional Occupational Center/Program; enrollment of students; interdistrict attendance
Ed. Code 8151	Apprentices; exemption from interdistrict attendance agreement

Management Resources	**Description**
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 198(2001)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 132(2004)
Court Decision	Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275
Court Decision	Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

Cross References

Code	**Description**
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3540	Transportation
3541	Transportation Routes And Services

3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5112.2	Exclusions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5116	School Attendance Boundaries
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5119	Students Expelled From Other Districts
5131.2	Bullying
5131.2	Bullying
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

7160	Charter School Facilities
7160	Charter School Facilities
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Regulation 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Revised Date:** 03/10/2022 **| Last Reviewed Date:** 03/10/2022

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Welfare and Institutions Code 10209.5; 5 CCR 18272)

   Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Welfare and Institutions Code 10209.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

3. A staff development program which complies with 5 CCR 18274

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and include an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

6. A community involvement component that complies with 5 CCR 18277

7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280)

Health and Safety

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that

offer free or discounted tests. (Health and Safety Code 1596.7996)

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination every five years following an initial test conducted between January 1, 2020 and January 1, 2023. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in Welfare and Institutions Code 10275.5 and 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If they meet all other requirements for employment or volunteering, as applicable, but need additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.

2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.

3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

Eligibility and Enrollment

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Welfare and Institutions Code 10213.5. (Welfare and Institutions Code 10213.5, 10273; 5 CCR 18089, 18407, 18422)

To participate in the district's subsidized child care program, families shall document both an eligibility basis and need for care as follows: (Welfare and Institutions Code 10271 and 10271.5)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of child protective services or have been identified as being or at risk of being abused, neglected, or exploited.

2. The family has a need for child care based on either of the following:

    a. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to

attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Welfare and Institutions Code 10271)

Second priority for enrollment shall be given to families, regardless of the number of parents in the home, who are income eligible, as defined in Welfare and Institutions Code 10271.5. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Welfare and Institutions Code 10271 and 10271.5)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Welfare and Institutions Code 10273)

After all children eligible for subsidized services have been enrolled, the district may enroll other children in accordance with the priorities established by the Governing Board.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months. However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Welfare and Institutions Code 10271.5, and the family's ongoing eligibility shall be recertified at that time. At any time a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Welfare and Institutions Code 10271)

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

3. An indication by the parent/guardian that the service is no longer wanted

4. The death of a parent/guardian or child

5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

Fees and Charges

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Welfare and Institutions Code 10260, 10270, 10290, 10291, 10436; 5 CCR 18078, 18108-18110)

However, for the 2021-22 fiscal year, family fees shall not be collected as specified in Welfare and Institutions Code 10290.

No fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8253; Welfare and Institutions Code 10291; 5 CCR 18110)

In addition, any family receiving child care on the basis of having neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency, may be exempt from these fees for up to 12 months. (Welfare and Institutions Code 10271 and 10291)

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Welfare and Institutions Code 10290; 5 CCR 18082, 18114, 18115)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Welfare and Institutions Code 10292)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Welfare and Institutions Code 10272.5)

1. Families with the highest income in relation to family size shall be disenrolled first.

2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.

3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination and Immunizations

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. (Welfare and Institutions Code 10271)

The requirement for a physical examination and evaluation shall be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. (Welfare and Institutions Code 10271)

A child may be exempted from the immunization requirements only if: (Health and Safety Code 120335)

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.

   A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health and transmitted using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. (Health and Safety Code 120372)

2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Welfare and Institutions Code 10271)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Welfare and Institutions Code 10213.5)

2. Family emergency (Welfare and Institutions Code 10213.5)

   A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Welfare and Institutions Code 10213.5)

4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Welfare and Institutions Code 10213.5)

   An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

   Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the child's parent/guardian. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the state contract.

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

State References	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers - https://simbli.eboardsolutions.com/SU/25Fl2slsh36wTFm0vX8xZRbZg==
22 CCR 101212-101231	Continuing requirements - https://simbli.eboardsolutions.com/SU/H5IA5aJVFlBKHey0QgRA4A==
22 CCR 101237-101239.2	Facilities and equipment - https://simbli.eboardsolutions.com/SU/tHhaU35adyWpiEslshHV75I9Q==
34 CFR 303.1-303.734	Early Intervention Program for Infants and Toddlers with Disabilities

5 CCR 18000-18434	Child care and development programs
5 CCR 18012-18122	General requirements
5 CCR 18180-18192	Federal and state migrant programs
5 CCR 18210-18213	Severely handicapped program
5 CCR 18220-18231	Alternative payment program
5 CCR 18240-18249	Resource and referral program
5 CCR 18270-18281	Program quality; accountability
5 CCR 18290-18292	Staffing ratios
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 18300-18308	Appeals and dispute resolution
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 80067-80067.2	Early Childhood Education Specialist Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 46120	Expanded Learning Opportunities Program - https://simbli.eboardsolutions.com/SU/PO5Qp686pluslGJplusvUduBS1QA==
Ed. Code 48000	Transitional kindergarten - https://simbli.eboardsolutions.com/SU/dH9lJslshk5z8eiYxUplusL7HAslshg==
Ed. Code 49540-49546	Child care food program - https://simbli.eboardsolutions.com/SU/PAQsMNGMkXqa3MslshgYu55OQ==
Ed. Code 49570	National School Lunch program - https://simbli.eboardsolutions.com/SU/gbDKvmpkRVPHJJtW1Rh12w==
Ed. Code 56244	Staff development funding - https://simbli.eboardsolutions.com/SU/nd3YgRlCxHt5r9koPDaI4g==
Ed. Code 8200-8340	California State Preschool Program - https://simbli.eboardsolutions.com/SU/WailxWdWXPyHcdWpmOa61w==
Ed. Code 8207	California State Preschool Program administration - https://simbli.eboardsolutions.com/SU/uWLgumsl5FRvcXKDYgdFGg==
Ed. Code 8337	Early Education Expansion Program
Ed. Code 8482-8484.65	After School Education and Safety Program - https://simbli.eboardsolutions.com/SU/UtnUiesMBgYqY0ld3Fslshm3Q==
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers - https://simbli.eboardsolutions.com/SU/giVZzMtMblumbGYLS5W8Pw==
H&S Code 120325-120380	Immunization against communicable diseases - https://simbli.eboardsolutions.com/SU/FGujqoVrBdIqjKhKt3z3jA==
H&S Code 120440	Disclosure of immunization information to local and state health departments
H&S Code 1596.70-1596.895	California Child Day Care Act - https://simbli.eboardsolutions.com/SU/usTRRCfKRLvslshtM1mVsbuLw==
H&S Code 1596.90-1597.21	Day care centers - https://simbli.eboardsolutions.com/SU/Am0YSBwJEPhbBIac0rUUfA==
W&I Code 10200-10206	Early Childhood Development Act of 2020 - https://simbli.eboardsolutions.com/SU/0pszxIPslshsnkRplusOxHEngvqw==
W&I Code 10207-10215	General provisions - https://simbli.eboardsolutions.com/SU/5kmOH7nmdFsSzvZkVx4cuA==
W&I Code 10207-10492.2	Child Care and Development Services Act - https://simbli.eboardsolutions.com/SU/FpOYlktHodCto95FpfBu0w==
W&I Code 10217-10224.5	Resource and referral programs - https://simbli.eboardsolutions.com/SU/Jm7vmqDzEKG7gnoIDGpW8g==

W&I Code 10225-10234	Alternative payment programs - https://simbli.eboardsolutions.com/SU/ps4kJDjYapxvi4pRoIcifw==
W&I Code 10235-10238	Migrant child care and development programs - https://simbli.eboardsolutions.com/SU/gqSXzkImKCrnqexZPqplusyHQ==
W&I Code 10240-10243	General child care and development programs - https://simbli.eboardsolutions.com/SU/noyvMzQggmGu3wbj8z3gvw==
W&I Code 10250-10252	Family child care home education networks - https://simbli.eboardsolutions.com/SU/Nj5pHgY0XqstPO11fUTRVw==
W&I Code 10260-10263	Child care and development services for children with special needs - https://simbli.eboardsolutions.com/SU/SQlOXnmt0izfPmFplusppa80Q==
W&I Code 10271	Eligibility, enrollment and priority of services; physical examinations; rules and regulations - https://simbli.eboardsolutions.com/SU/MNOGKHYOk5ILDy9FGPqwOA==
W&I Code 10271.5	Income eligibility - https://simbli.eboardsolutions.com/SU/XliA0Elvkjyrdfrlwn Q8OA==
W&I Code 10271.7	Family member certified as eligible to receive benefits; definition
W&I Code 10272.5	Order of disenrollment - https://simbli.eboardsolutions.com/SU/eCAgRLo5g5Y8p6plusUTAjvew==
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12 - https://simbli.eboardsolutions.com/SU/gh385k2R3fshHb7V3FeslshRg==
W&I Code 10276	Child Care and Development Fund notice to providers
W&I Code 10290	Fee schedule for families using preschool and child care and development services - https://simbli.eboardsolutions.com/SU/9QG1IKAgKbiJA1bislshrEwgA==
W&I Code 10291	Families exempt from family fees - https://simbli.eboardsolutions.com/SU/1lipgrocAoNUiN6QJJN9Ww==
W&I Code 10315	Transfer of information to public schools - https://simbli.eboardsolutions.com/SU/LEwLd6ipEuyI20nAcmVcslshg==
W&I Code 10332	Children residing in another district; use of facilities and personnel
W&I Code 10491-10491.1	Expulsion and suspension procedures in childcare and development services programs

Federal References	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
42 USC 1751-1769j	School Lunch Program
42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 98.1-98.93	Child Care and Development Fund
7 CFR 210.1-210.33	National School Lunch Program - https://simbli.eboardsolutions.com/SU/Lv8UWl0wAizNvSHss7IA9Q==

Management Resources References	**Description**
CA Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023
CA Dept of Social Services Publication	Child Care Transition: The Early Childhood Development Act of 2020
CA Dept of Social Services Publication	American Rescue Plan Act Child Care & Development Division FAQ
CA Dept of Social Services Publication	COVID-19 Licensed Child Care Facilities and Providers (FAQs)

Court Decision	CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892
U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016 - https://simbli.eboardsolutions.com/SU/PNnslshVnkzOq0sFp8mP3X61w==
Website	Osteopathic Medical Board of California - https://simbli.eboardsolutions.com/SU/SeNrJloKxv9plusixKQLLboKw==
Website	Medical Board of California - https://simbli.eboardsolutions.com/SU/qplus660KdrWEs0d8IyrtVqNQ==
Website	California Department of Social Services, Child Care Licensing - https://simbli.eboardsolutions.com/SU/SFjDbqAObpR8P52H4K3zLw==
Website	EveryChild California, an Association of Leaders Advancing Early Learning - https://simbli.eboardsolutions.com/SU/WmxQW25SKkBX8diQ2G9Gzg==
Website	Office of Administrative Law - https://simbli.eboardsolutions.com/SU/RnyBM7nM4Vf4qxslshOTuQSbg==
Website	Universal Prekindergarten, California's Great Start - https://simbli.eboardsolutions.com/SU/O30jslshUezvdGL8X78hYgyLQ==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/Eg0pluss7NDrgK1KmPo9MgqplusA==
Website	California Association for the Education of Young Children - https://simbli.eboardsolutions.com/SU/r0qvYzEWUcRnpQGzFMfChw==
Website	California Department of Education, Early Education Division - https://simbli.eboardsolutions.com/SU/mIFpc7AJoSgC7plusTR909fDQ==
Website	California Department of Education, Early Education Management Bulletins - https://simbli.eboardsolutions.com/SU/w7cd1JxsCI8B8VibCslshATUA==
Website	California Head Start Association - https://simbli.eboardsolutions.com/SU/cEC8h6islsh8MaZGvA9AXzE7A==
Website	California School-Age Consortium - https://simbli.eboardsolutions.com/SU/laEri3DXJqbiplusxNsL8qbiA==
Website	National Association for the Education of Young Children - https://simbli.eboardsolutions.com/SU/TbWzyzenFO9Sw8JltPcjZQ==
Website	U.S. Department of Health and Human Services - https://simbli.eboardsolutions.com/SU/4moM6wFhrVMvKDjOdGOMzw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUuIsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Cross References	**Description**
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0100	Philosophy - https://simbli.eboardsolutions.com/SU/KQuinamDQiK9aw3ZuW0UiQ==
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/VlhslshSaGqXuTsCMKpG2plusbSQ==

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==
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1330-E PDF(1)	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/CNUwUvT05G0aH7gGIK9dqA==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/Q9uum7Qie1RKlnyyMCvRYA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/zP9eNCslshlhcPcKReyWt0R0w==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/NdfFmK3KRDWa7ZhbLQia8g==
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3312	Contracts - https://simbli.eboardsolutions.com/SU/ypySW5bYSpEyYt3f9slshq8XA==
3523	Electronic Signatures - https://simbli.eboardsolutions.com/SU/sAeF3TfQsETIooMGoIkifw==
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4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/VHv28XDwUWTDmgNmplusYhAUA==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/lDaVyYyEsX2uuayPhodYCw==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/RwoubYUMsslsh7slshAUvWrC2HpQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELIdlVCjV6TL4UQ==
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5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==
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7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/Mr1vH6nbOnhmz7Fd4jenxg==

Regulation 5148 - Chlid Care and Development

Original Adopted Date: 07/01/2015 | **Last Revised Date:** ~~12~~06/01/~~2021~~2023 | **Last Reviewed Date:** ~~12~~06/01/~~2021~~2023

CSBA NOTE: The following administrative regulation reflects provisions generally applicable to programs under the Child Care and Development Services Act (Welfare and Institutions Code 10207-~~10490).~~ 10492.2). Such programs include resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-~~18248~~18249), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with special needs (Welfare and Institutions Code 10260-10263). Pursuant to Welfare and Institutions Code 10200-10206, effective July 1, 2021, the state's responsibility for administering these programs transferred from the California Department of Education (CDE) to the California Department of Social Services (CDSS). Education Code 8207~~, as amended and renumbered by AB 131 (Ch. 116, Statutes of 2021),~~ clarifies that the Superintendent of Public Instruction and ~~the California Department of Education~~CDE retain administrative supervision of the California State Preschool Programs. (CSPP).

The district may revise this regulation to reflect specific requirements for the program(s) it offers. See BP/AR 5148.2 - Before/After School Programs for requirements pertaining to the After-School Education and Safety program (Education Code 8482-8484.65~~) and~~), 21st Century Community Learning Centers (Education Code 8484.7-8484.9), and Expanded Learning Opportunities Program (Education Code 46120), and BP/AR 5148.3 - Preschool/Early Childhood Education for CSPP requirements.

The following administrative regulation does not reflect all policy language mandated for each specific program. The district should be careful to include the mandates, if any, applicable to the program(s) it offers. For example, for the alternative payment program, 5 CCR 18221 mandates a written policy statement that includes specified components, including, but not limited to, program purpose, enrollment priorities, family eligibility, conditions/requirements for participation, reimbursement of providers, range of servicesavailable, and family fee collection. For the resource and referral program, 5 CCR 18244 ~~mandates~~and 18247 mandate written referral policies and written complaint procedures.

In addition to the program requirements described below, child care and development programs may be subject to other policies in the district's policy manual (e.g., BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, and BP/AR 3550 - Food Service/Child Nutrition Program). Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel if ~~they have~~there are questions regarding the applicability of other laws to the district's child care and development program.

Licensing

CSBA NOTE: Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. Health and Safety Code 1596.792 and 22 CCR 101158 list exemptions from the licensure requirements including, but not limited to, any program that (1) is a "public recreation program" that meets the criteria specified in Health and Safety Code 1596.792, (2) is operated before and/or after school by qualified teachers employed by the district, (3) is a school parenting program or adult education child care program, (4) operates only one day per week for no more than four hours on that day, (5) offers temporary child care services to parents/guardians who are on the same premises as the child care site, (6) provides activities that are of an instructional nature in a classroom-like setting when K-12 students are normally not in session and the sessions do not exceed a total of 30 days when only school-age children are enrolled or 15 days when younger children are enrolled, or (7) is a CSPP program operated in a school building that meets specified health and safety requirements. If the district offers only programs that are exempted from licensure, it should modify the following regulation accordingly.

Pursuant to Health and SafetyCode 1596.951, CDSS wasrequired to adopt regulations by January 1, 2021 to create a ~~new~~ child care center license ~~including~~that includes components for serving infant, toddler, preschool, and school-age children; health and safety standards; and enhanced ability to transition children to the next age group. However, as amended by AB 2131 (Ch. 910, Statutes of 2022), Health and Safety Code 1596.951, authorizes CDSS to implement and administer the creation of a single child care center license through all-county letters or similar written instructions until regulations ~~were delayed due to the COVID-19 pandemic.~~ are adopted. Pursuant to Health and Safety Code 1596.951, all child care centers are required to ~~obtain this license~~ be licensed by January 1, 2024.

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

CSBA NOTE: Items #1-7 and 9 below list components of child care and development programs that are required for all providers pursuant to 5 CCR 18272-18281. The Governing Board is required, pursuant to 5 CCR 18271, to approve goals and objectives addressing each of these program components; see the accompanying Board policy. Additionally, Welfare and Institutions Code 10208 specifies indicators for the implementation of quality programs, which, as amended by AB 210 (Ch. 62, Statutes of 2022), requires that program activities meet the needs of dual language learners. The district may add components of other programs offered by the district.

The district's child care and development program shall include the following components:

1. 1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Welfare and Institutions Code 10209.5; 5 CCR 18272)

Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Welfare and Institutions Code 10209.5; 5 CCR 18270.5, 18272)

2. 2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

3. 3. A staff development program which complies with 5 CCR 18274

4. 4. Parent/guardian involvement and education that comply with 5 CCR 18275 and ~~include~~includes an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

5. 5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

6. 6. A community involvement component that complies with 5 CCR 18277

CSBA NOTE: Health and Safety Code 1596.808 establishes beverage standards for licensed child care centers. In addition, centers that receive funding through the Child and Adult Care Food Program (42 USC 1766) must meet federal guidelines for meals, snacks, fluid milk or nutritionally equivalent milk substitutes, and drinking water.

7. 7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

CSBA NOTE: Item #8 below is optional and may be revised to reflect district practice. 42 USC 1766 encourages child care centers to provide opportunities for physical activity and to limit the amount of time spent in sedentary activities, such as time spent using electronic devices.

8. 8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

CSBA NOTE: 5 CCR 18279-18281 require an annual evaluation using the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes a staff assessment, a parent/guardian survey, and an environment rating scale. Each contractor is required to submit a summary of the self-evaluation findings by June 1 of each year.

9. 9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280, 18281)

Health and Safety

CSBA NOTE: The following section is for use by districts that offer one or more licensed child care programs. Health and Safety Code 1596.7996 requires licensed child care programs to provide parents/guardians of enrolled children with a flyer developed by CDSS in conjunction with the California Department of Public Health, (CDPH), which contains specified information regarding lead exposure and blood testing. The flyer is available on ~~the CDSS web site~~CDSS' website.

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

CSBA NOTE: Pursuant to Health and Safety Code 1597.16, a licensed child care center located in a building that was constructed before January 1, 2010 must have its drinking water tested for lead contamination as provided below. A licensed child care center is subject to the temporary suspension of its license if it fails to comply with the requirements to cease using any fountains and faucets where elevated lead levels may exist and to provide potable water.

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination levels every five years ~~following an initial test conducted between January 1, 2020 and January 1, 2023.~~ . The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in Welfare and Institutions Code 10275.5 and 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If ~~they meet~~a person meets all other requirements for employment or volunteering, as applicable, but ~~need~~needs additional time to obtain and provide immunization records, ~~they~~the person may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that ~~they have been immunized as~~the person has received the required. ~~In addition, employees~~ immunizations. Employees and volunteers shall ~~receive an~~be immunized against influenza ~~vaccination~~ between August 1 and December 1 of each year. ~~A person shall be exempt from these requirements only under any of the following circumstances:~~ (Health and Safety Code 1596.7995)

A person shall be exempt from the above immunization requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. 1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.

2. 2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.

3. 3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

Eligibility and Enrollment

CSBA NOTE: State funding is only available for services to families who meet the criteria for subsidized services as specified in Welfare and Institutions Code 10271 ~~and 10271.5.~~ , 10271.5, and, as added by SB 1047 (Ch. 923, Statutes of 2022), 10271.7. The district may also provide services to nonsubsidized families provided the district uses other funding sources or the families pay the full cost of services; see section on "Fees and Charges" below.

Pursuant to 5 CCR 18105, districts contracting to offer child care services are mandated to develop and make available to the public written admissions policies and procedures that conform to requirements of 22 CCR 101218, including, but not limited to, criteria designating those children whose needs can be met by the child care center's program and services and the ages of children who will be accepted.

The following section should be revised to reflect the district's contract(s).
The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Welfare and Institutions Code 10213.5. (Welfare and Institutions Code 10213.5, 10273; 5 CCR 18089, 18407, 18422)

CSBA NOTE: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. The family's or child's eligibility must be certified by a person designated by the district.

Pursuant to Welfare and Institutions Code 10271.5, as amended by AB 210, income eligibility

income,

government

To participate in the district's subsidized child care program, below 85 percent of the state median income based on adjusted monthly family income, adjusted for family size. (Welfare and Institutions Code 10271 and 10271.5)

When assessing income, does not include child care payments made on behalf of a child or guaranteed income payments. Welfare and Institutions Code 10271.5, as amended by AB 185 (Ch. 57, Statutes of 2022), requires CDSS to adopt regulations regarding the exclusion of these two forms of payment no later than July 1, 2025.

1. The family is eligible for subsidized services on the basis of being a:

   a. A current aid recipient, income

   b. Income eligible, or homeless and/or the

   c. Homeless

   1. d. The family's children are recipients of child protective services or have been identified as being or at risk of being abused, neglected, or exploited.

   e. A member of the household is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other means-tested government program as determined by the California Department of Social Services.

2. 2. The family has a need for child care based on either of the following:

   a. a. The parents/guardians are participating invocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; orare incapacitated

   b. b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless experiencing homelessness

CSBA NOTE: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the centralized eligibility list established in each county pursuant to Welfare and Institutions Code 10231, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to

participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to Welfare and Institutions Code 10271 and 5 CCR 18106.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Welfare and Institutions Code 10271)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10271, as amended by SB 1047, if a family's eligibility for the district's subsidized child care and services program is based on a family member's certification as eligible to receive benefits from a specified means tested government program, as defined in Welfare and Institutions Code 10271.7, as added by SB 1047, the family's priority for enrollment must be based on the income declared on the application of the government program.

In keeping with the legislative intent of AB 321 (Ch. 903, Statutes of 2022), to prioritize access to childcare and development services for children who reside in homes in which the primary language is not English, Welfare and Institutions Code 10271, as amended by AB 321, provides that within the second priority category, children from such families be enrolled first when there are two or more families with the same income ranking.

Second priority for enrollment shall be given to families, regardless of the number of parents in the home, who are income eligible, as defined in Welfare and Institutions Code 10271.5. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family in which the primary home language is a language other than English shall be admitted first. If there is no family of the same priority in which the primary home language is a language other than English, the family of the same priority that has been on the waiting list for the longest time shall be admitted first. (Welfare and Institutions Code 10271 and 10271.5)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Welfare and Institutions Code 10273)

CSBA NOTE: The followingoptional paragraphmay be revised to reflect additional enrollment priorities or criteria established by the district, such as priority for district students, children of district students, or children of district employees; see the accompanying Board policy.

After all children eligible for subsidized services have been enrolled, the district may enroll other children in accordance with the priorities established by the Governing Board.

CSBA NOTE: 5 CCR 18094 and 18118 require the district to provide written notification to the parent/guardian as to whether the application for subsidizedservices has been approved or denied. For this purpose, the district should use the state's Notice of Action form.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10271, as amended by SB 1047, upon establishing initial eligibility or ongoing eligibility for child care and development services, a family is considered to meet eligibility and need requirements for services for not less than 24 months, and is eligible to receive services for at least 24 months before having the family's eligibility or need recertified, unless an exception exists, as specified below.

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than ~~12~~24 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least ~~12 months.~~ 24 months. If such eligibility ends before the end of the child care and services program year, eligibility shall be extended until the end of the program year as long as applicable age-eligibility requirements specified in Welfare and Institutions Code 10213.5 are met. (Welfare and Institutions Code 10271)

However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Welfare and Institutions Code 10271.5, and the family's ongoing eligibility shall be recertified at that time. At any time, a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Welfare and Institutions Code 10271)

Additionally, a family establishing eligibility for services on the basis of receiving services under a CalWORKs Stage 1, 2, or 3 program shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months. (Welfare and Institutions Code 10271)

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. 1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

2. 2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

3. 3. An indication by the parent/guardian that the service is no longer wanted

4. 4. The death of a parent/guardian or child

5. 5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services ~~containing~~including, but not limited to, the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

Fees and Charges

CSBA NOTE: Welfare and Institutions Code 10290 requires CDSS, in consultation with CDE, to establish a fee schedule for families using child care services, including families who are eligible for subsidized child care services based on the criteria specified in ~~item~~Item #1 in the section "Eligibility and Enrollment" above.

Welfare and Institutions Code 10260 and 5 CCR 18110 prohibit districts from assessing fees for ~~children enrolled~~a child's enrollment in a program because of a need for child protective services, or because the child is in a CSPP, in the severely disabled ~~children~~program, or a~~in~~ the federally based migrant program. , or because the family has an income level in relation to family size that is less than the first entry in the fee schedule. Districts may revise the following paragraph to reflect any such program(s) offered by the district. Districts that offer only programs prohibited from charging fees may delete the following section.

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee maycharge fees for servicesaccording to the state fee schedule, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Welfare and Institutions Code 10260, ~~10270~~10271, 10290, 10291, 10436; 5 CCR 18078, 18108-18110)

~~CSBA NOTE: Pursuant to AB 131, and in response to the COVID-19 pandemic, additional funds are available to provide subsidized child care to families and to provide child care programs with COVID-19 pandemic-related assistance. Pursuant to Welfare and Institutions Code 10290, as added by AB 131, family fees may not be collected for families receiving subsidized child care services from child care programs administered by CDSS.~~

~~However, for the 2021-22 fiscal year, family fees shall not be collected as specified in Welfare and Institutions Code 10290.~~

No fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. ~~(Education Code 8253;~~ (Welfare and Institutions Code 10291; 5 CCR 18110)

In addition, any family receiving child care on the basis of having neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency, may be exempt from these fees for up to 12 months. (Welfare and Institutions Code 10271 and 10291)

CSBA NOTE:Pursuant to Welfare and InstitutionsCode 10290, family fees must be assessed at initial enrollment and reassessed at recertification.

Pursuant to 5 CCR 18114, districts contracting to offer child care services are mandated to adopt a policy for the collection of fees in advance of providing services, as provided below. 5 CCR 18114 contains an alternative definition of delinquency for alternative payment programs offered pursuant to Welfare and Institutions Code 10225-10234.

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Welfare and Institutions Code 10290; 5 CCR 18082, 18114, 18115)

CSBA NOTE: The following paragraph is for use by districts that contract to offer child care services and wish to require parents/guardians to provide diapers and/or to pay the costs of field trips (unless the program is exempt from fees), and may be modified to delete diapers as appropriate for the age of the children served. Welfare and Institutions Code 10292 mandates that such districts have a written policy which includes parents/guardians in the decision-making process. Pursuant to Welfare and Institutions Code 10292, the fees cannot exceed $25 per child in the contract year.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Welfare and Institutions Code 10292)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10228, licensed child care centers are required to post their rates, and discounts or scholarship policies if any, as specified below.

District child care centers shall post in a prominent location adjacent to the license at the child care facility the rates, and discounts or scholarship policies if any. (Welfare and Institutions Code 10288)

Expulsion/Unenrollment and Suspension Based on Behavior

CSBA NOTE: Welfare and Institutions Code 10491 and 10491.1, as added by AB 2806 (Ch. 915, Statutes of 2022), establishes requirements for expulsion, unenrollment, or suspension of a child from a child care and development program, as specified below.

The district's child care and development program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Welfare and Institutions Code 10491)

1. In writing, inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher, and if available engage an early childhood mental health consultant, in an effort to maintain the child's safe participation in the program

2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child

3. If appropriate, consider completing a comprehensive screening to identify the needs of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Welfare and Institutions Code 10491.1)

CSBA NOTE: Pursuant to Education Code 10491.1, as added by AB 2806, a child enrolled in a child care and development program may only be suspended as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be eliminated or reduced without removal of the child. To suspend a child, the district must comply with specified requirements, including, collaborating with the child's parents/guardians before determining that suspension is necessary and using appropriate community resources to determine that no other reasonable option is appropriate.

A child shall not be suspended from the district's child care and development program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child. (Welfare and Institutions Code 10491.1)

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate. (Welfare and Institutions Code 10491.1)

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing all of the following: (Welfare and Institutions Code 10491.1)

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources

2. Developing a written plan to document the action andsupports needed

3. Providing referrals to appropriate community resources

4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDSS in the event of expulsion or suspension. If the district suspends or expels a child from the child care and development program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 18095, informing the parents/guardians of the right to file an appeal of the action directly with CDSS no later than 14 calendar days after receiving the notice. (Welfare and Institutions Code 10491.1)

CSBA NOTE: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, "Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings," provides that if a child in an early childhood program is suspected of having a developmental delay, disability, or mental health issue, the child's parent/guardian be referred, if appropriate, to the mental health system, the state's early intervention program, or the district for information regarding evaluation for services under the Individuals with Disabilities Education Act (IDEA)(20 USC 1400-1482), to ensure that children with disabilities are not suspended or expelled because of disability-related behaviors.

If a child is suspected of having a developmental delay, disability, or mental health issue, the child's parent/guardian shall be referred, if appropriate, to the mental health system, the state's early interventionprogram, or the district's special education program regarding evaluation for services under the Individuals with Disabilities Education Act (IDEA). Children identified as having exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the IDEA.

Disenrollment

CSBA NOTE: Welfare and Institutions Code 10272 specifies the order by which families must be disenrolled from child care and development services when funding levels are reduced. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122, but only on the grounds that the factors used to determine the family's disenrollment are incorrect. See section "Rights of Parents/Guardians" below.

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Welfare and Institutions Code 10272.5)

1. 1. Families with the highest income in relation to family size shall be disenrolled first.

2. If two or more families have the same income ranking, children ~~without disabilities~~ who have been enrolled in child care services the longest shall be disenrolled first. ~~After all children without disabilities~~

2. 3. If two or more families have ~~been disenrolled~~the same income, children ~~with~~without disabilities shall be disenrolled, ~~with those who have been enrolled in child care services the~~

~~longest being disenrolled~~ first.

3. 4. Families whose children are receiving child protective services or are at risk of neglect~~,~~ or abuse~~, or exploitation~~, regardless of family income, shall be disenrolled last.

Health Examination and Immunizations

CSBA NOTE: Welfare and Institutions Code 10271 requires children enrolling in a child care center to obtain a physical examination and evaluation, including immunizations, unless a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. However, with respect to immunization requirements, Health and Safety Code 120335 eliminated the personal beliefs exemption unless the parent/guardian filed a letter or affidavit prior to January 1, 2016 ~~or a licensed physician indicates that a student should be exempted for medical reasons. An~~. Since an exemption granted for personal beliefs ~~is~~was only effective until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12~~).~~), and any student who received a personal belief exemption prior to January 1, 2016 would be in the next grade span, this exemption no longer exists. See BP/AR 5141.31 - Immunizations.

CDPH has developed a tool, the School and Child Care Lookup (SCRL), available on its web site, which looks at information from the California Immunization Registry (CAIR2) and can be used by child care centers to determine whether a student meets all immunization requirements to enroll in child care services.

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. ~~(Welfare and Institutions Code 10271)~~

~~The requirement for a physical examination and evaluation shall be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs.~~ (Welfare and Institutions Code 10271)

A child may be exempted from the immunization requirements only if: (~~Health and Safety Code 120335~~) a licensed physician indicates that immunization should not be given and specifies how long this exemption is expected to be needed. (22 CCR 101220.1)

1. ~~A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.~~

CSBA NOTE: Pursuant to Health and Safety Code 120372, a child care center may only accept a medical exemption request that is made by a licensed physician or surgeon on an electronic, standardized, statewide medical exemption certification form developed by ~~the California Department of Public Health~~CDPH and transmitted using ~~the California Immunization Registry.~~
CAIR2. However, Health and Safety Code 120370 requires that a child who has a medical exemption issued prior to January 1, 2020 be allowed to continue enrollment until the next grade span., unless the exemption was issued by a physician or surgeon that has been subject to disciplinary action by the Medical Board of California or the Osteopathic Medical Board of California.

2. A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health (CDPH) and transmitted

using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. ~~A~~All medical exemptions shall not extend beyond the current grade span of the student, and a temporary exemption shall not exceed one year. (Health and Safety Code 120372)

3. ~~The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).~~

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Welfare and Institutions Code 10271)

CSBA NOTE: Pursuant to Health and Safety Code 120440, as amended by AB 1797 (Ch. 582, Statutes of 2022), child care centers are required to disclose specified immunization information to local health departments operating countywide or regional immunization information and reminder systems and CDPH, and to maintain the confidentiality of such information in the same manner as other student records. See BP/AR 5125 – Student Records.

District child care centers shall disclose immunization information to the local health department and CDPH in accordance with Health and Safety Code 120440, and maintain the confidentiality of such information in the same manner as other students records in accordance with law and as specified in Administrative Regulation 5125 – Student Records. (Health and Safety Code 120440)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or ~~district~~the district's authorized representative if verification is made by telephone. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. 1. Illness or quarantine of the child or of the parent/guardian (Welfare and Institutions Code 10213.5)

2. 2. Family emergency (Welfare and Institutions Code10213.5)

CSBA NOTE: Pursuant to 5 CCR 18066, districts contracting to offer child care services are mandated to adopt policies delineating circumstances constituting an excused absence for a family emergency. The following paragraph may be revised to reflect district practice.

3. A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or

when a member of the child's immediate family dies, has an accident, or is required to appear in court.

4. 3. Time spent with a parent/guardian or other relative as required by a court of law (Welfare and Institutions Code 10213.5)

5. 4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Welfare and Institutions Code 10213.5)

CSBA NOTE: 5 CCR 18066 mandates a policy that delineates circumstances constituting an excused absence "in the best interest of the child." The following paragraph may be revised to reflect district practice.

6. An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or sitesupervisor.

   Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

~~CSBA NOTE: 5 CCR 18066 mandates that providers adopt a policy governing unexcused absences which may include reasonable limitations, if any. The following paragraph may be revised to reflect district practice.~~CSBA NOTE: 5 CCR 18066.5 establishes procedures to follow when a child has been absent and the family has not been in communication with the district's child care and development services program coordinator or site supervisor for seven consecutive calendar days.

~~Any absence due to~~ When a ~~reason other than any of those stated above, or without~~ child has been absent and the ~~required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the~~ family has not been in communication with the program coordinator or site supervisor ~~shall notify~~for seven consecutive calendar days, the district shall attempt to contact the ~~child's~~ parent/guardian~~. Children who continue to have excessive unexcused absences~~ through a variety of communication methods, including one attempt in writing which may be ~~removed from~~through electronic means, informing the ~~program at~~parent/guardian that failure to communicate with the ~~discretion~~district may result in termination of child care services. The district shall keep documentation of all such communication attempts in the ~~program coordinator in order~~family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to ~~accommodate other families~~disenroll the family on the ~~waiting list for admission.~~basis of abandonment of care. (5 CCR 18066.5)

Parents/guardians shall be notified of the policies and procedures related to excused ~~and unexcused~~ absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

CSBA NOTE: The following two paragraphs are for use by districts that operate one or more licensed child care centers, but may be used by license-exempt providers.

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

CSBA NOTE: The remainder of this section is for use by all districts and applies to licensed and unlicensed child care programs.

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the ~~CDE.~~Child Development Division. (5 CCR 18120-18122)

~~Records~~Coordinating Transitions

CSBA NOTE: Welfare and Institutions Code 10315 requires a preschool or infant and toddler program, when a child will be transferring to a local public school, to provide the child's parent/guardian with information from the previous year which is beneficial to the student and the teacher, as specified below.

When a child in the district's child care and development program transfers to a local public school, the district's child care and development program administrator shall provide the child's parent/guardian with information from the previous year which is beneficial to the student and the student's teacher, including, but not limited to, developmental issues, social interaction abilities, health background, and diagnostic assessments, if any. The program administrator shall transfer this information to the student's elementary school, with permission of the student's parent/guardian. (Welfare and Institutions Code 10315)

CSBA NOTE: Pursuant to Government Code 95008, as amended by SB 188 (Ch. 49, Statutes of 2022), districts are required to designate a main point of contact for coordinating and completing.

with other agencies and persons, the transition of a child and family from Part C of IDEA, infant/toddler programs, to Part B of IDEA, preschool, including establishing practices to educate and support families during the transition.

To facilitate the transition of a child with a disability, the district designates the individual listed below as the main point of contact for coordinating and completing, with other agencies and persons, the transition of a child and family from infant/toddler programs to preschool (Part C to Part B of IDEA), including establishing practices to educate and support families during the transition: (Government Code 95008)

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Records

CSBA NOTE: State contracts require the district to submit data on both subsidized and nonsubsidized families served by child care centers. In addition, the district is required to provide monthly reports regarding any families receiving subsidized services during that month.

Welfare and Institutions Code 10315~~, as added by AB 131,~~ requires a preschool or infant and toddler program to, when a child in a state-funded preschool or infant and toddler program will be transferring to a local public school, provide the parent/guardian with information from the previous year deemed beneficial to the student and the public school teacher, including, but not limited to, development issues, social interaction abilities, health background, and diagnostic assessments, if any. The preschool or infant and toddler program may, with the permission of the parent/guardian, transfer this information to the student's elementary school.

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the statecontract.

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

State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers

22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 18000-18434	Child care and development programs
5 CCR 18012-18122	General requirements
5 CCR 18180-18192	Federal and state migrant programs
5 CCR 18210-18213	Severely handicapped program
5 CCR 18220-18231	Alternative payment program
5 CCR 18240-~~18248~~18249	Resource and referral program
5 CCR 18270-18281	Program quality; accountability
5 CCR 18290-18292	Staffing ratios
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 18300-18308	Appeals and dispute resolution
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 80067-80067.2	Early Childhood Education Specialist Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 46120	Expanded Learning Opportunities Program
Ed. Code 48000	Transitional kindergarten
Ed. Code 49540-49546	Child care food program
Ed. Code 49570	National School Lunch program
Ed. Code 56244	Staff development funding
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8207	California State Preschool Program administration
Ed. Code ~~8278.3~~8337	~~Child Care Facilities Revolving Fund~~Early Education Expansion Program
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
Gov. Code 95000-95029.5	California Early Intervention Services Act
H&S Code 120325-120380	Immunization against communicable diseases
H&S Code 120440	Disclosure of immunization information to local and state health departments
H&S Code 1596.70-1596.895	California Child Day Care Act

H&S Code 1596.90-1597.21	Day care centers
W&I Code 10200-10206	Early Childhood Development Act of 2020
W&I Code 10207-10215	General provisions
W&I Code 10207-~~10490~~10492.2	Child Care and Development Services
Act W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development
programs W&I Code 10240-10243	General child care and development
programs W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10271	Eligibility, enrollment, and priority of services; physical examinations; rules and regulations
W&I Code 10271.5	Income eligibility
W&I Code 10271.7	Family member certified as eligible to receive benefits; definition
W&I Code 10272.5	Order of disenrollment
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12
W&I Code 10276	Child Care and Development Fund notice to providers
W&I Code 10290	Fee schedule for families using preschool and child care and development services
W&I Code 10291	Families exempt from family fees
W&I Code 10315	Transfer of information to public schools
W&I Code ~~10322~~10332	Children residing in another district; use of facilities and personnel
W&I Code 10491-10491.1	Expulsion and suspension procedures in childcare and development services programs

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities EducationAct
42 USC 1751-1769j	School Lunch Program
42 USC 9831-~~9852~~9852c	Head Start programs
42 USC ~~9858-9858q~~9857-9858r	Child ~~care~~Care and ~~development block grant~~Development Block Grant

45 CFR 98.~~2~~1-98.93	Child ~~care~~Care and ~~development fund~~Development Fund
7 CFR 210.1-210.~~31~~33	National School Lunch Program
34 CFR 303.1-303.734	Early intervention program for infants and toddlers with disabilities

Management Resources	**Description**
CA Dept of Social Services Publication	Child Care Transition: The Early Childhood Development Act of 2020
CA Dept of Social Services Publication	American Rescue Plan Act Child Care & Development Division FAQ
CA Dept of Social Services Publication	COVID-19 Licensed Child Care Facilities and Providers (FAQs)
CA Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023
U.S. Department of Health and Human Services and U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016 (https://oese.ed.gov/files/2020/07/policy-statement-ece- expulsions-suspensions.pdf)
Court Decision	CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892
Website	CSBA District and County Office of Education Legal Services
Website	California Association for the Education of Young Children
Website	~~California Child Development Administrators Association~~EveryChild California, an Association of Leaders Advancing Early Learning (https://www.everychildca.org/)
Website	California Department of Education, Early Education ~~and Support~~ Division
Website	California Department of Education, Early Education Management Bulletins
Website	~~California Department of Social Services, Licensing Information~~California Department of Public Health (https://www.cdph.ca.gov/)
Website	California Department of Social Services, Child Care Licensing (https://www.cdss.ca.gov/inforesources/child-care-licensing)
Website	California Head Start Association

Website	California School-Age Consortium

Website	National Association for the Education of Young Children
Website	Commission on Teacher Credentialing (https://www.ctc.ca.gov/)
Website	CSBA
Website	Medical Board of California (https://www.mbc.ca.gov/)
Website	Office of Administrative Law (https://oal.ca.gov/)
Website	Osteopathic Medical Board of California (https://www.ombc.ca.gov/)
Website	Universal Prekindergarten, California's Great Start
Website	U.S. Department of Education
Website	U.S. Department of Health and Human Services (https://www.usa.gov/federal-agencies/u-s-department-of-health-and-human-services)

Cross References

Code	Description
0000	Vision
0100	Philosophy
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities
1330	Use Of School Facilities
1330-E(1)	Use Of School Facilities
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools

1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3312	Contracts
3523	Electronic Signatures
3523	Electronic Signatures
3540	Transportation
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4131	Staff Development
4161.2	Personal Leaves
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4231	Staff Development

4261.2	Personal Leaves
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4331	Staff Development
4361.2	Personal Leaves
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5111.1	District Residency
5111.1	District Residency
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.26	Tuberculosis Testing
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.52	Suicide Prevention
5141.52	Suicide Prevention

5141.6	School Health Services
5141.6	School Health Services
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6020	Parent Involvement
6020	Parent Involvement
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6154	Homework/Makeup Work
6159	Individualized Education Program
6159	Individualized Education Program
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6184	Continuation Education
6184	Continuation Education
7110	Facilities Master Plan

Policy 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Revised Date:** 03/10/2022 **| Last Reviewed Date:** 03/10/2022

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Board shall enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

When a district child care program is physically closed by local or state public health order due to the COVID-19 pandemic, the district shall provide distance learning when required to do so as a condition of funding or when required by law.

Eligibility and Enrollment

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a childcare or preschool program. (Education Code 48000)

Staffing

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

Facilities

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

Program Evaluation

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

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22 CCR 101151-101191	Licensing and application procedures
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22 CCR 101212-101231	Continuing requirements - https://simbli.eboardsolutions.com/SU/H5IA5aJVFlBKHey0QgRA4A==
22 CCR 101237-101239.2	Facilities and equipment - https://simbli.eboardsolutions.com/SU/tHhaU35adyWpiEslshHV75I9Q==
34 CFR 303.1-303.734	Early Intervention Program for Infants and Toddlers with Disabilities
5 CCR 18000-18434	Child care and development programs
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5 CCR 80067-80067.2	Early Childhood Education Specialist Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 46120	Expanded Learning Opportunities Program - https://simbli.eboardsolutions.com/SU/PO5Qp686plusIGJplusvUduBS1QA==
Ed. Code 48000	Transitional kindergarten - https://simbli.eboardsolutions.com/SU/dH9IJslshk5z8eiYxUplusL7HAslshg==
Ed. Code 49540-49546	Child care food program - https://simbli.eboardsolutions.com/SU/PAQsMNGMkXqa3MslshgYu55OQ==
Ed. Code 49570	National School Lunch program - https://simbli.eboardsolutions.com/SU/gbDKvmpkRVPHJJtW1Rh12w==
Ed. Code 56244	Staff development funding - https://simbli.eboardsolutions.com/SU/nd3YgRlCxHt5r9koPDaI4g==
Ed. Code 8200-8340	California State Preschool Program - https://simbli.eboardsolutions.com/SU/WailxWdWXPyHcdWpmOa61w==
Ed. Code 8207	California State Preschool Program administration - https://simbli.eboardsolutions.com/SU/uWLgumsI5FRvcXKDYgdFGg==
Ed. Code 8337	Early Education Expansion Program
Ed. Code 8482-8484.65	After School Education and Safety Program - https://simbli.eboardsolutions.com/SU/UtnUiesMBgYqY0ld3Fslshm3Q==
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers - https://simbli.eboardsolutions.com/SU/giVZzMtMblumbGYLS5W8Pw==
H&S Code 120325-120380	Immunization against communicable diseases - https://simbli.eboardsolutions.com/SU/FGujqoVrBdlqjKhKt3z3jA==
H&S Code 120440	Disclosure of immunization information to local and state health departments
H&S Code 1596.70-1596.895	California Child Day Care Act - https://simbli.eboardsolutions.com/SU/usTRRCfKRLvslshtM1mVsbuLw==
H&S Code 1596.90-1597.21	Day care centers - https://simbli.eboardsolutions.com/SU/Am0YSBwJEPhbBIac0rUUfA==
W&I Code 10200-10206	Early Childhood Development Act of 2020 - https://simbli.eboardsolutions.com/SU/0pszxIPslshsnkRplusOxHEngvqw==
W&I Code 10207-10215	General provisions - https://simbli.eboardsolutions.com/SU/5kmOH7nmdFsSzvZkVx4cuA==
W&I Code 10207-10492.2	Child Care and Development Services Act - https://simbli.eboardsolutions.com/SU/FpOYlktHodCto95FpfBu0w==
W&I Code 10217-10224.5	Resource and referral programs - https://simbli.eboardsolutions.com/SU/Jm7vmqDzEKG7gnoIDGpW8g==
W&I Code 10225-10234	Alternative payment programs - https://simbli.eboardsolutions.com/SU/ps4kJDjYapxvi4pRoIcifw==
W&I Code 10235-10238	Migrant child care and development programs - https://simbli.eboardsolutions.com/SU/gqSXzkImKCrnqexZPqplusyHQ==
W&I Code 10240-10243	General child care and development programs - https://simbli.eboardsolutions.com/SU/noyvMzQggmGu3wbj8z3gvw==
W&I Code 10250-10252	Family child care home education networks - https://simbli.eboardsolutions.com/SU/Nj5pHgY0XqstPO11fUTRVw==
W&I Code 10260-10263	Child care and development services for children with special needs - https://simbli.eboardsolutions.com/SU/SQlOXnmt0izfPmFplusppa80Q==
W&I Code 10271	Eligibility, enrollment and priority of services; physical examinations; rules and regulations - https://simbli.eboardsolutions.com/SU/MNOGKHYOk5ILDy9FGPqwOA==

W&I Code 10271.5	Income eligibility - https://simbli.eboardsolutions.com/SU/XliA0Elvkjyrdfrlwn Q8OA==
W&I Code 10271.7	Family member certified as eligible to receive benefits; definition
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W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12 - https://simbli.eboardsolutions.com/SU/gh385k2R3fshHb7V3FeslshRg==
W&I Code 10276	Child Care and Development Fund notice to providers
W&I Code 10290	Fee schedule for families using preschool and child care and development services - https://simbli.eboardsolutions.com/SU/9QG1lKAgKbiJA1bislshrEwgA==
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W&I Code 10315	Transfer of information to public schools - https://simbli.eboardsolutions.com/SU/LEwLd6ipEuyI20nAcmVcslshg==
W&I Code 10332	Children residing in another district; use of facilities and personnel
W&I Code 10491-10491.1	Expulsion and suspension procedures in childcare and development services programs

Federal References	**Description**
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42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 98.1-98.93	Child Care and Development Fund
7 CFR 210.1-210.33	National School Lunch Program - https://simbli.eboardsolutions.com/SU/Lv8UWl0wAizNvSHss7lA9Q==

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U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016 - https://simbli.eboardsolutions.com/SU/PNnslshVnkzOq0sFp8mP3X61w==
Website	Osteopathic Medical Board of California - https://simbli.eboardsolutions.com/SU/SeNrJloKxv9plusixKQLLboKw==
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Website	California Department of Social Services, Child Care Licensing - https://simbli.eboardsolutions.com/SU/SFjDbqAObpR8P52H4K3zLw==
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Website	Office of Administrative Law - https://simbli.eboardsolutions.com/SU/RnyBM7nM4Vf4qxslshOTuQSbg==
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Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

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1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==

1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
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1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
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1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/NdfFmK3KRDWa7ZhbLQia8g==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/WkUrNM2FzVVkLqFLyxiZng==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/4jRHUfaUfv4zxjwR1ydrpA==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/xQsi8XCX1iXiQIrdQ6mqHw==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/rCoU3YDeQiauvp8P9pTGvA==
3312	Contracts - https://simbli.eboardsolutions.com/SU/ypySW5bYSpEyYt3f9slshq8XA==
3523	Electronic Signatures - https://simbli.eboardsolutions.com/SU/sAeF3TfQsETIooMGoIkifw==
3523	Electronic Signatures - https://simbli.eboardsolutions.com/SU/ouLslshn4GYb3pPOKN0kchMPg==
3540	Transportation - https://simbli.eboardsolutions.com/SU/ebnf7LeW4sfZ9RmsGLcDuw==
3540	Transportation - https://simbli.eboardsolutions.com/SU/i2XE6plusoAe0A5pE5TWHBaQA==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/y3nAvz7wK8dK46NGAKvvCg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/rQ60kSLQYHiC8hW9GplusDtFw==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/lAJDgoYlIDjrGK0VsaiTUA==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/F9u50slshgnNSFWzZ1KL25Hgg==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/KpSlgZ2FPbW1xwYtO2IwpA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/moaZkISdlwmOsXWZslshJVDeA==

3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/h2UUcLqR6nWn8M9XHIk1FQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/VHv28XDwUWTDmgNmplusYhAUA==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/lDaVyYyEsX2uuayPhodYCw==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/RwoubYUMsslsh7slshAUvWrC2HpQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/emYqUlClLEpQ3N9wg0E4Bg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/vf5BaBCELldlVCjV6TL4UQ==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/j5KgsEwkbz0zSguAkgsplusOA==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/K2kSL91OyCcPJiCAGQlplusMw==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/elWezLExrodwsXFsrcssdw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/uNiu75vyJXMvsclI7slshOVGg==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/L8yP6LVj9KCY0vQ8PORzvA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/L5Rm7LD0CpluseslshdKtplusVRslshgA==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/n2s4CeoDPdaplusBzy0QkOCSw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/hslshQwvW7ctM8plus871gvslshe29A==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/HdBqOe93olNlDwSZ3dCnUQ==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshQ37eOVLFslshfF0try0wpUNA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/r3FjtcyWYRzoggplusAxgZfEw==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/D60PjjYAsWmLJIsKmCTtNw==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/E8TLBAkmlZNslsh64KyfXgj4A==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/X6d0PiFilH2zk2K5JdazDg==

5030	Student Wellness - https://simbli.eboardsolutions.com/SU/kP3RA9Bro1n3d1MplusS6lm9g==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/GPT61WhRNQ8pHfa3UXX8Ng==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/Bgrve0Gbkwy2h7YR9OcBmQ==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/SjGkpplus4Jvmy3IFHQE2HY7g==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/8kslbpS7OxQBTiX2Y03LGA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/q3DyJG1cykCEbvwrC4GFrw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/2SKcqtAzQIvlXs6uFEYUKQ==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/LUPslsh3GOwWlPrzOFht6vpluskg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/wzslshxB5PWuGpSLScMjslshssMQ==
5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/2I6VGcQ4GcfNVkCB4PkdWQ==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/NloHQDWcviplus6dLFcVFFo9Q==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/1fLNvPE0plussZLupslshmautkbw==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/ewTnhBtGxKGHkbFm3NatBg==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/WEhomHRqaulxRf1emZz0dw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/jgOyR5ZG6oxquyYQgJUHxw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/1KEcWg3tdaMSHap3A6rQlA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/QplusOL6joc2O14TslshRuGXoemA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/lcKgoSUplusCplusNw4UpTQRdl0A==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KzxmngnveoordTPegwXZQg==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/VIA77L2HdAhqEqPt4plusWb0Q==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/gR6ucyZS56duPchfmGVPslshQ==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/i1IPc7H4r7uslsh0slshTWOspoew==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==

5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/djb4slshsgbpszLlijYQcBTww==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/KQOplusjVe5z9q5dsDaNMna6w==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/aHXj1KbWKdGMYCTGHhoOvQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/uLigonpG5KlnPzfKy9UlPQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/bxdO02orcknVGTfpbSK9vw==
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6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/ceT73NcXQVcuvaYslshGFplusfpA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/72afLR1iFxwZ4UvyhY0uLg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/bK5tZtFKr9Bu9YGjy15vUg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/Wa6ZJZ7BgrmYeDmvxY9Pplusg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/pLPKyuXkTjHUVX0bMg6g1w==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/KSed8OKaYIQWDXMkS1v1Aw==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/uiyfKoElFv7NzUrqNslshftGw==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/ZdRslshgxDjJyLzuRCDQi7YzA==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/EmVIh5NPbhplusIBFAplusaALJkw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/TuslshPMGHi6O2DoJzSkkL5uw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/5plussi8eIBplusplusRvrBTViaylIA==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/Mr1vH6nbOnhmz7Fd4jenxg==

Policy 5148: Child Care And Development

Original Adopted Date: 03/01/2009 | **Last Revised Date:** ~~12~~06/01/~~2021~~2023 | **Last Reviewed Date:** ~~12~~06/01/~~2021~~2023

CSBA NOTE: The following optional policy may be revised to reflect the type(s) of child care and development programs offered bythe district.

The Child Care and Development Services Act (Welfare and Institutions Code 10207-~~10490~~10492.2) establishes a variety of child care programs including resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-~~18248~~18249), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with special needs (Welfare and Institutions Code 10260-10263).

~~Pursuant to Welfare and Institutions Code 10200-10206, effective July 1, 2021, the state's responsibility~~

The Early Education Expansion Program (Education Code 8337, as amended by AB 210 (Ch. 62, Statutes of 2022)) provides grant funding, as specified, until June 30, 2027, for ~~administering these~~the purpose of increasing access to inclusive early care and education programs ~~transferred from~~ . Additionally, the California Department of Education (CDE) has developed a Universal Prekindergarten resources landing page, "Universal Prekindergarten (UPK), California's Great Start," designed for use by districts that operate California State Preschool Programs (CSPP), Head Start programs, transitional kindergarten, and child care providers.

Effective July 1, 2021, administrative authority over the state's child care and development programs was statutorily transferred from CDE to the California Department of Social Services (CDSS~~). AB 131 (Ch. 116, Statutes of 2021) repeals the~~), pursuant to Welfare and Institutions Code 10200-10206. Accordingly, the related statutes ~~governing such programs~~were repealed from the Education Code and ~~reenacts them~~reenacted in the Welfare and Institutions Code. Pursuant to Welfare and Institutions Code 10205, all existing regulations relating to child care programs that have been adopted by CDE are expressly continued in force, unless they conflict with law.

~~Education Code 8207, as added by AB 131,~~ Additionally, pursuant to Welfare and Institutions Code 10206, as amended by AB 210, the date by which CDE and CDSS are required to adopt implementing regulations related to early childhood development has been extended to December 31, 2025.

EducationCode 8207 clarifies that the Superintendent of PublicInstruction(SPI) and CDE retain administrative supervision of the ~~California State Preschool Program (CSPP).~~CSPP.

For requirements pertaining to before-school and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.65~~) and~~), 21st Century Community Learning Centers (Education Code 8484.7-8484.8), and Expanded Learning

Opportunities Program (Education Code 46120), see BP/AR 5148.2 - Before/After School

Programs. For requirements pertaining to preschool programs for children ages 3-4 pursuant to the CSPP, ~~as amended by AB 130 (Ch. 44, Statutes of 2021) and AB 131, (Education Code 8200- 8340)~~ see BP/AR 5148.3 - Preschool/Early Childhood Education.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Board shall enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Welfare and Institutions Code 10480-10487~~, as amended and renumbered by AB 131,~~ establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policies to meet identified needs.

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

CSBA NOTE: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

~~CSBA NOTE: AB 131 allocates additional funds to provide subsidized child care programs with COVID-19 pandemic-related assistance. To receive the additional funding, a child care program that is funded to be operational, but which is physically closed by local or state public health order or guidance due to the COVID-19 pandemic, is required to provide distance learning services as specified by CDSS.~~

When a district child care program is physically closed by local or state public health order ~~due to the COVID-19 pandemic~~, the district shall provide distance learning when required to do so as a condition of funding or when required by law.

Eligibility and Enrollment

CSBA NOTE: Pursuant to 5 CCR 18105, districts contracting to offer child care services are mandated to develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, as provided below. See the accompanying administrative regulation for additional language that fulfills this mandate.

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

CSBA NOTE: Welfare and Institutions Code 10271 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Welfare and Institutions Code 10332 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized child care ~~is~~services are provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

CSBA NOTE: The following paragraph is optional and may be revised to reflect any district- established priorities for nonsubsidized services.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

~~CSBA NOTE: Pursuant to Education Code 48000, as amended by AB 130, a child's eligibility for transitional kindergarten enrollment may not impact family eligibility for a preschool or childcare program.~~

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a childcare or preschool program. (Education Code 48000)

Staffing

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Welfare and Institutions Code 10380 - -10387.5 and 5 CCR 80105-80125. The district may request a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Welfare and Institutions Code 10213.5 and 5 CCR 18295.

Additionally, CTC has adopted 5 CCR 80067, 80067.1, and 80067.2, which are pending approval by the Office of Administrative Law, pertaining to the prekindergarten-grade 3 early childhood education specialist credential, that include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers to support UPK; see CTC Coded Correspondence 23-02 for more information regarding the regulations.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrativeregulation.

Welfare and Institutions Code 10208 specifies indicators for the implementation of quality programs, which, as amended by AB 210, requires that staff have the appropriate and required training, or any combination of qualifications, experience, or training.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications, experience, and training, and have satisfied all legal requirements.

Facilities

CSBA NOTE: Optional ~~items~~Items #1-5 below present examples of methods that may be used to provide facilities for child care services and may be revised to reflect district practice.

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

CSBA NOTE: Health and Safety Code 1596.804, as added by AB 2827 (Ch. 916, Statutes of 2022), requires CDSS to revise its regulations to permit children with disabilities to use outdoor play spaces simultaneously with children who do not have disabilities without having to first seek a regulatory waiver and to specify any health and safety requirements that are required to be met when simultaneous play occurs.

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

CSBA NOTE: Pursuant to 5 CCR 4610, the district's uniform complaint procedures should be used to resolve any complaint alleging violation of state or federal laws governing educational programs, including child care and development programs; see BP/AR 1312.3 - Uniform Complaint Procedures. However, 5 CCR 4611~~, as amended by Register 2020, No. 21~~, provides that health and safety complaints regarding licensed facilities that operate a child care and development program should be referred to CDSS as described in the following paragraph and BP 1312.3.

Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. See the accompanying administrative regulation for information about child care programs that are exempted from licensure requirements. If all of the district's child care services are license- exempt, the following paragraph may be deleted.

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

Program Evaluation

CSBA NOTE: 5 CCR 18279-18281 require child care and development programs to be evaluated through the standardized "Desired Results for Children and Families" system. The system requires a

program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale.

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

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

State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care
centers 22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 18000-18434	Child care and development programs
5 CCR 18012-18122	General requirements
5 CCR 18180-18192	Federal and state migrantprograms
5 CCR 18210-18213	Severely handicappedprogram
5 CCR 18220-18231	Alternative payment program
5 CCR 18240-~~18248~~18249	Resource and referral
program 5 CCR 18270-18281	Program quality;
accountability	
5 CCR 18290-18292	Staffing ratios
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 18300-18308	Appeals and dispute resolution
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 80067-80067.2	Early Childhood Education Specialist Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 46120	Expanded Learning Opportunities Program
Ed. Code 48000	Transitional kindergarten
Ed. Code 49540-49546	Child care food program
Ed. Code 49570	National School Lunch program
Ed. Code 56244	Staff development funding

Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8207	California State Preschool Program administration
Ed. Code ~~8278.3~~8337	~~Child Care Facilities Revolving Fund~~Early Education Expansion Program
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
Gov. Code 95000-95029.5	California Early Intervention Services Act
H&S Code 120325-120380	Immunizationagainstcommunicablediseases
H&S Code 120440	Disclosure of immunization information to local and state health departments
H&S Code 1596.70-1596.895	California Child Day Care
Act H&S Code 1596.90-1597.21	Day care centers
W&I Code 10200-10206	Early Childhood Development Act of 2020
W&I Code 10207-10215	General provisions
W&I Code 10207-~~10490~~10492.2	Child Care and Development Services
Act W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development
programs W&I Code 10240-10243	General child care and development
programs W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10271	Eligibility, enrollment, and priority of services; physical examinations; rules and regulations
W&I Code 10271.5	Income eligibility
W&I Code 10271.7	Family member certified as eligible to receive benefits; definition
W&I Code 10272.5	Order of disenrollment
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12
W&I Code 10276	Child Care and Development Fund notice to providers
W&I Code 10290	Fee schedule for families using preschool and child care and development services
W&I Code 10291	Families exempt from family fees
W&I Code 10315	Transfer of information to public schools

W&I Code ~~10322~~10332	Children residing in another district; use of facilities and personnel
W&I Code 10491-10491.1	Expulsion and suspension procedures in childcare and development services programs

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities EducationAct
42 USC 1751-1769j	School Lunch Program
42 USC 9831-~~9852~~9852c	Head Start programs
42 USC ~~9858-9858q~~9857-9858r	Child ~~care~~Care and ~~development block grant~~Development Block Grant
45 CFR 98.~~2~~1-98.93	Child ~~care~~Care and ~~development fund~~Development Fund
7 CFR 210.1-210.~~31~~33	National School Lunch Program
34 CFR 303.1-303.734	Early intervention program for infants and toddlers with disabilities

Management Resources	**Description**
CA Dept of Social Services Publication	Child Care Transition: The Early Childhood Development Act of 2020
CA Dept of Social Services Publication	American Rescue Plan Act Child Care & Development Division FAQ
CA Dept of Social Services Publication	COVID-19 Licensed Child Care Facilities and Providers (FAQs)
CA Commission on Teacher Credentialing Publication	Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023
U.S. Department of Health and Human Services and U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016 (https://oese.ed.gov/files/2020/07/policy-statement-ece- expulsions-suspensions.pdf)
Court Decision	CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892
Website	CSBA District and County Office of Education Legal Services
Website	California Association for the Education of Young Children
Website	~~California Child Development Administrators Association~~EveryChild California, an Association of Leaders Advancing Early Learning (https://www.everychildca.org/)
Website	California Department of Education, Early Education ~~and Support~~ Division

Website	California Department of Education, Early Education Management Bulletins

Website	~~California Department of Social Services, Licensing~~ ~~Information~~California Department of Public Health (https://www.cdph.ca.gov/)
Website	California Department of Social Services, Child Care Licensing (https://www.cdss.ca.gov/inforesources/child-care-licensing)
Website	California Head Start Association
Website	California School-Age Consortium
Website	National Association for the Education of Young Children
Website	Commission on Teacher Credentialing (https://www.ctc.ca.gov/)
Website	CSBA
Website	Medical Board of California (https://www.mbc.ca.gov/)
Website	Office of Administrative Law (https://oal.ca.gov/)
Website	Osteopathic Medical Board of California (https://www.ombc.ca.gov/)
Website	Universal Prekindergarten, California's Great Start
Website	U.S. Department of Education
Website	U.S. Department of Health and Human Services (https://www.usa.gov/federal-agencies/u-s-department-of-health-and-human-services)

Cross References

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0500	Accountability
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1240	Volunteer Assistance
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1312.3	Uniform Complaint Procedures
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1330-E(1)	Use Of School Facilities
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3260	Fees And Charges
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3280	Sale Or Lease Of District-Owned Real Property
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4212.5	Criminal Record Check

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Exhibit (PDF) 5145.6-E PDF(1): Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 03/11/2021 | **Last Reviewed Date:** 03/11/2021

See PDF on the next page.

Exhibit **Descriptor Code: 5145.6**
Parental Notifications

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2020 (SB 74, Ch. 6, Statutes of 2020) extends the suspension of these requirements through the 2020-21 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			

Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school	Education Code	AR 5141.21	Administration of

year	48980, 49423, 49480		prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year and at least one more time during school year using specified methods	Education Code 49428	None	How to access mental health services at school and/or in community

When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
I. Annually (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification,

			referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
I. Annually (continued)			
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if	Education Code	AR 3543	School bus safety rules and

students have not previously been transported	39831.5		information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes

When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
II. At Specific Times During the Student's Academic Career (continued)			
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When child is enrolled or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure, blood lead testing
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
II. At Specific Times During the Student's Academic Career (continued)			
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release student's name, address, and phone number to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety

At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to	Education or Other Legal	Board Policy/ Administrative	

Notify	Code	Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for	Education Code 48915.1,	BP 5119	Hearing re: possible danger presented by expelled

certain acts seeks admission	48918		student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content

When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
III. When Special Circumstances Occur (continued)			
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records

Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Annually to parents/guardians of student athletes	Education Code 49476	AR 6145.2	Opioid fact sheet

When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
III. When Special Circumstances Occur (continued)			
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered

Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead	Health and Safety Code 1597.16	AR 5148	The requirement to test the facility, and the results of the test
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
III. When Special Circumstances Occur (continued)			
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies regarding excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services

Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation

When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
III. When Special Circumstances Occur (continued)			
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/ guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When district receives Impact Aid funds for students residing on Indian lands, to parents/ guardians of Indian children	20 USC 7704; 34 CFR 222.94	AR 3231	Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent	34 CFR 99.34	AR 5125	Right to review records

pursuant to 34 CFR 99.30			
When student complains of sexual harassment	34 CFR 106.44, 106.45	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable
When to Notify	**Education or Other Legal Code**	**Board Policy/ Administrative Regulation #**	**Subject**
III. When Special Circumstances Occur (continued)			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/ guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures	20 USC 1415(k);	AR 5144.2	Decision and procedural

are taken or change in placement	34 CFR 300.530		safeguards notice

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
V. Classroom Notices			
In each classroom used for license-exempt California State Preschool Program	Education Code 8235.5	AR 1312.3 E 1312.3	Health and safety requirements for preschool programs; where to get complaint form
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints subject to 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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
17 CCR 2950-2951	Hearing tests - https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==
17 CCR 6000-6075	School attendance immunization requirements - https://simbli.eboardsolutions.com/SU/YzfyALHtH25cYebUH5ax1Q==
22 CCR 101218.1	Child care licensing; parent/guardian rights - https://simbli.eboardsolutions.com/SU/VEQ6dXCJt3negQoWl3HplusEA==
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17288	Building standards for university campuses - https://simbli.eboardsolutions.com/SU/gbcuOrA3fPPuYXdHu415LQ==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2sIlxUTvYokVNC15GA==
Ed. Code 221.5	Equal opportunity - https://simbli.eboardsolutions.com/SU/Lu2WCQkxslshJZj8CtR80BZWA==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/xc4N8izB3LAiHeKeL3IJdg==
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying - https://simbli.eboardsolutions.com/SU/MRwslWU5kFXiT0iSjZCnkA==
Ed. Code 234.7	Student protections relating to immigration and citizenship status - https://simbli.eboardsolutions.com/SU/tYFq7Zw8Ckhuee1bkSS3cQ==
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies - https://simbli.eboardsolutions.com/SU/pSBfAotE7m0LVngpKCM2vw==

Ed. Code 310	Language acquisition programs - https://simbli.eboardsolutions.com/SU/dbIZSwocKmh3eQUQ9VbOHQ==
Ed. Code 313	Reclassification of English learners; parental consultation - https://simbli.eboardsolutions.com/SU/ooKplusHEjiyr2kQeAg57bETA==
Ed. Code 313.2	Long-term English learner; notification - https://simbli.eboardsolutions.com/SU/yUm1umUioA7FQNDs6iq22g==
Ed. Code 32221.5	Insurance for athletic team members - https://simbli.eboardsolutions.com/SU/f2slshovMTd9Y5ovZ0OxaoWgg==
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals - https://simbli.eboardsolutions.com/SU/lQawFqMXDozYGjGrWeY6lw==
Ed. Code 32390	Voluntary program for fingerprinting students - https://simbli.eboardsolutions.com/SU/yQOnjISz133vk4ljWni18w==
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==
Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/2SVBFhvw5zRpJAgFDIIFGA==
Ed. Code 35160.5	Extracurricular and cocurricular activities - https://simbli.eboardsolutions.com/SU/T5wvD8YODaGaQmMjFQ7XplusQ==
Ed. Code 35178.4	Notice of accreditation status - https://simbli.eboardsolutions.com/SU/0pW0Zka0ImebmimY89hVMg==
Ed. Code 35182.5	Advertising in the classroom - https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==
Ed. Code 35183	School dress code; uniforms - https://simbli.eboardsolutions.com/SU/xIbtfDOKOoWPrK64mIWYlw==
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 35211	Driver training; district insurance, parent/guardian liability - https://simbli.eboardsolutions.com/SU/ixYNkYEdzGRmkSh3s65J0g==
Ed. Code 35256	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/ckslsh7slshLSGFmf4TUplusHcm1yiw==
Ed. Code 35258	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/XpBEzfkV16CA5mk0f4jdmw==
Ed. Code 35291	Rules for student discipline - https://simbli.eboardsolutions.com/SU/9APACQz6J0xxobjAYbTYaQ==
Ed. Code 35292.6	School maintenance
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9ILspkF1JrplusGQ==
Ed. Code 39831.5	School bus rider rules and information - https://simbli.eboardsolutions.com/SU/QnyslshLGAJplusWLFXwvWLN683A==
Ed. Code 440	English language proficiency assessment; instruction in English language development - https://simbli.eboardsolutions.com/SU/LLA70T7CLVZvsBsou3Pm3Q==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44808.5	Permission to leave school grounds - https://simbli.eboardsolutions.com/SU/kK2KgPC2IGVuNbplusnLSplusIdQ==

Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services - https://simbli.eboardsolutions.com/SU/27EFMP4mEcC1185LfClfng==
Ed. Code 46014	Regulations regarding absences for religious purposes - https://simbli.eboardsolutions.com/SU/CplusHk97c4wXskPLblzHRQLQ==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission - https://simbli.eboardsolutions.com/SU/dH9lJslshk5z8eiYxUplusL7HAslshg==
Ed. Code 48070.5	Promotion and retention of students - https://simbli.eboardsolutions.com/SU/jwlKnzuJMffFJaHj3gEReQ==
Ed. Code 48204	Residency requirements - https://simbli.eboardsolutions.com/SU/HqJj3DBOrZilTRB4slsh7hYFg==
Ed. Code 48205	Absence for personal reasons - https://simbli.eboardsolutions.com/SU/q54m51wGgW5HWX0taUIDKQ==
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions - https://simbli.eboardsolutions.com/SU/IYYUZQCk5PABplusZ0438yZog==
Ed. Code 48207-48208	Students with temporary disabilities in hospitals - https://simbli.eboardsolutions.com/SU/ijHokUwIId1plusApXuKG70nw==
Ed. Code 48213	Prior notice of exclusion from attendance - https://simbli.eboardsolutions.com/SU/4izAygai328U4syyI11f7g==
Ed. Code 48216	Immunization and exclusion from attendance - https://simbli.eboardsolutions.com/SU/SUBMqa6By4YiKjslshjr96Hjw==
Ed. Code 48260.5	Notice regarding truancy - https://simbli.eboardsolutions.com/SU/iAkpl8x3fk4LYslshY4Jr5ylA==
Ed. Code 48262	Need for parent conference regarding truancy - https://simbli.eboardsolutions.com/SU/Nb6lcINFSTRMpluscJplusnRh4JQ==
Ed. Code 48263	Referral to school attendance review board or probation department - https://simbli.eboardsolutions.com/SU/slshilf0miArPhnlnslsh25cF5TA==
Ed. Code 48301	Interdistrict transfers - https://simbli.eboardsolutions.com/SU/CddnVZpluspLAMQhUfavqQStQ==
Ed. Code 48412	Certificate of proficiency - https://simbli.eboardsolutions.com/SU/FIxNsP3ltxen5OCOtj2cpQ==
Ed. Code 48432.3	Voluntary enrollment in continuation education - https://simbli.eboardsolutions.com/SU/ldXBevKjMSfyEJ4qIqhywA==
Ed. Code 48432.5	Involuntary transfers of students - https://simbli.eboardsolutions.com/SU/4OyhsW73W4SUwhAXLr2wKg==
Ed. Code 48850-48859	Education of foster youth and homeless students - https://simbli.eboardsolutions.com/SU/QU2SE6Iz7doZOGCpluslbtaEg==
Ed. Code 48900.1	Parental attendance required after suspension - https://simbli.eboardsolutions.com/SU/ppXZZ79dBxgZDozlrS8vwA==
Ed. Code 48904	Liability of parent/guardian for willful student misconduct - https://simbli.eboardsolutions.com/SU/HuoUShfesn0eJY8nP1JfrA==
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts - https://simbli.eboardsolutions.com/SU/dt5KNUnSLpER0iplusCa0bRIQ==

Ed. Code 48906	Notification of release of student to peace officer - https://simbli.eboardsolutions.com/SU/3eI5NLF75M895DZVS38SGw==
Ed. Code 48911	Notification in case of suspension - https://simbli.eboardsolutions.com/SU/eqBfn0IoBt4MQ1HQDZpluskpw==
Ed. Code 48911.1	Assignment to supervised suspension classroom - https://simbli.eboardsolutions.com/SU/slshmqxQGX5IPc2p6slshhv7OWLw==
Ed. Code 48912	Closed sessions; consideration of suspension - https://simbli.eboardsolutions.com/SU/lOLpMiSqCXkhplus1ZCWJDm0w==
Ed. Code 48915.1	Expelled students; enrollment in another district - https://simbli.eboardsolutions.com/SU/J0f39lFK8wILDyKFR6lvrg==
Ed. Code 48916	Readmission procedures - https://simbli.eboardsolutions.com/SU/Vw6zVy5mQHIxk9IykLjslshDA==
Ed. Code 48918	Rules governing expulsion procedures - https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor - https://simbli.eboardsolutions.com/SU/ZovzfBChwzwlgESVeslshAidA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Ed. Code 48980.3	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/f2aDJIuYUlpa8plusn4jFxDPA==
Ed. Code 48981	Time and means of notification - https://simbli.eboardsolutions.com/SU/iPy51oh0PgsGIwUIaYzhFw==
Ed. Code 48982	Parent signature acknowledging receipt of notice - https://simbli.eboardsolutions.com/SU/FkeUZjRYaIdAgHU9ZrkMJA==
Ed. Code 48983	Contents of notice - https://simbli.eboardsolutions.com/SU/5LMgDn4zaOdqNxFDrevWRA==
Ed. Code 48984	Activities prohibited unless notice given - https://simbli.eboardsolutions.com/SU/R6XEWUWkDj71WQSuNeiSXw==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	Child abuse information - https://simbli.eboardsolutions.com/SU/5Umc4hnfEiwGplusj12ym3vxQ==
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023IL35ATlslshnz6plusQ==
Ed. Code 49063	Notification of parental rights - https://simbli.eboardsolutions.com/SU/0314tGB6C2EColTJhoGHAg==
Ed. Code 49067	Student evaluation; student in danger of failing course - https://simbli.eboardsolutions.com/SU/4iKo6WFUxdplus0XplusVlNDMVUg==
Ed. Code 49068	Transfer of permanent enrollment and scholarship record - https://simbli.eboardsolutions.com/SU/kByPlslshWIM7HSt5TC9PwqEA==
Ed. Code 49069.7	Absolute right to access - https://simbli.eboardsolutions.com/SU/EHLmASPO6oOVNZwSekvNtg==
Ed. Code 49070	Challenging content of student record - https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==

Ed. Code 49073	Release of directory information - https://simbli.eboardsolutions.com/SU/YMNtqKufIpsO3LRpEQNrpg==
Ed. Code 49073.6	Student records; social media - https://simbli.eboardsolutions.com/SU/36EG4B44SNa5VQbNzplusX68g==
Ed. Code 49076	Access to student records - https://simbli.eboardsolutions.com/SU/Ezf6VFvgmORmoUCFnlCslsh3w==
Ed. Code 49077	Access to information concerning a student in compliance with court order - https://simbli.eboardsolutions.com/SU/WfuS7dcrcxWBJeqSxONyQw==
Ed. Code 49392	Threats of homicide at school
Ed. Code 49403	Cooperation in control of communicable disease and immunizations - https://simbli.eboardsolutions.com/SU/OExPQ4Liy9FdPsXoLevxCw==
Ed. Code 49423	Administration of prescribed medication for student - https://simbli.eboardsolutions.com/SU/6F1gCdZzlCKJq6OLWjZoXA==
Ed. Code 49451	Physical examinations: parent's refusal to consent - https://simbli.eboardsolutions.com/SU/NXatAVBLlInO4gik7b3g5A==
Ed. Code 49452.5	Screening for scoliosis - https://simbli.eboardsolutions.com/SU/sLRl2VWvgTjJjVnQf4gpqw==
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	Information on type 2 diabetes - https://simbli.eboardsolutions.com/SU/CavtIa4lG3JmUJhefOimbA==
Ed. Code 49452.8	Oral health assessment - https://simbli.eboardsolutions.com/SU/3hPVTlPl3EnUgy244aqYrw==
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	Results of vision or hearing test - https://simbli.eboardsolutions.com/SU/Ygq6DuPcW0NMaXryOlHqsg==
Ed. Code 49471-49472	Insurance - https://simbli.eboardsolutions.com/SU/ATmOVxHUqQmPhM761WS6hw==
Ed. Code 49475	Student athletes; concussions and head injuries - https://simbli.eboardsolutions.com/SU/vGoX0uUK29rTTmRJ2IPUnQ==
Ed. Code 49476	Student athletes; opioid fact sheet - https://simbli.eboardsolutions.com/SU/N2L3SRwHWzI6wnrpvMo5Sg==
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions - https://simbli.eboardsolutions.com/SU/IeJlhkM7InFbQS1Eb6ui7A==
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970 - https://simbli.eboardsolutions.com/SU/nO2tPwhV6R7VrwAO1CNnvw==
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account - https://simbli.eboardsolutions.com/SU/66T7et3SyxZVSBKJkpbTcQ==
Ed. Code 51225.1	Exemption from district graduation requirements - https://simbli.eboardsolutions.com/SU/xyKslshnpThDAZpqPeZnsB3IA==
Ed. Code 51225.2	Course credits - https://simbli.eboardsolutions.com/SU/MkGq9jkA3dpQO2NplusoDChaQ==
Ed. Code 51225.3	High school graduation requirements - https://simbli.eboardsolutions.com/SU/WNFAVVgiWv1wBeCknCeQnw==
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs

Ed. Code 51225.8	Completion and submission of FAFSA and CADAA - https://simbli.eboardsolutions.com/SU/S5YZ8MGTHbpluszIlnHL3bDmA==
Ed. Code 51229	Course of study for grades 7-12 - https://simbli.eboardsolutions.com/SU/a5ykplusXw539omM6UhH8ESxQ==
Ed. Code 51513	Personal beliefs; privacy - https://simbli.eboardsolutions.com/SU/yeslshfEeHwG9yYR9UyjfdDIQ==
Ed. Code 51749.5	Independent study
Ed. Code 51938	HIV/AIDS and sexual health instruction - https://simbli.eboardsolutions.com/SU/rdCvb9KeAJqKrniAgHciuQ==
Ed. Code 52062	Local control and accountability plans and the statewide system of support
Ed. Code 52164	Language census - https://simbli.eboardsolutions.com/SU/m7vpR7RmWjSpzSBPsOAPbw==
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills - https://simbli.eboardsolutions.com/SU/5hplusDOUoUufUD1blTZNqslsh3A==
Ed. Code 52164.3	Reassessment of English learners; notification of results - https://simbli.eboardsolutions.com/SU/ikHJePnhgRuGgM3gR1PboQ==
Ed. Code 54444.2	Migrant education programs; parent involvement - https://simbli.eboardsolutions.com/SU/djCr161Gq1C44RNiQdB2ug==
Ed. Code 56301	Child-find system; policies regarding written notification rights - https://simbli.eboardsolutions.com/SU/bUNLv1i7TDIuuALOVgpxIg==
Ed. Code 56321	Special education: proposed assessment plan - https://simbli.eboardsolutions.com/SU/1MLfR4TwJVhdNI1fplusif8gw==
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education - https://simbli.eboardsolutions.com/SU/b3IvTthbIekYwZQ2JuI9rw==
Ed. Code 56329	Written notice of right to findings; independent assessment - https://simbli.eboardsolutions.com/SU/plusYGChpkFuS9GnZfb9RKHgw==
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting - https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==
Ed. Code 56341.5	Individualized education program team meetings - https://simbli.eboardsolutions.com/SU/Iwj4HhPnHzrDbyenrwOgUg==
Ed. Code 56343.5	Individualized education program meetings - https://simbli.eboardsolutions.com/SU/WIR4anhxOslshMsxd94hRnBCA==
Ed. Code 56521.1	Behavioral intervention - https://simbli.eboardsolutions.com/SU/Y9DO90rVJxXgEy9DfRoNgw==
Ed. Code 58501	Alternative schools; notice required prior to establishment - https://simbli.eboardsolutions.com/SU/nvmMNL2AY1fAsD0WgPk2Iw==
Ed. Code 60615	Exemption from state assessment - https://simbli.eboardsolutions.com/SU/RslshV8slshaOozHgjqAH1KmRt5g==
Ed. Code 60641	California Assessment of Student Performance and Progress - https://simbli.eboardsolutions.com/SU/6TB4XaA9sW4lNM7mFi352A==
Ed. Code 69432.9	Submission of grade point average to Cal Grant program - https://simbli.eboardsolutions.com/SU/qt4qMG6UHjyKJg8nnwmRLQ==
Ed. Code 8212	Complaints related to preschool health and safety issues - https://simbli.eboardsolutions.com/SU/MLLdtFmslshd1Vgy4Gj0AcbIg==

Ed. Code 8483	Before/after school program; enrollment priorities - https://simbli.eboardsolutions.com/SU/mK0PEbplusgVTdEIHajPiR3lQ==
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	Tobacco use prevention - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 104855	Availability of topical fluoride treatment - https://simbli.eboardsolutions.com/SU/7DGsz1ZPslshd1RF0PwrKb1fQ==
H&S Code 116277	Lead testing of potable water at schools and requirements to remedy
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information - https://simbli.eboardsolutions.com/SU/lp3fbcUW5yWRlmpq77OUcg==
H&S Code 124100-124105	Health screening and immunizations - https://simbli.eboardsolutions.com/SU/L9HOoCdNFf6OLmwKrjEjiQ==
H&S Code 1596.8555	Administration of child day care licensing; posting license
H&S Code 1596.857	Right to enter child care facility - https://simbli.eboardsolutions.com/SU/nBplusFimID3uzJuHslshWPPk5Lw==
H&S Code 1597.16	Licensed child care centers; lead testing - https://simbli.eboardsolutions.com/SU/slshtBCplus4OuK8efzNWlkFhn5g==
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus - https://simbli.eboardsolutions.com/SU/wF1N8fmmYdismT9slshzOWHgA==
Pen. Code 627.5	Hearing request following denial or revocation of registration - https://simbli.eboardsolutions.com/SU/I4nZLzI8OicC9GRC8xJ5AA==
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

Federal References	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications

34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources References	**Description**
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==

Cross References	**Description**
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/rzNCNplusgIOuZ07tkLn8zplusrQ==

1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/x1QewT4YgzruZlTbYpBsCw==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/AEEKECijKNmVMzEslshyCbIkw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
3231	Impact Aid - https://simbli.eboardsolutions.com/SU/7Ap579LQSLQa4LplussekulFA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/WkUrNM2FzVVkLqFLyxiZng==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/4jRHUfaUfv4zxjwR1ydrpA==
3312	Contracts - https://simbli.eboardsolutions.com/SU/ypySW5bYSpEyYt3f9slshq8XA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/axGpVjdPOgNZrBMZBQtiFQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/n7CuOUfbHlaAcCzD0HsiyA==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/nHjErTm6oJjhW7gDtLAUoA==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/0KkyiKHKB37aBu7j8RCXzw==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/HrrQHaa9VD9ZyjOc3E0UdQ==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/eL7YUxCKnubQJPnNplusTyAJA==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/x6S9ocBBuKNsqUADxQLRCw==
3543	Transportation Safety And Emergencies - https://simbli.eboardsolutions.com/SU/72ffBe4oMFnJcz8LZiau0A==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/y3nAvz7wK8dK46NGAKvvCg==

3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/rQ60kSLQYHiC8hW9GplusDtFw==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aMslshpNvyGyfplusTuUKluUzHplusg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NzALV7TjR6lTf6f5RvMjhA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/KpSlgZ2FPbW1xwYtO2IwpA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/moaZkISdlwmOsXWZslshJVDeA==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/I7xazfmPT9pSxWVVLXhoAA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/iJVCLHplusd0emC5ahdOQgZGg==
3555-E(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/bAccc4mn5slshgN2C6y0PpnWg==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/4ECk7XUf2vAlK6WdWLchBw==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/xWKQ2uBAiN0fQuPmm52ynQ==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/52emsslshp67h2WsdOEvrslshMFw==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/R8I3V22slshv8L1TDQ3ILl3wg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/ePMKB68yqZCM4HYjmZ7WzQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/EMrErY6ZA7wnplusiidKreEuQ==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/PM9eVpzRwVudJrXBb51NlA==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/slshWYDlkeWFYgAPyDeQIHP1g==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/R3U5JpeaoplusoVTWmp6aTfsw==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/E8TLBAkmlZNslsh64KyfXgj4A==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/X6d0PiFilH2zk2K5JdazDg==

5030	Student Wellness - https://simbli.eboardsolutions.com/SU/kP3RA9Bro1n3d1MplusS6lm9g==
5111	Admission - https://simbli.eboardsolutions.com/SU/GUaeicU7jgrM5znpNYGjqQ==
5111	Admission - https://simbli.eboardsolutions.com/SU/xQb0iX5ZndNOtMmjybpA0A==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/GPT61WhRNQ8pHfa3UXX8Ng==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/Bgrve0Gbkwy2h7YR9OcBmQ==
5112.2	Exclusions From Attendance - https://simbli.eboardsolutions.com/SU/hNRpajXSn3ecKXjHEVvwdg==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/sXmiPExcpyoFC82JNOLAdg==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/XXYplusotWfxGjdaHHplusUtKIww==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/1iOUp6c5HdLm7bq0FbPbCg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/6rOSfwDcA9Fh4XEbKTxyrA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/3q2jiVsGBAXslsh9WmsN3Ri2A==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/x64w7bNWubnjpluscMr9yvhlA==
5116.2	Involuntary Student Transfers - https://simbli.eboardsolutions.com/SU/eET8laNj0WDMfRw84Gl1Rw==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/SjGkpplus4Jvmy3IFHQE2HY7g==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/8kslbpS7OxQBTiX2Y03LGA==
5119	Students Expelled From Other Districts - https://simbli.eboardsolutions.com/SU/6NcJbQ95Bzy5p30A76WeSA==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/4vLD4sHEz3MzvvyoXs9mCg==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/alTJplusjBplusRT7mJuaeYderAQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/VplussOE8US1DVte1kbeN6K3Q==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/yNQLcnMaslshCQerLAitMld6A==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/UO2j3yqobJ6YRTuLeugtIA==

5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/M4t47S8KUTzSplusIPyMLl2Aw==
5125.3	Challenging Student Records - https://simbli.eboardsolutions.com/SU/S9idkxEuToP0XSJgVsv0dQ==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/SMxDWML4ovtTEl9NUdAMslshw==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/XYeEB2XzTXue7AlhUlax4g==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/XT46XMcmU8mJQZPC1xpMfQ==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/slshplusvMQK2l4plusWZA4Xslsht0nhOA==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/ewTnhBtGxKGHkbFm3NatBg==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/WEhomHRqaulxRf1emZz0dw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/jgOyR5ZG6oxquyYQgJUHxw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/1KEcWg3tdaMSHap3A6rQlA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/nXFGAIcdg5TseX0vSC3nyw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KzxmngnveoordTPegwXZQg==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/VIA77L2HdAhqEqPt4plusWb0Q==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/aMTsnJvszXTBPdpslshiuY5IA==
5143	Insurance - https://simbli.eboardsolutions.com/SU/pESmAhIrKvCt9TDDzpASWA==
5143	Insurance - https://simbli.eboardsolutions.com/SU/vvDhX4MjDrJ0DrsR0yaAxw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/AFcRplusAycuwgNfvAG4HFOow==
5144	Discipline - https://simbli.eboardsolutions.com/SU/yuoBvCr3dEySUslshiqnnLxcg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/H9XqUCTnawzYMnWhyVIiBg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/VHWD3wPiRB0TqdnaHB6ghQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/Rt98igwn5fTiRyXtQU5x8Q==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/SnP9tQAXuS666ypk8hr6Jg==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/dA9O4plusufr94DU4NSlp7RAg==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/RIEajRrHVHaPY49S8F93Cg==

5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/kWsBhUGnqmZEopRm1e7oVA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/H1TslshcOVjvTplusTFFslsh35CuG1Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/FbJpk8FkpfZ33slshptQlLjHg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/l8t8YmbBtflYImdwbnRbEw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/PKu1VD5F78ewJR2U04xZ7Q==
5145.8	Refusal To Harm Or Destroy Animals - https://simbli.eboardsolutions.com/SU/GdWmG0Le8ADs1Wslshvdslshl1plusQ==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/djb4slshsgbpszLlijYQcBTww==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/KQOplusjVe5z9q5dsDaNMna6w==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/aHXj1KbWKdGMYCTGHhoOvQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/uLigonpG5KlnPzfKy9UlPQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/0MJbneZ9evhK0ureJoYKWA==
6112	School Day - https://simbli.eboardsolutions.com/SU/V0Q5g2Ta4MDdGwupXvFdrQ==
6112	School Day - https://simbli.eboardsolutions.com/SU/NslshOG1iblXOQAxyMYTK2mbQ==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/S4KAb357YlOglkdmk5wd8A==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/JBsAJao0anM9hZYuqfNMbA==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/Uml a1mELChYcbrZx1VMNEg==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/AzmModnV3vLslshJn02pEnzBw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/x0hb3hkKicXv7wIr4CYoQg==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/3slshq0kP6i01dIvoZMdFHCvA==

6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/plusvY1VMisWfdCKrDslshrWh8bQ==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/AmS1igTjx4X628bKgqW8Bw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/AjyYJSIWle0X1X9aYsrxDA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/0rtplusMzx8L8UZ1Qslsht9ctTsA==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/ceT73NcXQVcuvaYslshGFplusfpA==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/bpIfq6ODgTOqb5pKplusmrRlQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/ZbAwIfVztbG4fvTGJWBqAA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/72afLR1iFxwZ4UvyhY0uLg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/bK5tZtFKr9Bu9YGjy15vUg==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/m8kR6OqcnpKBslshBUOCscN6Q==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/c3m96PV0v0n1mPST6vUNcA==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/QpluskOG4jAvuZVXN0yDblhKA==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==
6162.8	Research - https://simbli.eboardsolutions.com/SU/VVUcDNCTZ4hCGz2ndBe7plusg==
6162.8	Research - https://simbli.eboardsolutions.com/SU/GufhYU14PASzIBv7KiDMfw==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/8SQdWu3IRoOhSBC6o4b3uA==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/Wa6ZJZ7BgrmYeDmvxY9Pplusg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/pLPKyuXkTjHUVX0bMg6g1w==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/KSed8OKaYIQWDXMkS1v1Aw==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/uiyfKoElFv7NzUrqNslshftGw==
6170.1	Transitional Kindergarten - https://simbli.eboardsolutions.com/SU/captf1Q8oxwc3XTrVxLVag==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==

6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/OwILob6A8qpWdbKgYa2a9Q==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/jRAItuzGTRslshtUwEvzm7B6Q==
6173.3	Education For Juvenile Court School Students - https://simbli.eboardsolutions.com/SU/KhyYZOplus0AslshTH8EJqpsJZgg==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/TuslshPMGHi6O2DoJzSkkL5uw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/5plussi8eIBplusplusRvrBTViaylIA==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/y4cq1hSeYGrqEtIeJpLYEQ==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/MyV2GJCiJDDplusHlvzjadf6Q==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/SsYiNF0LslshseiRm7GRp9z9g==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==

Exhibit (1) 5145.6

Original Adopted Date: 03/01/2018 | **Last Revised Date:** ~~03~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~03~~06/01/~~2022~~2023

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of ~~2021~~2022 (AB ~~128~~178, Ch. ~~21~~45, Statutes of ~~2021~~2022) extends the suspension of these requirements through the ~~2021-22~~2022-23 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

CSBA NOTE: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures (UCP) as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual, but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

I. Annually

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 222.5
Board Policy/Administrative Regulation #: See BP 5146
Subject: Rights and options for pregnant and parenting students

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 234.7
Board Policy/Administrative Regulation #: See BP 0410
Subject: Right to a free public ~~year 234.7~~ education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 310
Board Policy/Administrative Regulation #: See BP 6142.2, ~~See~~ AR 6174
Subject: Information on the district's language acquisition program

When to Notify: Beginning of each school year
Education or Other Legal Code: EducationCode 17611.5, 17612, 48980.3
Board Policy/Administrative Regulation #: See AR3514.2
Subject: Use of pesticide ~~product~~products, active ingredients, ~~Internet~~internet address to access

information, and, if district uses certain pesticides, integrated pest management plan

When to Notify: Annually by February 1
Education or Other Legal Code: Education Code 35256, 35258
Board Policy/Administrative Regulation #: See BP 0510 Subject:
School Accountability Report Card provided

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 35291, 48980
Board Policy/Administrative Regulation #: See AR 5144, ~~See~~ AR 5144.1
Subject: District and site discipline rules

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 44050
Board Policy/Administrative Regulation #: See BP 4119.21, ~~See~~ BP 4219.21, ~~See~~ BP 4319.21
Subject: Code of conduct addressing employee interactions with students

When to Notify: Beginning of each school year Education
or Other Legal Code: EducationCode 46010.1 Board
Policy/Administrative Regulation #: See AR 5113 Subject:
Absence for confidential medical services

When to Notify: Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school
Education or Other Legal Code: Education Code 48929, 48980
Board Policy/Administrative Regulation #: See BP 5116.2
Subject: District policy authorizing transfer

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: Schedule of minimum days and student-free staff development days

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8
Board Policy/Administrative Regulation #: See AR 5145.7
Subject: Copy of sexual harassment policy as related to students; contact information for Title IX coordinator

When to Notify: Beginning of each school year
Education or Other Legal Code: EducationCode 48980, 32255-32255.6
Board Policy/Administrative Regulation #: See AR 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 35160.5, 46600-46611, 48204, 48301
Board Policy/Administrative Regulation #: See BP 5111.1, ~~See~~ AR 5116.1, ~~See~~ AR 5117 Subject:
All statutory attendance options, available local attendance options, options for meeting

residency, form for changing attendance, appeals process

When to Notify: Beginning of each school year, if Board allows such absence
Education or Other Legal Code: Education Code 48980, 46014
Board Policy/Administrative Regulation #: See AR 5113
Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 48205
Board Policy/Administrative Regulation #: See AR 5113, ~~See~~ BP 6154
Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 48206.3, 48207, 48208
Board Policy/Administrative Regulation #: See AR 6183
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49403
Board Policy/Administrative Regulation #: See BP 5141.31
Subject: School immunization program

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49423, 49480
Board Policy/Administrative Regulation #: See AR 5141.21
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49451; 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980, 49471, 49472
Board Policy/Administrative Regulation #: See BP 5143
Subject: Availability of insurance

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement
Education or Other Legal Code: EducationCode 48980, 51225.3
Board Policy/Administrative Regulation #: See AR 6146.1
Subject: How district established graduation requirements do or do not satisfy college entrance A-G course criteria; district's CTE courses that satisfy A-G course criteria

When to Notify: Annually
Education or Other Legal Code: Education Code 48986, 49392
Board Policy/Administrative Regulation #: See AR 0450

Subject: Information and laws related to the safe storage of firearms and California's child access prevention laws

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

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, ~~See~~ AR 5125.3
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7
Board Policy/Administrative Regulation #: See AR 5125
Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria for defining school officials and to determine legitimate educational interest, categories defined as directory information, disclosures, right to file complaint with U.S. Department of Education, course prospectus availability

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Release of directory information

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

When to Notify: Two or more times during the school year
Education or Other Legal Code: Education Code 49428
Board Policy/Administrative Regulation #: See NoneBP 5141.5
Subject: How to access mental health services at school and/or in the community

When to Notify: Beginning of each school year in schools serving students in grades 6-12
Education or Other Legal Code: Education Code 49428.5
Board Policy/Administrative Regulation #: See BP 5141.5
Subject: Distribution of digitized mental health poster online

When to Notify: Annually or upon enrollment in elementary school
Education or Other Legal Code: Education Code 49452.6
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Availability of type 1 diabetes informational materials developed by the California Department of Education

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49520, 48980;, 42 USC 1758;, 7 CFR 245.5
Board Policy/Administrative Regulation #: See AR 3553
Subject: Eligibility and application process for free and reduced price meals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 51513, 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022, ~~See~~ BP 6162.8
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

When to Notify: When developing the local control and accountability plan and during the annual update of the local control and accountability plan (LCAP)
Education or Other Legal Code: Education Code 52062
Board Policy/Administrative Regulation #: See BP 0460
Subject: Opportunity to submit written comments regarding specific actions and expenditures in proposed plan or annual update

When to Notify: Beginning of each school year Education
or Other Legal Code: Education Code 56301 Board
Policy/Administrative Regulation #: See BP 6164.4
Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 58501, 48980
Board Policy/Administrative Regulation #: See AR 6181 Subject:
Alternative schools

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 60615, 5 CCR 852
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year
Education or Other Legal Code: Health and SafetyCode 104855
Board Policy/Administrative Regulation #: See AR 5141.6
Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

~~When/Whom to Notify: Annually~~
~~Education or Other Legal Code: 5 CCR 852; Education Code 60615~~
~~Board Policy/Administrative Regulation #: See AR 6162.51~~
~~Subject: Student's participation in state assessments; option to request exemption from testing~~

When to Notify: Beginning of each school year, if district receives Title I funds
Education or Other Legal Code: 20 USC 6312; 34 CFR 200.48
Board Policy/Administrative Regulation #: See BP 4112.2, ~~See~~ AR 4222

Subject: Right to request information re: professional qualifications of child's teacher and paraprofessional

When to Notify: Beginning of each school year
Education or Other Legal Code: 34 CFR 104.8, 106.9
BoardPolicy/AdministrativeRegulation #: See BP 0410, ~~See~~ BP 6178
Subject: Nondiscrimination

When to Notify: Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals
Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93
Board Policy/Administrative Regulation #: See AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year
Education or Other Legal Code: USDA FNS Instructions 113-1
Board Policy/Administrative Regulation #: See BP 3555
Subject: Information related to the district's food service programs

When to Notify: Beginning of each school year
Education or Other Legal Code: USDA SP~~ 23-2017~~46-2016
Board Policy/Administrative Regulation #: See AR 3551
Subject: District policy on meal payments

II. At Specific Times During the Student's Academic Career

When to Notify: Beginning in grade 7, at least once prior to course selection and career counseling
Education or Other Legal Code: Education Code 221.5;, ~~4~~8980
Board Policy/Administrative Regulation #: See BP 6164.2
Subject: Course selection and career counseling

When to Notify: Upon a student's enrollment Education
or Other Legal Code: EducationCode 310
Board Policy/Administrative Regulation #: See BP 6142.2, ~~See~~ AR 6174
Subject: Information on the district's language acquisition programs

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Education or Other Legal Code: Education Code 32390, 48980
Board Policy/Administrative Regulation #: See AR 5142.1
Subject: Fingerprinting program

When/Whom to Notify: When participating in driver training courses under the jurisdiction of the district
Education or Other Legal Code: EducationCode 35211
Board Policy/Administrative Regulation #: None
Subject: Civil liability, insurance coverage

When to Notify: Upon registration in K-6, if students have not previously been transported
Education or Other Legal Code: Education Code 39831.5
Board Policy/Administrative Regulation #: See AR 3543
Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year for high school students, if high school is open campus
Education or Other Legal Code: EducationCode 44808.5, 48980
Board Policy/Administrative Regulation #: See BP 5112.5
Subject: Open campus

When to Notify: ~~Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course~~Prior to ~~satisfy graduation requirement~~providing an eye examination
Education or Other Legal Code: Education Code ~~48980, 51225.3~~49455.5
Board Policy/Administrative Regulation #: See AR ~~6146.1~~5141.3
Subject: ~~How each school graduation requirement does~~ Upcoming eye examinations at school site, including form on which parent/guardian may indicate lack of consent

When to Notify: When a parent/guardian request for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or ~~does not satisfycollegeentranceа-g coursecriteria;districts CTE courses that satisfy a-g course criteria~~

Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: To be included in AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When to Notify: Upon a student's enrollment Education
or Other Legal Code: EducationCode 49063
Board Policy/Administrative Regulation #: See AR 5125, ~~See~~ AR 5125.3
Subject: Specified rights related to student records

When to Notify: When students enter grade 7
Education or Other Legal Code: Education Code 49452.7
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Specified information on type 2 diabetes

When to Notify: When in kindergarten, or first grade if not previously enrolled in public school
Education or Other Legal Code: Education Code 49452.8
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

When to Notify: Before grade 12
Education or Other Legal Code: Education Code 51225.8
Board Policy/Administrative Regulation #: See AR 6143
Subject: Completion and submission of FAFSA and CADAA

When to Notify: Beginning of each school year for students in grades 9-12
Education or Other Legal Code: Education Code 51229, 48980
Board Policy/Administrative Regulation #: See AR 6143, BP 6178
Subject: UC and CSU College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors

When to Notify: Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year
Education or Other Legal Code: Education Code 51938, 48980
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Sexual health and HIV prevention education; right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year Education or Other Legal Code: Education Code 60641;, 5 CCR 863
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Results of tests; test purpose, individual score and intended use

When/Whom to Notify: By October 15 for students in grade 12
Education or Other Legal Code: Education Code 69432.9
Board Policy/Administrative Regulation #: See AR 5121, See AR 5125
Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When to Notify: Upon enrollment in a California State Preschool program
Education or Other Legal Code: Education Code 8489.1
Board Policy/Administrative Regulation #: See AR 5148.3
Subject: Limitations on disenrollment, including expulsion and suspension and how to file an appeal in the event of expulsion or suspension

When to Notify: When child is enrolled or reenrolled in a licensed child care center or preschool
Education or Other Legal Code: Health and Safety Code 1596.7996
Board Policy/Administrative Regulation #: See AR 5148
Subject: Information on risks and effects of lead exposure, blood lead testing

When to Notify: When child is enrolled in kindergarten
Education or Other Legal Code: Health and Safety Code 124100, 124105
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Health screening examination

When to Notify: To students in grades 11-12, early enough to enable registration for fall test
Education or Other Legal Code: 5 CCR 11523
Board Policy/Administrative Regulation #: See AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds
Education or Other Legal Code: 20 USC 7908
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Request that district not release student'sname, address, and phone number to military recruiters without prior written consent

III. When Special Circumstances Occur

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

When to Notify: Upon receipt of a complaint alleging discrimination
Education or Other Legal Code: Education Code 262.3
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Civil law remedies available to complainants

When to Notify: When determining whether an English learner should be reclassified as fluent English proficient
Education or Other Legal Code: Education Code 313;~~,~~ ~~5~~ CCR 11303
Board Policy/Administrative Regulation #: See AR 6174
Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to Notify: When Student is identified as English learner and district receives ~~Titles~~Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year
Education or Other Legal Code: Education Code 313.2, 440;~~,~~ ~~2~~0 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program

When to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: See BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When to Notify: When homeless or foster youth applies for enrollment in before/after school program
Education or Other Legal Code: Education Code 8483
Board Policy/Administrative Regulation #: See AR 5178.2
Subject: Right to priority enrollment how to request priority enrollment

When to Notify: When a child in a California State Preschool program exhibits persistent and serious challenging behaviors
Education or Other Legal Code: Education Code 8489.1
Board Policy/Administrative Regulation #: See AR 5148.3
Subject: Description of the child's behaviors and program plan for maintaining the child's safe participation in program and expulsion/unenrollment process

When to Notify: At least 24 hours before the effective date of suspending or expelling a child from a California State Preschool program
Education or Other Legal Code: Education Code 8489.1
Board Policy/Administrative Regulation #: See AR 5148.3
Subject: "Notice of Action, Recipient of Services," as described in 5 CCR 17783

When to Notify: Before high school student attends specialized secondary program on a university campus
Education or Other Legal Code: EducationCode 17288
Board Policy/Administrative Regulation #: None
Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Intended use of pesticide product

When to Notify: To members of athletic teams Education
or Other Legal Code: EducationCode 32221.5 Board
Policy/Administrative Regulation #: See AR 5143
Subject: Offer of insurance; no-cost and low-cost program options

When to Notify: Annually to parents/guardians of student athletes before participation in competition
Education or Other Legal Code: Education Code 33479.3 Board
Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on sudden cardiac arrest

When to Notify: If school has lost its WASC accreditation status
Education or Other Legal Code: Education Code 35178.4
Board Policy/Administrative Regulation #: See BP 6190
Subject: Loss of status, potential consequences

When/Whom to Notify: When district has contracted for electronic products or services that disseminate advertising
Education or Other Legal Code: EducationCode 35182.5
Board Policy/Administrative Regulation #: See BP 3312
Subject: Advertising will be used in the classroom or learning center

When to Notify: At least six months before implementing a schoolwide uniform policy
Education or Other Legal Code: Education Code 35183
Board Policy/Administrative Regulation #: See AR 5132
Subject: Dress code policyrequiringschoolwideuniform

When to Notify: Before implementing a year-round schedule
Education or Other Legal Code: Education Code 37616 Board
Policy/Administrative Regulation #: See BP 6117 Subject:
Public hearing on year-roundschedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days
Education or Other Legal Code: Education Code 46601
Board Policy/Administrative Regulation #: See AR 5117

Subject: Appeal process

When to Notify: Before early entry to transitional kindergarten or kindergarten, if early entry offered
Education or Other Legal Code: Education Code 48000
Board Policy/Administrative Regulation #: See AR 5111, ~~See~~ AR 6170.1
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention
Education or Other Legal Code: Education Code 48070.5
Board Policy/Administrative Regulation #: See AR 5123
Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or Other Legal Code: Education Code 48213
Board Policy/Administrative Regulation #: See AR 5112.2
Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization
Education or Other Legal Code: Education Code 48216;, 17 CCR 6040
Board Policy/Administrative Regulation #: See AR 5141.31
Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified as truant Education
or Other Legal Code: EducationCode 48260.5, 48262 Board
Policy/Administrative Regulation #: See AR 5113.1
Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify: When a truant is referred to a SARB or probation department
Education or Other Legal Code: Education Code 48263
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Name and address of SARB or probation department and reason for referral

When/Whom to Notify: When student requests to voluntarily transfer to continuation school
Education or Other Legal Code: Education Code 48432.3
Board Policy/Administrative Regulation #: See AR 6184
Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary transfer to continuation school
Education or Other Legal Code: Education Code 48432.5
Board Policy/Administrative Regulation #: See AR 6184
Subject: Right to require meeting prior to involuntary transfer to continuation school

When/Whom to Notify: To person holding educational rights, prior to recommending placement of foster youth outside school of origin

Education or Other Legal Code: Education Code 48853.5
Board Policy/Administrative Regulation #: See AR 6173.1
Subject: Basis for the placement recommendation

When to Notify: When a foster youth or an Indian child receives a suspension, expulsion, manifestation determination, or involuntary transfer
Education or Other Legal Code: Education Code 48853.5
Board Policy/Administrative Regulation #: See AR 6173.1, AR 6173.4
Subject: Suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information to a foster youth's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, the child's county socialworker

When to Notify: When student is removed from class and teacher requires parental attendance at school
Education or Other Legal Code: Education Code 48900.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Parental attendance required; timeline for attendance

When to Notify: Prior to withholding grades, diplomas, or transcripts
Education or Other Legal Code: Education Code 48904
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Education or Other Legal Code: Education Code 48904.3
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Education or Other Legal Code: Education Code 48906
Board Policy/Administrative Regulation #: See BP 5145.11
Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

When to Notify: At time of suspension
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See BP 5144.1, ~~See~~ AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom
Education or Other Legal Code: Education Code 48911.1
Board Policy/Administrative Regulation #: See AR 5144.1

Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closed session re: suspension
Education or Other Legal Code: Education Code 48912
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When a student expelled from another district for certain acts seeks admission
Education or Other Legal Code: Education Code 48915.1, 48918
Board Policy/Administrative Regulation #: See BP 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Education or Other Legal Code: Education Code
48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Readmission procedures

When to Notify: At least 10 calendar days before expulsion hearing
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school
Education or Other Legal Code: Education Code 48929, 48980
Board Policy/Administrative Regulation #: See BP 5116.2
Subject: Right to request a meeting with principal or designee

When to Notify: One month before the scheduled minimum day
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents/guardians request guidelines for filing complaint of child abuse at a school site
Education or Other Legal Code: Education Code 48987
Board Policy/Administrative Regulation #: See AR 5141.4

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course
Education or Other Legal Code: Education Code 49067
Board Policy/Administrative Regulation #: See AR 5121
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school into the district Education or Other Legal Code: Education Code 49068
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive copy of student's record and a hearing to challenge content of student's records

When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals
Education or Other Legal Code: Education Code 49070
Board Policy/Administrative Regulation #: See AR 5125.3
Subject: If board sustains allegations, the correction of destruction of record; if denied, right to submit written objection

When/Whom to Notify: When district is considering program to gather safety-related information from students' social media activity
Education or Other Legal Code: EducationCode 49073.6
Board Policy/Administrative Regulation #: See BP 5125
Subject: Opportunity for input on proposed program

When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter
Education or Other Legal Code: EducationCode 49073.6
Board Policy/Administrative Regulation #: AR 5125
Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records

When to Notify: Within 24 hours of release of information to a judge or probation officer
Education or Other Legal Code: Education Code 49076
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena
Education or Other Legal Code: Education Code 49077
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis
Education or Other Legal Code: Education Code 49452.5
Board Policy/Administrative Regulation #: See AR 5141.3

Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects
Education or Other Legal Code: Education Code 49456; 17 CCR 2951 Board
Policy/Administrative Regulation #: See AR5141.3
Subject: Vision or hearing test results

When to Notify: Within 10 days of negative balance in meal account
Education or Other Legal Code: Education Code 49557.5
Board Policy/Administrative Regulation #: See AR 3551
Subject: Negative balance in meal account; encouragement to apply for free or reduced price meals

When to Notify: Annually to parents/guardians of student athletes
Education or Other Legal Code: Education Code 49475
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on concussions and head injuries

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition
Education or Other Legal Code: Education Code 49476
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Opioid fact sheet

When/Whom to Notify: Within 30 days of foster youth, ~~homeless youth~~student experiencing homelessness, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12
Education or Other Legal Code: Educational Code 51225.1
Board Policy/Administrative Regulation #: See BP 6146.1, ~~See~~ AR 6173, ~~See~~ AR 6173.1, AR 6173.3, ~~See~~ AR 6175
Subject: Exemption from local graduation requirements, effect on college admission, option for fifth year of high school, transfer opportunities through California Community Colleges

When to Notify: When satisfactory educational progress in one or more independent study courses is not being made by student under 18
Education or Other Legal Code: Educational Code 51749.5
Board Policy/Administrative Regulation #: See BP 6158
Subject: Findings from evaluation to determine if it is in student's best interest to remain in independent study or whether student should be referred to an alternative program.

When to Notify: Before any test/survey questioning personal beliefs
Education or Other Legal Code: Education Code 51513
Board Policy/Administrative Regulation #: See AR 5022
Subject: Permission for test, survey questioning personal beliefs

When to Notify: At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year
Education or Other Legal Code: Education Code 51938

Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Instruction in HIV prevention or sexual health by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency
Education or Other Legal Code: EducationCode 52164.1, 52164.3;, 5 CCR 11511.5
Board Policy/Administrative Regulation #: See AR 6174
Subject: Results of state test of English proficiency

When to Notify: When migrant education program is established
Education or Other Legal Code: Education Code 54444.2
BoardPolicy/AdministrativeRegulation #: See BP 6175, ~~See~~ AR 6175
Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: Health and Safety Code 1596.857;, 22 CCR 101218.1
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent/guardian right to enter and inspect facility and other rights as specified

When to Notify: When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead
Education or Other Legal Code: Health and Safety Code 1597.16
Board Policy/Administrative Regulation #: See AR 5148
Subject: The requirement to test the facility, and the results of the test

When/Whom to Notify: When district receives Tobacco-Use Prevention Education Funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: See AR 3513.3
Subject: The district's tobacco-free schools policy and enforcement procedures

~~When to Notify: When testing by community water system finds presence of lead exceeding specified level~~
~~Education or Other Legal Code: Health and Safety Code 116277~~
~~Board Policy/Administrative Regulation #: See AR 3514 Subject: Elevated lead level at school~~

When to Notify: When sharing student immunization information with an immunization system
Education or Other Legal Code: Health and Safety Code 120440
Board Policy/Administrative Regulation #: See AR 5125
Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer
Education or Other Legal Code: Penal Code 626.81
Board Policy/Administrative Regulation #: See AR 1240, ~~See~~ BP 1250
Subject: Dates and times permission granted; obtaining information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises
Education or Other Legal Code: Penal Code 627.5
Board Policy/Administrative Regulation #: See AR 3515.2
Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law
Education or Other Legal Code: 5 CCR 4631
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: 5 CCR 18066
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies regarding excused and unexcused absences

When to Notify: Within 30 days of application for subsidized child care or preschool services
Education or Other Legal Code: 5 CCR 17782, 18094, 18118
Board Policy/Administrative Regulation #: See AR 5148, ~~See~~ AR 5148.3
Subject: Policies re: Approval or denial of services

When to Notify: At least 14 days before change in service or other intended action, upon recertification or update of application for child care or preschool services
Education or Other Legal Code: 5 CCR 17783, 18095, 18119
Board Policy/Administrative Regulation #: See AR 5148, ~~See~~ AR 5148.3
Subject: Policies re: Any change in service, such as in fees, amount of service, termination of service

When to Notify: Upon child's enrollment in child care program Education
or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Policy on fee collection

When to Notify: When payment of child care fees is seven days late
Education or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Notice of delinquent fees

When to Notify: When district substantively changes policy on student privacy rights
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See AR 4112.24
Subject: Timelynotice to parent/guardian of child's assignment

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of

school year, to parents/guardians of English learners
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy
Education or Other Legal Code: 20 USC 6318
Board Policy/Administrative Regulation #: See AR 6020
Subject: Notice of policy

When to Notify: When district ~~recieves~~receives Impact Aid funds for students residing on Indian lands, to ~~prarents~~parents/guardians of Indian children
Education or Other Legal Code: 20 USC 7704; 34 CFR 222.94
Board Policy/Administrative Regulation #: See AR 3231
Subject: Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments

When to Notify: When household is selected for verification of eligibility for free or reduced-price meals
Education or Other Legal Code: 42 USC 1758;, ~~7~~ CFR 245.6a
Board Policy/Administrative Regulation #: See AR 3553
Subject: Need to submit verification information; any subsequent change in benefits; appeals

When/Whom to Notify: When student is homeless or unaccompanied minor
Education or Other Legal Code: ~~42 USC 11432;~~ Education Code 48852.5, 42 USC 11432
Board Policy/Administrative Regulation #: See AR 6173
Subject: Educational and related opportunities; transportation services; placement decision and right to appeal; duties of district liaison; public notice

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30
Education or Other Legal Code: 34 CFR 99.34
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive records and an opportunity for hearing upon request

When to Notify: When student complains of sexual harassment
Education or Other Legal Code: 34 CFR 106.44, 106.45
Board Policy/Administrative Regulation #: See AR 5145.7
Subject:Right to fileformalcomplaint,availability of supportivemeasures, notice of process,reason for dismissal of ~~complaintif~~complaint if applicable

When to Notify: When district receives federal funding assistance for nutrition program
Education or Other Legal Code: USDA FNS Instruction 113-1
Board Policy/Administrative Regulation #: See BP 3555
Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures

IV. Special Education Notices

When to Notify: Prior to a student with disabilities beginning tenth grade

Education or Other Legal Code: Educational Code 51225.31
Board Policy/Administrative Regulation #: See BP 6146.1
Subject: Exemption from local graduation requirements

When to Notify: Prior to conducting initial evaluation
Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329;, 20 USC 1415 (d~~);~~), 34 CFR 300.502, 300.503
Board Policy/Administrative Regulation #: See BP 6159.1, ~~See~~ AR 6159.1, ~~See~~ AR 6164.4 Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

When/Whom to Notify: Before functional behavioral assessment begins
Education or Other Legal Code: Education Code 56321
Board Policy/Administrative Regulation #: See AR 6159
Subject: Notification and consent

When to Notify: 24 hours before IEP when district intending to record
Education or Other Legal Code: Education Code 56341.1
Board Policy/Administrative Regulation #: See AR 6159
Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting
Education or Other Legal Code: Education Code 56341.5;, ~~3~~4 CFR 300.322
Board Policy/Administrative Regulation #: See AR 6159
Subject: Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent/guardian orally requests review of IEP
Education or Other Legal Code: Education Code 56343.5
Board Policy/Administrative Regulation #: See AR 6159
Subject: Need for written request

When to Notify: Within one school day of emergency intervention or serious property damage
Education or Other Legal Code: Education Code 56521.1
Board Policy/Administrative Regulation #: See AR 6159.4
Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including whenparent/guardianrevokes consent for services
Education or Other Legal Code: 20 USC 1415(c~~);~~), 34 CFR 300.300, 300.503
Board Policy/Administrative Regulation #: See AR 6159, ~~See~~ AR 6159.1
Subject: Prior written notice

When/Whom to Notify: Upon filing of state complaint Education or
Other Legal Code: 20 USC 1415(d), 34 CFR 300.504 Board
Policy/Administrative Regulation #: See AR 6159.1 Subject:
Procedural safeguards notice

When/Whom to Notify: When disciplinary measures are taken or a change in placement
Education or Other Legal Code: 20 USC 1415(k~~);~~), 34 CFR 300.530
Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing Education
or Other Legal Code: 20 USC 1415(k~~);~~), 34 CFR 300.508 Board
Policy/Administrative Regulation #: See AR 6159.1
Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504
Education or Other Legal Code: 34 CFR 104.32, 104.36
Board Policy/Administrative Regulation #: See AR 6164.6
Subject: District responsibilities, district actions, procedural safeguards

V. Classroom Notices

~~When~~Where to ~~Notify~~Post: In all district schools and offices, including staff lounges and student government meeting rooms
Education or Other Legal Code: Education Code 234.1
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Uniform complaint procedures board policy and administrative regulation

~~When~~Where to ~~Notify~~Post: In each classroom used for license exempt California State Preschool Program
Education or Other Legal Code: Education Code 8212
Board Policy/Administrative Regulation #: See AR/E 1312.3
Subject: Health and safety requirements for preschool programs; where to get complaint form

~~When to Notify: In each classroom in each school~~
~~Education or Other Legal Code: Education Code 35186~~
~~Board Policy/Administrative Regulation #: See AR/E 1312.4~~
~~Subject: Complaints subject to Williams uniform complaint procedures~~

~~When to Notify~~Where to Post : In each classroom in each school
Education or Other Legal Code: Education Code 35186
Board Policy/Administrative Regulation #: See AR/E 1312.4 Subject:
Complaints subject to Williams uniform complaint procedures

~~When to Notify:~~ Where to Post: In any school serving any of grades 6-12, in a prominent and conspicuous location in every restroom required to stock menstrual products,
Education or Other Legal Code: EducationCode 35292.6
Board Policy/Administrative Regulation #: See AR 3517
Subject: Requirement to stock and make available free of cost an adequate supply of menstrual products that includes email address and telephone number for a designated individual responsible for maintaining requisite supply of menstrual products

Where to Post In a licensed child care and development center at a location accessible to parents/guardians
Education or Other Legal Code: Health and Safety Code ~~596~~1596.857
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent/guardian right to inspect, prohibition against retaliation, right to file complaint; registered sex offender database available to public; review licensing reports of facility visits and substantiated complaints against facility

Where to Post: In a prominent, publicly accessible location in the child care facility
Education or Other Legal Code: Health and Safety Code 1596.8555
Board Policy/Administrative Regulation #: See AR 5148
Subject: Child care license

Where to Post: In a prominent location adjacent to child care license at facility
Education or Other Legal Code: Welfare and institutions Code 10228
Board Policy/Administrative Regulation #: See AR 5148
Subject: Rates, discounts, or scholarship policies

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

State	Description
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassmentpolicy
5 CCR 852	Exemptions from state assessments

5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexualharassmentpolicy
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Studentprotectionsrelating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners; parental consultation
Ed. Code 313.2	Long-term English learner; notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprintingstudents
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention
Act Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention
Act	
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability
Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 35292.6	School maintenance

Ed. Code 37616	~~Notice of public hearing on year-round schedule~~Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention ofstudents
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization and exclusion from attendance
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900.1	Parental attendance required aftersuspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct

Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other thanEnglish
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49392	Threats of homicide at school

Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49476	Student athletes; opioid fact sheet
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51749.5	Independent study
Ed. Code 51938	HIV/AIDS and sexual health instruction
Ed. Code 52062	Local control and accountabilityplans and the statewide system of support
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills

Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding writtennotification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8212	Complaints related to preschool health and safety issues
Ed. Code 8483	Before/after school program; enrollment priorities
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of school drinking water
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105 immunizations	Health screening and
H&S Code 1596.8555	Administration of child day care licensing; posting
license H&S Code 1596.857	Right to enter child care facility
H&S Code 1597.16	Licensed child care centers; lead testing

Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information

34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions, and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources	**Description**
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3231	Impact Aid
3260	Fees And Charges
3260	Fees And Charges
3312	Contracts

3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.2	Integrated Pest Management
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3517	Facilities Inspection
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights

5030	Student Wellness
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5112.2	Exclusions From Attendance
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5125.3	Challenging Student Records
5131.61	Drug Testing
5132	Dress And Grooming
5132	Dress And Grooming
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions

5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5142.1	Identification And Reporting Of Missing Children
5143	Insurance
5143	Insurance
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
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5145.7	Sexual Harassment
5145.8	Refusal To Harm Or Destroy Animals
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5148	Child Care And Development
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5148.3	Preschool/Early Childhood Education

5148.3	Preschool/Early Childhood Education
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6020	Parent Involvement
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6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
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6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
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6173.1	Education For Foster Youth
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6184	Continuation Education
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9310	Board Policies

Policy 5145.6: Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 06/13/2019 | **Last Revised Date:** 03/11/2021 | **Last Reviewed Date:** 03/11/2021

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

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

State References	Description
17 CCR 2950-2951	Hearing tests - https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==
17 CCR 6000-6075	School attendance immunization requirements - https://simbli.eboardsolutions.com/SU/YzfyALHtH25cYebUH5ax1Q==
22 CCR 101218.1	Child care licensing; parent/guardian rights - https://simbli.eboardsolutions.com/SU/VEQ6dXCJt3negQoWl3HplusEA==

5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17288	Building standards for university campuses - https://simbli.eboardsolutions.com/SU/gbcuOrA3fPPuYXdHu415LQ==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2sIlxUTvYokVNC15GA==
Ed. Code 221.5	Equal opportunity - https://simbli.eboardsolutions.com/SU/Lu2WCQkxslshJZj8CtR80BZWA==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/xc4N8izB3LAiHeKeL3IJdg==
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying - https://simbli.eboardsolutions.com/SU/MRwslWU5kFXiT0iSjZCnkA==
Ed. Code 234.7	Student protections relating to immigration and citizenship status - https://simbli.eboardsolutions.com/SU/tYFq7Zw8Ckhuee1bkSS3cQ==
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies - https://simbli.eboardsolutions.com/SU/pSBfAotE7m0LVngpKCM2vw==
Ed. Code 310	Language acquisition programs - https://simbli.eboardsolutions.com/SU/dbIZSwocKmh3eQUQ9VbOHQ==
Ed. Code 313	Reclassification of English learners; parental consultation - https://simbli.eboardsolutions.com/SU/ooKplusHEjiyr2kQeAg57bETA==
Ed. Code 313.2	Long-term English learner; notification - https://simbli.eboardsolutions.com/SU/yUm1umUioA7FQNDs6iq22g==
Ed. Code 32221.5	Insurance for athletic team members - https://simbli.eboardsolutions.com/SU/f2slshovMTd9Y5ovZ0OxaoWgg==
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals - https://simbli.eboardsolutions.com/SU/lQawFqMXDozYGjGrWeY6lw==
Ed. Code 32390	Voluntary program for fingerprinting students - https://simbli.eboardsolutions.com/SU/yQOnjISz133vk4ljWni18w==
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==

Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/2SVBFhvw5zRpJAgFDIIFGA==
Ed. Code 35160.5	Extracurricular and cocurricular activities - https://simbli.eboardsolutions.com/SU/T5wvD8YODaGaQmMjFQ7XplusQ==
Ed. Code 35178.4	Notice of accreditation status - https://simbli.eboardsolutions.com/SU/0pW0Zka0ImebmimY89hVMg==
Ed. Code 35182.5	Advertising in the classroom - https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==
Ed. Code 35183	School dress code; uniforms - https://simbli.eboardsolutions.com/SU/xIbtfDOKOoWPrK64mIWYIw==
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 35211	Driver training; district insurance, parent/guardian liability - https://simbli.eboardsolutions.com/SU/ixYNkYEdzGRmkSh3s65J0g==
Ed. Code 35256	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/ckslsh7slshLSGFmf4TUplusHcm1yiw==
Ed. Code 35258	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/XpBEzfkV16CA5mk0f4jdmw==
Ed. Code 35291	Rules for student discipline - https://simbli.eboardsolutions.com/SU/9APACQz6J0xxobjAYbTYaQ==
Ed. Code 35292.6	School maintenance
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9ILspkF1JrplusGQ==
Ed. Code 39831.5	School bus rider rules and information - https://simbli.eboardsolutions.com/SU/QnyslshLGAJplusWLFXwvWLN683A==
Ed. Code 440	English language proficiency assessment; instruction in English language development - https://simbli.eboardsolutions.com/SU/LLA70T7CLVZvsBsou3Pm3Q==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORl1Zplusg==
Ed. Code 44808.5	Permission to leave school grounds - https://simbli.eboardsolutions.com/SU/kK2KgPC2IGVuNbplusnLSplusIdQ==
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services - https://simbli.eboardsolutions.com/SU/27EFMP4mEcC1185LfClfng==
Ed. Code 46014	Regulations regarding absences for religious purposes - https://simbli.eboardsolutions.com/SU/CplusHk97c4wXskPLblzHRQLQ==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission - https://simbli.eboardsolutions.com/SU/dH9IJslshk5z8eiYxUplusL7HAslshg==
Ed. Code 48070.5	Promotion and retention of students - https://simbli.eboardsolutions.com/SU/jwlKnzuJMffFJaHj3gEReQ==
Ed. Code 48204	Residency requirements - https://simbli.eboardsolutions.com/SU/HqJj3DBOrZilTRB4slsh7hYFg==
Ed. Code 48205	Absence for personal reasons - https://simbli.eboardsolutions.com/SU/q54m51wGgW5HWX0taUIDKQ==
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions - https://simbli.eboardsolutions.com/SU/IYYUZQCk5PABplusZ0438yZog==

Ed. Code 48207-48208	Students with temporary disabilities in hospitals - https://simbli.eboardsolutions.com/SU/ijHokUwIId1plusApXuKG70nw==
Ed. Code 48213	Prior notice of exclusion from attendance - https://simbli.eboardsolutions.com/SU/4izAygai328U4syyI11f7g==
Ed. Code 48216	Immunization and exclusion from attendance - https://simbli.eboardsolutions.com/SU/SUBMqa6By4YiKjslshjr96Hjw==
Ed. Code 48260.5	Notice regarding truancy - https://simbli.eboardsolutions.com/SU/iAkpI8x3fk4LYslshY4Jr5ylA==
Ed. Code 48262	Need for parent conference regarding truancy - https://simbli.eboardsolutions.com/SU/Nb6IcINFSTRMpluscJplusnRh4JQ==
Ed. Code 48263	Referral to school attendance review board or probation department - https://simbli.eboardsolutions.com/SU/slshiIf0miArPhnlnslsh25cF5TA==
Ed. Code 48301	Interdistrict transfers - https://simbli.eboardsolutions.com/SU/CddnVZpluspLAMQhUfavqQStQ==
Ed. Code 48412	Certificate of proficiency - https://simbli.eboardsolutions.com/SU/FIxNsP3ltxen5OCOtj2cpQ==
Ed. Code 48432.3	Voluntary enrollment in continuation education - https://simbli.eboardsolutions.com/SU/ldXBevKjMSfyEJ4qlqhywA==
Ed. Code 48432.5	Involuntary transfers of students - https://simbli.eboardsolutions.com/SU/4OyhsW73W4SUwhAXLr2wKg==
Ed. Code 48850-48859	Education of foster youth and homeless students - https://simbli.eboardsolutions.com/SU/QU2SE6Iz7doZOGCpluslbtaEg==
Ed. Code 48900.1	Parental attendance required after suspension - https://simbli.eboardsolutions.com/SU/ppXZZ79dBxgZDozlrS8vwA==
Ed. Code 48904	Liability of parent/guardian for willful student misconduct - https://simbli.eboardsolutions.com/SU/HuoUShfesn0eJY8nP1JfrA==
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts - https://simbli.eboardsolutions.com/SU/dt5KNUnSLpER0iplusCa0bRIQ==
Ed. Code 48906	Notification of release of student to peace officer - https://simbli.eboardsolutions.com/SU/3eI5NLF75M895DZVS38SGw==
Ed. Code 48911	Notification in case of suspension - https://simbli.eboardsolutions.com/SU/eqBfn0IoBt4MQ1HQDZpluskpw==
Ed. Code 48911.1	Assignment to supervised suspension classroom - https://simbli.eboardsolutions.com/SU/slshmqxQGX5IPc2p6slshhv7OWLw==
Ed. Code 48912	Closed sessions; consideration of suspension - https://simbli.eboardsolutions.com/SU/lOLpMiSqCXkhplus1ZCWJDm0w==
Ed. Code 48915.1	Expelled students; enrollment in another district - https://simbli.eboardsolutions.com/SU/J0f39IFK8wILDyKFR6lvrg==
Ed. Code 48916	Readmission procedures - https://simbli.eboardsolutions.com/SU/Vw6zVy5mQHIxk9IykLjslshDA==
Ed. Code 48918	Rules governing expulsion procedures - https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor - https://simbli.eboardsolutions.com/SU/ZovzfBChwzwIgESVeslshAidA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Ed. Code 48980.3	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/f2aDJIuYUIpa8plusn4jFxDPA==
Ed. Code 48981	Time and means of notification - https://simbli.eboardsolutions.com/SU/iPy51oh0PgsGIwUIaYzhFw==

Ed. Code 48982	Parent signature acknowledging receipt of notice - https://simbli.eboardsolutions.com/SU/FkeUZjRYaIdAgHU9ZrkMJA==
Ed. Code 48983	Contents of notice - https://simbli.eboardsolutions.com/SU/5LMgDn4zaOdqNxFDrevWRA==
Ed. Code 48984	Activities prohibited unless notice given - https://simbli.eboardsolutions.com/SU/R6XEWUWkDj71WQSuNeiSXw==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	Child abuse information - https://simbli.eboardsolutions.com/SU/5Umc4hnfEiwGplusj12ym3vxQ==
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023lL35ATlslshnz6plusQ==
Ed. Code 49063	Notification of parental rights - https://simbli.eboardsolutions.com/SU/0314tGB6C2EColTJhoGHAg==
Ed. Code 49067	Student evaluation; student in danger of failing course - https://simbli.eboardsolutions.com/SU/4iKo6WFUxdplus0XplusVlNDMVUg==
Ed. Code 49068	Transfer of permanent enrollment and scholarship record - https://simbli.eboardsolutions.com/SU/kByPlslshWIM7HSt5TC9PwqEA==
Ed. Code 49069.7	Absolute right to access - https://simbli.eboardsolutions.com/SU/EHLmASPO6oOVNZwSekvNtg==
Ed. Code 49070	Challenging content of student record - https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==
Ed. Code 49073	Release of directory information - https://simbli.eboardsolutions.com/SU/YMNtqKufIpsO3LRpEQNrpg==
Ed. Code 49073.6	Student records; social media - https://simbli.eboardsolutions.com/SU/36EG4B44SNa5VQbNzplusX68g==
Ed. Code 49076	Access to student records - https://simbli.eboardsolutions.com/SU/Ezf6VFvgmORmoUCFnlCslsh3w==
Ed. Code 49077	Access to information concerning a student in compliance with court order - https://simbli.eboardsolutions.com/SU/WfuS7dcrcxWBJeqSxONyQw==
Ed. Code 49392	Threats of homicide at school
Ed. Code 49403	Cooperation in control of communicable disease and immunizations - https://simbli.eboardsolutions.com/SU/OExPQ4Liy9FdPsXoLevxCw==
Ed. Code 49423	Administration of prescribed medication for student - https://simbli.eboardsolutions.com/SU/6F1gCdZzlCKJq6OLWjZoXA==
Ed. Code 49451	Physical examinations: parent's refusal to consent - https://simbli.eboardsolutions.com/SU/NXatAVBLlInO4gik7b3g5A==
Ed. Code 49452.5	Screening for scoliosis - https://simbli.eboardsolutions.com/SU/sLRI2VWvgTjJjVnQf4gpqw==
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	Information on type 2 diabetes - https://simbli.eboardsolutions.com/SU/Cavtla4lG3JmUJhefOimbA==
Ed. Code 49452.8	Oral health assessment - https://simbli.eboardsolutions.com/SU/3hPVTlPl3EnUgy244aqYrw==
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	Results of vision or hearing test - https://simbli.eboardsolutions.com/SU/Ygq6DuPcW0NMaXryOlHqsg==
Ed. Code 49471-49472	Insurance - https://simbli.eboardsolutions.com/SU/ATmOVxHUqQmPhM761WS6hw==

Ed. Code 49475	Student athletes; concussions and head injuries - https://simbli.eboardsolutions.com/SU/vGoX0uUK29rTTmRJ2IPUnQ==
Ed. Code 49476	Student athletes; opioid fact sheet - https://simbli.eboardsolutions.com/SU/N2L3SRwHWzI6wnrpvMo5Sg==
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions - https://simbli.eboardsolutions.com/SU/leJlhkM7InFbQS1Eb6ui7A==
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970 - https://simbli.eboardsolutions.com/SU/nO2tPwhV6R7VrwAO1CNnvw==
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account - https://simbli.eboardsolutions.com/SU/66T7et3SyxZVSBKJkpbTcQ==
Ed. Code 51225.1	Exemption from district graduation requirements - https://simbli.eboardsolutions.com/SU/xyKslshnpThDAZpqPeZnsB3IA==
Ed. Code 51225.2	Course credits - https://simbli.eboardsolutions.com/SU/MkGq9jkA3dpQO2NplusoDChaQ==
Ed. Code 51225.3	High school graduation requirements - https://simbli.eboardsolutions.com/SU/WNFAVVgiWv1wBeCknCeQnw==
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA - https://simbli.eboardsolutions.com/SU/S5YZ8MGTHbpluszlInHL3bDmA==
Ed. Code 51229	Course of study for grades 7-12 - https://simbli.eboardsolutions.com/SU/a5ykplusXw539omM6UhH8ESxQ==
Ed. Code 51513	Personal beliefs; privacy - https://simbli.eboardsolutions.com/SU/yeslshfEeHwG9yYR9UyjfdDIQ==
Ed. Code 51749.5	Independent study
Ed. Code 51938	HIV/AIDS and sexual health instruction - https://simbli.eboardsolutions.com/SU/rdCvb9KeAJqKrniAgHciuQ==
Ed. Code 52062	Local control and accountability plans and the statewide system of support
Ed. Code 52164	Language census - https://simbli.eboardsolutions.com/SU/m7vpR7RmWjSpzSBPsOAPbw==
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills - https://simbli.eboardsolutions.com/SU/5hplusDOUoUufUD1bITZNqslsh3A==
Ed. Code 52164.3	Reassessment of English learners; notification of results - https://simbli.eboardsolutions.com/SU/ikHJePnhgRuGgM3gR1PboQ==
Ed. Code 54444.2	Migrant education programs; parent involvement - https://simbli.eboardsolutions.com/SU/djCr161Gq1C44RNiQdB2ug==
Ed. Code 56301	Child-find system; policies regarding written notification rights - https://simbli.eboardsolutions.com/SU/bUNLv1i7TDIuuALOVgpxIg==
Ed. Code 56321	Special education: proposed assessment plan - https://simbli.eboardsolutions.com/SU/1MLfR4TwJVhdNI1fplusif8gw==
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education - https://simbli.eboardsolutions.com/SU/b3IvTthbIekYwZQ2JuI9rw==
Ed. Code 56329	Written notice of right to findings; independent assessment - https://simbli.eboardsolutions.com/SU/plusYGChpkFuS9GnZfb9RKHgw==
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting - https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==
Ed. Code 56341.5	Individualized education program team meetings - https://simbli.eboardsolutions.com/SU/lwj4HhPnHzrDbyenrwOgUg==

Ed. Code 56343.5	Individualized education program meetings - https://simbli.eboardsolutions.com/SU/WlR4anhxOslshMsxd94hRnBCA==
Ed. Code 56521.1	Behavioral intervention - https://simbli.eboardsolutions.com/SU/Y9DO90rVJxXgEy9DfRoNgw==
Ed. Code 58501	Alternative schools; notice required prior to establishment - https://simbli.eboardsolutions.com/SU/nvmMNL2AY1fAsD0WgPk2Iw==
Ed. Code 60615	Exemption from state assessment - https://simbli.eboardsolutions.com/SU/RslshV8slshaOozHgjqAH1KmRt5g==
Ed. Code 60641	California Assessment of Student Performance and Progress - https://simbli.eboardsolutions.com/SU/6TB4XaA9sW4lNM7mFi352A==
Ed. Code 69432.9	Submission of grade point average to Cal Grant program - https://simbli.eboardsolutions.com/SU/qt4qMG6UHjyKJg8nnwmRLQ==
Ed. Code 8212	Complaints related to preschool health and safety issues - https://simbli.eboardsolutions.com/SU/MLLdtFmslshd1Vgy4Gj0AcbIg==
Ed. Code 8483	Before/after school program; enrollment priorities - https://simbli.eboardsolutions.com/SU/mK0PEbplusgVTdEIHajPiR3lQ==
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	Tobacco use prevention - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 104855	Availability of topical fluoride treatment - https://simbli.eboardsolutions.com/SU/7DGsz1ZPslshd1RF0PwrKb1fQ==
H&S Code 116277	Lead testing of potable water at schools and requirements to remedy
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information - https://simbli.eboardsolutions.com/SU/lp3fbcUW5yWRlmpq77OUcg==
H&S Code 124100-124105	Health screening and immunizations - https://simbli.eboardsolutions.com/SU/L9HOoCdNFf6OLmwKrjEjiQ==
H&S Code 1596.8555	Administration of child day care licensing; posting license
H&S Code 1596.857	Right to enter child care facility - https://simbli.eboardsolutions.com/SU/nBplusFimID3uzJuHslshWPPk5Lw==
H&S Code 1597.16	Licensed child care centers; lead testing - https://simbli.eboardsolutions.com/SU/slshtBCplus4OuK8efzNWlkFhn5g==
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus - https://simbli.eboardsolutions.com/SU/wF1N8fmmYdismT9slshzOWHgA==
Pen. Code 627.5	Hearing request following denial or revocation of registration - https://simbli.eboardsolutions.com/SU/I4nZLzI8OicC9GRC8xJ5AA==
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

Federal References	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement

20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources References	**Description**
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==

Cross References	**Description**
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/XjDeho0oEsWuE3Rb4Gh8qA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/b4VkmhrAe7UslshrcYDpa9Wrw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/rzNCNplusgIOuZ07tkLn8zplusrQ==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/x1QewT4YgzruZlTbYpBsCw==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/AEEKECijKNmVMzEslshyCbIkw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
3231	Impact Aid - https://simbli.eboardsolutions.com/SU/7Ap579LQSLQa4LplussekulFA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/WkUrNM2FzVVkLqFLyxiZng==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/4jRHUfaUfv4zxjwR1ydrpA==
3312	Contracts - https://simbli.eboardsolutions.com/SU/ypySW5bYSpEyYt3f9slshq8XA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/Cu123BsR1bAb3SyPE1fbpA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/yB5VBT6WrXxI69E2RXQUvQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/axGpVjdPOgNZrBMZBQtiFQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/n7CuOUfbHIaAcCzD0HsiyA==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/nHjErTm6oJjhW7gDtLAUoA==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/0KkyiKHKB37aBu7j8RCXzw==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/HrrQHaa9VD9ZyjOc3E0UdQ==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/eL7YUxCKnubQJPnNplusTyAJA==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/x6S9ocBBuKNsqUADxQLRCw==
3543	Transportation Safety And Emergencies - https://simbli.eboardsolutions.com/SU/72ffBe4oMFnJcz8LZiau0A==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/y3nAvz7wK8dK46NGAKvvCg==

3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/rQ60kSLQYHiC8hW9GplusDtFw==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/aMslshpNvyGyfplusTuUKluUzHplusg==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/NzALV7TjR6lTf6f5RvMjhA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/KpSlgZ2FPbW1xwYtO2IwpA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/moaZklSdlwmOsXWZslshJVDeA==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/I7xazfmPT9pSxWVVLXhoAA==
3555-E PDF(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/iJVCLHplusd0emC5ahdOQgZGg==
3555-E(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/bAccc4mn5slshgN2C6y0PpnWg==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Qslsh03yMjDLRtnlQ7wtNmjLA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/GVhplusslshqpvaslshuyZeIGQBjhvQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/4ECk7XUf2vAlK6WdWLchBw==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/xWKQ2uBAiN0fQuPmm52ynQ==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/52emsslshp67h2WsdOEvrslshMFw==
4222	Teacher Aides/Paraprofessionals - https://simbli.eboardsolutions.com/SU/R8I3V22slshv8L1TDQ3ILl3wg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/ePMKB68yqZCM4HYjmZ7WzQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/EMrErY6ZA7wnplusiidKreEuQ==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/PM9eVpzRwVudJrXBb51NlA==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/slshWYDlkeWFYgAPyDeQIHP1g==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/R3U5JpeaoplusoVTWmp6aTfsw==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/E8TLBAkmlZNslsh64KyfXgj4A==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/X6d0PiFilH2zk2K5JdazDg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/kP3RA9Bro1n3d1MplusS6lm9g==
5111	Admission - https://simbli.eboardsolutions.com/SU/GUaeicU7jgrM5znpNYGjqQ==
5111	Admission - https://simbli.eboardsolutions.com/SU/xQb0iX5ZndNOtMmjybpA0A==

5111.1	District Residency - https://simbli.eboardsolutions.com/SU/GPT61WhRNQ8pHfa3UXX8Ng==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/Bgrve0Gbkwy2h7YR9OcBmQ==
5112.2	Exclusions From Attendance - https://simbli.eboardsolutions.com/SU/hNRpajXSn3ecKXjHEVvwdg==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/sXmiPExcpyoFC82JNOLAdg==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/XXYplusotWfxGjdaHHplusUtKIww==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/1iOUp6c5HdLm7bq0FbPbCg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/6rOSfwDcA9Fh4XEbKTxyrA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/3q2jiVsGBAXslsh9WmsN3Ri2A==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/x64w7bNWubnjpluscMr9yvhlA==
5116.2	Involuntary Student Transfers - https://simbli.eboardsolutions.com/SU/eET8laNj0WDMfRw84Gl1Rw==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/SjGkpplus4Jvmy3IFHQE2HY7g==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/8kslbpS7OxQBTiX2Y03LGA==
5119	Students Expelled From Other Districts - https://simbli.eboardsolutions.com/SU/6NcJbQ95Bzy5p30A76WeSA==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/4vLD4sHEz3MzvvyoXs9mCg==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/alTJplusjBplusRT7mJuaeYderAQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/VplussOE8US1DVte1kbeN6K3Q==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/yNQLcnMaslshCQerLAitMld6A==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/UO2j3yqobJ6YRTuLeugtIA==
5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/M4t47S8KUTzSplusIPyMLI2Aw==
5125.3	Challenging Student Records - https://simbli.eboardsolutions.com/SU/S9idkxEuToP0XSJgVsv0dQ==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/SMxDWML4ovtTEl9NUdAMslshw==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/XYeEB2XzTXue7AlhUlax4g==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/XT46XMcmU8mJQZPC1xpMfQ==

5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/slshplusvMQK2l4plusWZA4Xslsht0nhOA==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/ewTnhBtGxKGHkbFm3NatBg==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/WEhomHRqaulxRf1emZz0dw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/jgOyR5ZG6oxquyYQgJUHxw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/1KEcWg3tdaMSHap3A6rQlA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/nXFGAIcdg5TseX0vSC3nyw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KzxmngnveoordTPegwXZQg==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/VIA77L2HdAhqEqPt4plusWb0Q==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/aMTsnJvszXTBPdpslshiuY5IA==
5143	Insurance - https://simbli.eboardsolutions.com/SU/pESmAhIrKvCt9TDDzpASWA==
5143	Insurance - https://simbli.eboardsolutions.com/SU/vvDhX4MjDrJ0DrsR0yaAxw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/AFcRplusAycuwgNfvAG4HFOow==
5144	Discipline - https://simbli.eboardsolutions.com/SU/yuoBvCr3dEySUslshiqnnLxcg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/H9XqUCTnawzYMnWhyVIiBg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/VHWD3wPiRB0TqdnaHB6ghQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/Rt98igwn5fTiRyXtQU5x8Q==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/SnP9tQAXuS666ypk8hr6Jg==
5144.4	Required Parental Attendance - https://simbli.eboardsolutions.com/SU/dA9O4plusufr94DU4NSlp7RAg==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/RIEajRrHVHaPY49S8F93Cg==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/kWsBhUGnqmZEopRm1e7oVA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/H1TslshcOVjvTplusTFFslsh35CuG1Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/FbJpk8FkpfZ33slshptQlLjHg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/l8t8YmbBtflYImdwbnRbEw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/PKu1VD5F78ewJR2U04xZ7Q==
5145.8	Refusal To Harm Or Destroy Animals - https://simbli.eboardsolutions.com/SU/GdWmG0Le8ADs1WslshvdslshI1plusQ==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==

5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/djb4slshsgbpszLlijYQcBTww==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/KQOplusjVe5z9q5dsDaNMna6w==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/aHXj1KbWKdGMYCTGHhoOvQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/uLigonpG5KlnPzfKy9UlPQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/0MJbneZ9evhK0ureJoYKWA==
6112	School Day - https://simbli.eboardsolutions.com/SU/V0Q5g2Ta4MDdGwupXvFdrQ==
6112	School Day - https://simbli.eboardsolutions.com/SU/NslshOG1iblXOQAxyMYTK2mbQ==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/S4KAb357YlOglkdmk5wd8A==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/JBsAJao0anM9hZYuqfNMbA==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/UmIa1mELChYcbrZx1VMNEg==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/AzmModnV3vLslshJn02pEnzBw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/x0hb3hkKicXv7wIr4CYoQg==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/3slshq0kP6i01dIvoZMdFHCvA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/plusvY1VMisWfdCKrDslshrWh8bQ==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/AmS1igTjx4X628bKgqW8Bw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/AjyYJSIWle0X1X9aYsrxDA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/0rtplusMzx8L8UZ1Qslsht9ctTsA==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/ceT73NcXQVcuvaYslshGFplusfpA==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/bpIfq6ODgTOqb5pKplusmrRlQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/ZbAwIfVztbG4fvTGJWBqAA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/72afLR1iFxwZ4UvyhY0uLg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/bK5tZtFKr9Bu9YGjy15vUg==

6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/m8kR6OqcnpKBslshBUOCscN6Q==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/c3m96PV0v0n1mPST6vUNcA==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/QpluskOG4jAvuZVXN0yDblhKA==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==
6162.8	Research - https://simbli.eboardsolutions.com/SU/VVUcDNCTZ4hCGz2ndBe7plusg==
6162.8	Research - https://simbli.eboardsolutions.com/SU/GufhYU14PASzIBv7KiDMfw==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/8SQdWu3IRoOhSBC6o4b3uA==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/Wa6ZJZ7BgrmYeDmvxY9Pplusg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/pLPKyuXkTjHUVX0bMg6g1w==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/KSed8OKaYIQWDXMkS1v1Aw==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/uiyfKoElFv7NzUrqNslshftGw==
6170.1	Transitional Kindergarten - https://simbli.eboardsolutions.com/SU/captf1Q8oxwc3XTrVxLVag==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/OwILob6A8qpWdbKgYa2a9Q==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/jRAItuzGTRslshtUwEvzm7B6Q==
6173.3	Education For Juvenile Court School Students - https://simbli.eboardsolutions.com/SU/KhyYZOplus0AslshTH8EJqpsJZgg==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/TuslshPMGHi6O2DoJzSkkL5uw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/5plussi8eIBplusplusRvrBTViayIlA==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/y4cq1hSeYGrqEtIeJpLYEQ==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/MyV2GJCiJDDplusHlvzjadf6Q==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/SsYiNF0LslshseiRm7GRp9z9g==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==

Policy 5145.6: Parent/Guardian Notifications

Original Adopted Date: 03/01/2007 | **Last Revised Date:** ~~07~~06/01/~~2020~~2023 | **Last Reviewed Date:** ~~07~~06/01/~~2020~~2023

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

CSBA NOTE: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of ~~homeless~~ students experiencing homelessness pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

CSBA NOTE: Pursuant to state and federal antidiscrimination laws, including the Americans with Disabilities Act (42 USC 12101; 28 CFR 35) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794), auxiliary aides and services must be provided to qualified individuals with disabilities to enable those individuals to effectively communicate and participate in public programs, services, or activities. For example, for the Medi-Cal Program, the Department of Health Care Services (DHCS), the state agency that administers the program, has issued Policy and Procedure Letters No. 21-

017R and No. 23-004, which require districts to develop a plan to meet these alternative format requirements. For more information on the Medi-Cal Program, see AR 5141.6 – School Health Services.]

When necessary, the district shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large front, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

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

State	Description
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services

5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassmentpolicy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexualharassmentpolicy
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Studentprotectionsrelating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners; parental consultation
Ed. Code 313.2	Long-term English learner; notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprintingstudents
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention
Act Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention
Act	
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability

Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 35292.6	School maintenance
Ed. Code 37616	~~Notice of public hearing on year-round schedule~~Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention ofstudents
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization and exclusion from attendance
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Education of foster youth and homeless students

Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other thanEnglish
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49392	Threats of homicide at school

Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49476	Student athletes; opioid fact sheet
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51749.5	Independent study
Ed. Code 51938	HIV/AIDS and sexual health instruction
Ed. Code 52062	Local control and accountabilityplans and the statewide system of support
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 54444.2	Migrant education programs; parent involvement

Ed. Code 56301	Child-find system; policies regarding writtennotification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8212	Complaints related to preschool health and safety issues
Ed. Code 8483	Before/after school program; enrollment priorities
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of school drinking water
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and
immunizations	
H&S Code 1596.8555	Administration of child day care licensing; posting
license H&S Code 1596.857	Right to enter child care facility
H&S Code 1597.16	Licensed child care centers; lead testing
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

Federal	**Description**

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions, and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals

7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources	Description
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3231	Impact Aid
3260	Fees And Charges
3260	Fees And Charges
3312	Contracts
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.2	Integrated Pest Management
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3517	Facilities Inspection
3543	Transportation Safety And Emergencies

3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5112.2	Exclusions From Attendance
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy

5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5125.3	Challenging Student Records
5131.61	Drug Testing
5132	Dress And Grooming
5132	Dress And Grooming
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5142.1	Identification And Reporting Of Missing Children
5143	Insurance
5143	Insurance
5144	Discipline
5144	Discipline

5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.8	Refusal To Harm Or Destroy Animals
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6020	Parent Involvement
6020	Parent Involvement
6111	School Calendar
6112	School Day
6112	School Day
6117	Year-Round Schedules
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study

6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6154	Homework/Makeup Work
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.4	Behavioral Interventions For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.8	Research
6162.8	Research
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

6173.3	Education For Juvenile Court School Students
6173.4	Education for American Indian Students

6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9310	Board Policies

Regulation 5141.6: School Health Services

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Reviewed Date:** 06/13/2019

Types of Health Services

In accordance with student and community needs and available resources, school health services offered by the district may include, but are not limited to:

1. First aid and administration of medications
2. Management of chronic medical conditions
3. Emergency response procedures
4. Nutrition services
5. Mental health services, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs
6. Substance abuse prevention and intervention services
7. Vision and audiology services
8. Speech therapy
9. Occupational therapy
10. Physical therapy
11. Reproductive health services
12. Specialized health care services for students with disabilities
13. Medical transportation
14. Targeted case management
15. Public health and disease surveillance
16. Individual and family health education
17. School or districtwide health promotion

Medi-Cal Billing

In order to provide services as a Medi-Cal provider, the district shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the district possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the district provides a Medi-Cal-eligible student under age 22 and/or a member of the student's family a covered service specified in 22 CCR 51190.4 or 51360. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

The district shall maintain records and supporting documentation including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270, 51476)

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in approved services for students and their families. The Superintendent or designee shall consult with a local school-linked services collaborative group regarding decisions on reinvestment of federal funds. (22 CCR 51270)

The Superintendent or designee shall submit an annual report to DHCS to identify participants in the community collaborative, provide a financial summary including reinvestment expenditures, and describe service priorities for the future. (22 CCR 51270)

Medi-Cal Administrative Activities

The district shall apply for reimbursement for activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to, outreach, translation for Medi-Cal services, facilitation of applications, arrangement of nonemergency and nonmedical transportation of eligible individuals, program planning and policy development, claims coordination and administration, training, and general administration.

Appropriate staff shall receive training in administrative claiming categories and related activities.

To receive reimbursement for Medi-Cal administrative activities, the Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the district has contracted.

In addition, the Superintendent or designee shall submit to the local educational consortium or local governmental agency, and shall update each quarter, a roster of all employees who perform direct Medi-Cal services or administrative activities. When notified by the local educational consortium or local governmental agency of the date and time that a random-moment time survey must be conducted by a particular employee, the Superintendent or designee shall coordinate the completion and submission of the survey in accordance with DHCS timelines and procedures.

The Superintendent or designee shall maintain an audit file containing random-moment time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

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

State References	Description
17 CCR 2950-2951	Hearing tests - https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==
17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments - https://simbli.eboardsolutions.com/SU/2HhexRytdgKqeiq665fqEA==
22 CCR 51009	Confidentiality - https://simbli.eboardsolutions.com/SU/9Ra0oplusgjqEw5FSRj1Y5RhA==
22 CCR 51050-51192	Definitions of Medi-Cal providers and services - https://simbli.eboardsolutions.com/SU/kERMlu1VDplusslsh6dzkplusdMzUGA==
22 CCR 51200	Requirements for providers - https://simbli.eboardsolutions.com/SU/UQIfaxnRXavxH1iMhK5Bag==
22 CCR 51231.2	Wheelchair van requirements - https://simbli.eboardsolutions.com/SU/fgh9KIxZffbAsAxo4fcDhw==
22 CCR 51270	Local educational agency provider; conditions for participation - https://simbli.eboardsolutions.com/SU/CTr6GAXoy397Rj4nqkFcBQ==
22 CCR 51304	Limitations on specified benefits - https://simbli.eboardsolutions.com/SU/gKXAjwbtKM1ehmIveDLslshXA==
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services - https://simbli.eboardsolutions.com/SU/JplusO0slshwAaSImYc9rToIHXjA==

22 CCR 51323	Medical transportation services - https://simbli.eboardsolutions.com/SU/MDftOcwr3WyRZzEFcZXBmQ==
22 CCR 51351	Targeted case management services - https://simbli.eboardsolutions.com/SU/SAkqqpXGRCDSus29fCRGTA==
22 CCR 51360	Local educational agency; types of services - https://simbli.eboardsolutions.com/SU/zR8yhQ2FqNMBzTSHcLlLWg==
22 CCR 51491	Local educational agency eligibility for payment - https://simbli.eboardsolutions.com/SU/fpUUVD1fR7XY4ikyPUdSVw==
22 CCR 51535.5	Reimbursement to local educational agency providers - https://simbli.eboardsolutions.com/SU/XtjI3eVKpmdCQ86slshGojFFA==
Ed. Code 49073-49079	Privacy of student records - https://simbli.eboardsolutions.com/SU/7w3lTz5N0pl8FxFYHEmjcg==
Ed. Code 49423.5	Specialized physical health care services - https://simbli.eboardsolutions.com/SU/L0igvSo5mElNt0KPZsplusc0Q==
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal - https://simbli.eboardsolutions.com/SU/apYfKshvfKaT8ryTPutYCw==
Fam. Code 6920-6930	Consent by minor for medical treatment - https://simbli.eboardsolutions.com/SU/2D2lN8VKrMt7jVdYwJ1aWA==
Gov. Code 95020	Individualized family service plan - https://simbli.eboardsolutions.com/SU/b7Bntu3G7u9NnB0bOTqUUA==
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent - https://simbli.eboardsolutions.com/SU/wUMx41l85WwIOslshBFSWJm8w==
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12 - https://simbli.eboardsolutions.com/SU/Z4rsWlu9eGVfnBPGF6MIKA==
H&S Code 123110	Minor's right to access health records - https://simbli.eboardsolutions.com/SU/i8PW0EdRzv8jMoH51K3q7A==
H&S Code 123115	Limitation on parent/guardian access to minor's health records - https://simbli.eboardsolutions.com/SU/vkoslshKyhVxThhqoBDCKzknQ==
H&S Code 123800-123995	California Children's Services Act - https://simbli.eboardsolutions.com/SU/oRsfYcIzXRxToah0YVbNcA==
H&S Code 124025-124110	Child Health and Disability Prevention Program - https://simbli.eboardsolutions.com/SU/L9HOoCdNFf6OLmwKrjEjiQ==
H&S Code 124172-124174.6	Public School Health Center Support Program - https://simbli.eboardsolutions.com/SU/UiWhRk3Dplusb6dePxZuDu0oQ==
H&S Code 124260	Mental health services; consent by minors age 12 and older - https://simbli.eboardsolutions.com/SU/IVzTry4v3xqHaOX42MB0zw==
H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
W&I Code 14059.5	Definition of "medically necessary" - https://simbli.eboardsolutions.com/SU/NMJswpgplusptyKRrVPkZpLslshQ==
W&I Code 14115	Medi-Cal claims process - https://simbli.eboardsolutions.com/SU/FtggfcAzVIkv64OqMyvyNg==
W&I Code 14115.8	LEA Medi-Cal Billing Option; program guide - https://simbli.eboardsolutions.com/SU/N8rhZHRaa1KdAhOmqXxhVw==
W&I Code 14124.90	Third-party health coverage - https://simbli.eboardsolutions.com/SU/6PYeuATWcPdYnPcsTYkAUw==
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies - https://simbli.eboardsolutions.com/SU/US4ZV1v4hDplus3HszfZk2teg==
W&I Code 14132.47	Administrative claiming process and targeted case management - https://simbli.eboardsolutions.com/SU/slshu5xkSQ1HwQLRJF5batDlw==
W&I Code 5961-5961.5	Children and Youth Behavioral Health Initiative Act

Federal References	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients
42 USC 1320c-9	Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Privacy of individually identifiable health information

Management Resources References	Description
CA Department of Health Care Services Publication	LEA Medi-Cal Billing Option Program Provider Manual, November 2021 - https://simbli.eboardsolutions.com/SU/QOfp2pEslshD4aDoKM2QJ1t8g==
CA Dept of Health Care Services Publication	Policy and Procedure Letter No. 23-004, February 2023 - https://simbli.eboardsolutions.com/SU/lk2u2XTgK02Uk3z7XV2WqA==
CA Dept of Health Care Services Publication	Policy and Procedure Letter No. 21-017R, December 2021 - https://simbli.eboardsolutions.com/SU/ShaD7PfAmslshoWeplusec1VMAtA==
CA Dept of Health Care Services Publication	California School-Based Medi-Cal Administrative Activities Manual - https://simbli.eboardsolutions.com/SU/oYdd8QEplus0LrFh9A1ACiynQ==
CA Health and Human Services Publication	Children and Youth Behavioral Health Initiative, 2021 - https://simbli.eboardsolutions.com/SU/SQUS0zuWPAYGjpMSimryyg==
CA School-Based Health Alliance Publication	Documenting the Link Between School-Based Health Centers and Academic Success, May 2014
CA School-Based Health Alliance Publication	How to Fund Health Services in Your School District, September 2014
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019
National Center For Youth Law Publication	Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015
US Dept of Health and Human Services Publication	Centers for Medicare & Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022 - https://simbli.eboardsolutions.com/SU/e1AEPRkiYJiEMndl3IzjKA==
US Dept of Health and Human Services Publication	Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 18, 2022 - https://simbli.eboardsolutions.com/SU/e1AEPRkiYJiEMndl3IzjKA==
Website	California Department of Health and Human Services - https://simbli.eboardsolutions.com/SU/RfFIcuDfqiiXyFvHULovPg==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	CSBA, Practi-Cal Program - https://simbli.eboardsolutions.com/SU/osj9cVthno059t2BIfslshzHw==
Website	California School-Based Health Alliance - https://simbli.eboardsolutions.com/SU/AP2woR1fGSOslIrNWDENoA==
Website	Center for Health and Health Care in Schools - https://simbli.eboardsolutions.com/SU/lUBge93PEmHaWbbZteiquw==
Website	Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study - https://simbli.eboardsolutions.com/SU/MKXplusroVsDAAUy5fMmloplusng==
Website	Centers for Medicare and Medicaid Services - https://simbli.eboardsolutions.com/SU/8cHplusWPwuermDuW0plusvzXfVw==
Website	National Center for Youth Law - https://simbli.eboardsolutions.com/SU/rWqbVi1x2WCuGlcphMslsh2yQ==

Website	California School Nurses Organization - https://simbli.eboardsolutions.com/SU/y9UnslshTdDn6hY1DMTI3f6eQ==
Website	California County Superintendents - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==
Website	California Department of Education, Health Services and School Nursing - https://simbli.eboardsolutions.com/SU/8gslshmouplus2E8Rmx2avRDQPxw==
Website	California Department of Health Care Services - https://simbli.eboardsolutions.com/SU/slshcbdN8s1slshplus8ePOCd4fpQ7Q==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	Description
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/Q9uum7Qie1RKlnyyMCvRYA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/zP9eNCslshlhcPcKReyWt0R0w==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/axGpVjdPOgNZrBMZBQtiFQ==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/n7CuOUfbHIaAcCzD0HsiyA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/KpSlgZ2FPbW1xwYtO2IwpA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/moaZkISdlwmOsXWZslshJVDeA==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/CIYksTuNtLVRwcQsMnHrkw==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/5vxslshSc21DjNGzgzUinCXdA==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/0fBMLlgInYCghPZBY2sRLQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/7JiAshwQTfplusxslshjQJWPwfDQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/C1oIJMTu9uKyXLoFPi5KGQ==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/tatlr45bF7ZDplusbpluskeQVe9g==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/eYTANWH0QslshLHQAJZ5iplusghA==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/QplusfoUYdpUlxfam7muyACpg==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/L8yP6LVj9KCY0vQ8PORzvA==

4257	Employee Safety - https://simbli.eboardsolutions.com/SU/plus9GbFtvVplus4RplusshED0Wi7Gg==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/aaQ0wxobQlebJBjW1aGtoQ==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/68enzUt1LpyAvTNsWe5Jqw==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/9aslshWj5Vmwx5Tplus3UcdOeRlA==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/fjdmJlSoeKjiNzfxEXbslshsA==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/SKefrjeaKkn5QQ7c970VTg==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/oFsJ9aWYbkRVbHwjVzuNqA==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/E8TLBAkmlZNslsh64KyfXgj4A==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/X6d0PiFilH2zk2K5JdazDg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/1iOUp6c5HdLm7bq0FbPbCg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/6rOSfwDcA9Fh4XEbKTxyrA==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/tzzPLemplusoX4IGxKKyUBlpg==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/W0kfchGI2iOKslshoFGzAl1gg==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/1BV7lSFpyUspZhc9eQ8FWw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/2fZOgaza7FWB0KouzttxEA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/eP7p7amj6UOAQB1iaTOjdw==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/HVJ3whplusWmlRf3r0CZdyxmQ==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/lTUqleslshUZvmhzwogt8P3Ww==
5131.63	Steroids - https://simbli.eboardsolutions.com/SU/J4LEgbrzXslshOrmhXW7jYB2w==
5131.63	Steroids - https://simbli.eboardsolutions.com/SU/2gmOHplusToEXsplusODKDqT2DCA==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/q3DyJG1cykCEbvwrC4GFrw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/2SKcqtAzQIvlXs6uFEYUKQ==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/XT46XMcmU8mJQZPC1xpMfQ==

5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/slshplusvMQK2l4plusWZA4Xslsht0nhOA==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/LUPslsh3GOwWlPrzOFht6vpluskg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/wzslshxB5PWuGpSLScMjslshssMQ==
5141.24	Specialized Health Care Services - https://simbli.eboardsolutions.com/SU/ETrDJ2NvSsgub4Vx4RzgcA==
5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/2I6VGcQ4GcfNVkCB4PkdWQ==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/ewTnhBtGxKGHkbFm3NatBg==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/WEhomHRqaulxRf1emZz0dw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/jgOyR5ZG6oxquyYQgJUHxw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/1KEcWg3tdaMSHap3A6rQlA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/nXFGAIcdg5TseX0vSC3nyw==
5141.33	Head Lice - https://simbli.eboardsolutions.com/SU/29nCN0ZGtURZV4srr3dYCA==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/oQ5qkpluswaNVsZFi4HHMlfwg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VjM4FfQvrAXs7V14zIU8TQ==
5141.5	Mental Health - https://simbli.eboardsolutions.com/SU/GLIS92G2rp1uMxqV7HdY9Q==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/QplusOL6joc2O14TslshRuGXoemA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/lcKgoSUplusCplusNw4UpTQRdl0A==
5143	Insurance - https://simbli.eboardsolutions.com/SU/pESmAhIrKvCt9TDDzpASWA==
5143	Insurance - https://simbli.eboardsolutions.com/SU/vvDhX4MjDrJ0DrsR0yaAxw==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/gR6ucyZS56duPchfmGVPslshQ==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/i1IPc7H4r7uslsh0slshTWOspoew==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/MfyKHSPWgTOMUMcbEnYL4w==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/aHXj1KbWKdGMYCTGHhoOvQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/uLigonpG5KlnPzfKy9UlPQ==

6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/x0hb3hkKicXv7wIr4CYoQg==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/3slshq0kP6i01dIvoZMdFHCvA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/AjyYJSIWIe0X1X9aYsrxDA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/0rtplusMzx8L8UZ1Qslsht9ctTsA==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/8SQdWu3IRoOhSBC6o4b3uA==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/JtQDlrkSo9aktbt4cbmG5g==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/9kuifz9ovp2U1IdnNuPhJg==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/51m08UmlQniwwDyARGs5pQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/AVwmTG7ryxplusslshszPKmIdwAg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/OwILob6A8qpWdbKgYa2a9Q==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/jRAItuzGTRslshtUwEvzm7B6Q==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/TuslshPMGHi6O2DoJzSkkL5uw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/5plussi8eIBplusplusRvrBTViayIlA==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/XxglTbD6thnD1iDuJMYSqQ==

Regulation 5141.6: School Health Services

Original Adopted Date: 11/01/2008 | **Last Revised Date:** ~~10~~06/01/~~2018~~2023 | **Last Reviewed Date:** ~~10~~06/01/~~2018~~2023

Types of Health Services

CSBA NOTE: The following optional section may be revised to reflect district practice.

In accordance with student and community needs and available resources, school health services offered by the district may include, but are not limited to:

1. Health screenings, evaluations, and assessments of students' need for health services
2. Physical examinations, immunizations, and other preventive medical services
3. First aid and administration of medications
4. Diagnosis and treatment of minor injuries and acute medical conditions
5. Management of chronic medical conditions
6. Basic laboratory tests
7. Emergency response procedures
8. Nutrition services
9. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

CSBA NOTE: Pursuant to Health and Safety Code 104830-104865, elementary and secondary students must be offered an opportunity each school year to receive a topical application of fluoride or other decay-inhibiting agent by a dentist or dental assistant, under a program organized and operated by the county health officer. Districts are required to cooperate with the county health officer in carrying out the program in any school in their jurisdiction and to provide notification to parents/guardians regarding the availability of the program, as provided below.

10. The Superintendent or designee shall notify all parents/guardians of the opportunity pursuant to Health and Safety Code 104830-104865 for their child to receive the topical application of fluoride, including fluoride varnish, or other decay-inhibiting agent to the teeth during the school year. Such application of fluoride or other decay-inhibiting agent shall only be provided to a student whose parent/guardian returns the notification with an indication consenting to the treatment. (Health and Safety Code 104830, 104850, 104855)

CSBA NOTE: Pursuant to Education Code 49428.15, the California Department of Education (CDE) is required to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address student behavioral health, including staff and student training on recognizing the signs and symptoms of common psychiatric conditions and substance use disorders and other behavioral health disorders. CDE has identified such a training program, "Youth Mental Health First Aid," which is available on its website.

~~11.~~10. ~~Mental~~ Mental or behavioral health services, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergencypsychiatriccare,communitysupportprograms, inpatientcare, and outpatient programs

12.11. Substance abuse prevention and intervention services

13.12. Vision and audiology services

14.13. Speech therapy

15.14. Occupational therapy

16.15. Physical therapy

CSBA NOTE: Item #16 may be deleted by districts that offer only elementary grades.

17.16. Reproductive health services

18.17. Specialized health care services for students with disabilities

19.18. Medical transportation

20.19. Targeted case management

21.20. Referrals and linkage to services not offered on-site

22.21. Public health and disease surveillance

23.22. Individual and family health education

24.23. School or districtwide health promotion

CSBA NOTE: Pursuant to Education Code 49429, CDE, in consultation with the Department of Health Care Services (DHCS) and appropriate stakeholders, and subject to budget appropriations, is required to develop guidelines for the use of telehealth technology in schools, including mental health and behavioral health services to students on school campuses, by December 31, 2022.

The district may deliver health care services, including mental and behavioral health, for students on campus by means of telehealth technology. (Education Code 49429)

Medi-Cal Billing

CSBA NOTE: The following optional section is for use by districts that have contracted with ~~the California Department of Health Care Services (~~DHCS) in order to provide services as a Medi-Cal provider as authorized by Welfare and Institutions Code 14132.06; see the accompanying Board policy. To the extent that the district contracts with health care practitioners or clinics to provide the services, the practitioner or clinic is considered the provider of services and is the entity billing and receiving Medi-Cal payments for services.

DHCS' Local Educational Agency Medi-Cal Billing Option Program (LEA BOP) reimburses LEA BOP providers, including school districts, the federal share of the maximum allowable rate for approved health-related services provided by qualified health service practitioners to Medi-Cal eligible students.

Pursuant to Welfare and Institutions Code 14115.8~~, as amended by AB 3192 (Ch. 658, Statutes of 2018), requires~~ DHCS~~, by January 1, 2020, to develop and distribute a~~ has developed program ~~guide~~guidance, available on its website, containing information regarding processes, documentation, and the proper submission of claims under the LEA ~~Medi-Cal Billing Option program.~~BOP.

The 2022 Bipartisan Safer Communities Act (P.L. 117-159), which amended the Protecting Access to Medicare Act of 2014 (42 USC 1396a), requires the Secretary of Health and Human Services to publish best practices to support the delivery of services to students covered under Medicaid and the Children's Health Insurance Program (CHIP) via telehealth in schools, including mental health and substance use disorder services. The Secretary of Health and Human Services, in consultation with the Secretary of Education, has issued guidance, "Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services," to local educational agencies and school-based entities to support the delivery of medical assistance to Medicaid and CHIP beneficiaries in school-based settings and outline strategies and tools to reduce administrative burdens on, and simplify billing for, districts, in particular small and rural districts.

In order to provide services as a Medi-Cal provider, the district shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

CSBA NOTE: The federal Americans with Disabilities Act (42 USC 12101; 28 CFR 35) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and state law, prohibit discrimination against qualified individuals who have speech, hearing, or vision disabilities who participate in public programs. Because discrimination is prohibited in the administration of Medi-Cal services, including determining eligibility, districts and district subcontractors must provide qualified individuals with auxiliary aides and services, including materials in alternative formats, such as braille, large font, or audio recordings, to ensure individuals can effectively communicate and participate in public programs, services, or activities including Medi-Cal. In accordance with DHCS Policy and Procedure Letters No. 21-017R and No. 23-004, districts are required, by August 1, 2023, to develop a plan to meet these alternative format requirements, in accordance with the terms and conditions of the Provider Participation Agreement and Addendum, and store and maintain the alternative format plan within their audit file, which may be requested by DHCS at any time after August 1, 2023.

The Superintendent or designee shall develop a plan to ensure that the district and all district subcontractors, provide individuals with speech, vision, and hearing disabilities auxiliary aides and services, to enable those individuals to effectively communicate and participate in the Medi-Cal program. Such auxiliary aides and services may include, but are not limited to, providing written materials in alternative formats, such as braille, large font, audio recordings, or closed captioning.

CSBA NOTE: With the exception of health care aides who provide specialized physical health care services pursuant to Education Code 49423.5, any practitioner whom the district employs or with whom it contracts must be credentialed to practice as a physician, registered nurse, psychologist, school counselor, or one of the other professions listed in 22 CCR 51190.3 in order for the district to receive Medi-Cal reimbursement.

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the district possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

CSBA NOTE: Reimbursement under Medi-Cal is limited to the services specified in Welfare and Institutions Code 14132.06 and 22 CCR 51190.4 and 51360. Pursuant to Welfare and Institutions Code 14132.06, services may be reimbursable whether or not the student has an individualized

education program (IEP) or individualized family service plan (IFSP) or whether those same services are provided at no charge to the beneficiary or to the community at large.

22 CCR 51360 provides that services for accompanying a student off campus for nursing or school health aide services will be reimbursable when specified as medically necessary in an IEP or IFSP.

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the district provides a Medi-Cal-eligible student under age 22 and/or a member of the ~~student's~~student's family a covered service specified in 22 CCR 51190.4 or 51360. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

CSBA NOTE: Health and Safety Code 1374.722 requires a health care service plan contract issued, amended, renewed or delivered on or after January 1, 2024, that is required to provide coverage for medically necessary treatment of mental health and substance use disorders pursuant to Health and Safety Code 1374.72, 1374.721, and 1374.73, to cover the provision of the services identified in the fee-for-service reimbursement schedule published by DHCS, when those services are delivered at school sites, as defined below, regardless of the network status of the district or health care provider. Guidance to health care service plans regarding compliance with this section is required to be issued by December 31, 2023.

Additionally, pursuant to Welfare and Institutions Code 5961.4, DHCS is required to develop a school-linked statewide fee schedule for outpatient mental health or substance use disorder treatment provided to students under the age of 25 at a school site, a school-linked statewide provider network of school site behavioral health counselors, evidence-based behavioral health programs, behavioral health services and supports virtual platform, and to award school-linked partnership and capacity grants. As part of the Children and Youth Behavioral Health Initiative, DHCS is also required to provide incentive payments to qualifying Medi-Cal managed care plans to implement interventions that increase access to preventive, early intervention, and behavioral health services by school-affiliated behavioral health providers for children in publicly funded preschool through grade 12. More information about the Children and Youth Behavioral Health Initiative is available on DHCS's website.

When the district provides services, or arranges for the provision of services, for treatment of a mental health or substance use disorder for a student at a school site or at an off-campus clinic, mobile counseling service, or similar district-arranged location, the district may seek reimbursement from the student's health care service plan, in accordance with the requirements of Health and Safety Code 1374.722.

The district shall maintain records and supporting documentation including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270, 51476)

CSBA NOTE: 22 CCR 51270 requires federal reimbursements to be reinvested in health and social services for students and their families, as provided below. This requirement does not apply to reimbursements received under the Medi-Cal Administrative Activities (MAA) program described in the following section.

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in approved services for students and their families. The Superintendent or designee shall consult with a local school-linked services collaborative group regarding decisions on reinvestment of federal funds. (22 CCR 51270)

CSBA NOTE: 22 CCR 51270 requires that districts submit an annual report, as described below, as a condition of continued participation as a Medi-Cal provider. The deadline for this annual report is specified in the program provider participation agreement that districts enter into with DHCS.

The Superintendent or designee shall submit an annual report to DHCS to identify participants in the community collaborative, provide a financial summary including reinvestment expenditures, and describe service priorities for the future. (22 CCR 51270)

Medi-Cal Administrative Activities

CSBA NOTE: The following optional section is for use by districts that participate in the MAA program administered by DHCS pursuant to Welfare and Institutions Code 14132.47. Under this program, districts providing Medi-Cal-covered health services may be reimbursed for some of their administrative and outreach costs. This section reflects program requirements described in ~~the~~ DHCS's "California School-Based Medi-Cal Administrative Activities Manual ~~published by DHCS.~~," available on its website.

Districts may receive assistance with Medi-Cal administrative billing through ~~CSBA's~~CSBA's Practi-Cal program. See ~~CSBA's web site~~CSBA's website for further information.

The district shall apply for reimbursement for activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not ~~be~~ limited to, outreach, translation for Medi-Cal services, facilitation of applications, arrangement of nonemergency and nonmedical transportation of eligible individuals, program planning and policy development, claims coordination and administration, training, and general administration.

Appropriate staff shall receive training in administrative claiming categories and related activities.

CSBA NOTE: The district must submit claims through either a local educational agency consortium (i.e., one of the service regions of the California County Superintendent Educational Services Association) or a local governmental agency (i.e., county or chartered city) that has contracted with DHCS. The district may modify the following two paragraphs to reflect the appropriate entity or agency.

To receive reimbursement for Medi-Cal administrative activities, the Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the district has contracted.

CSBA NOTE: The MAA program requires randomly selected employees who perform MAA activities as a normal part of their job duties to complete a random-moment time study which is used to determine the work effort of all time study participants over a given time period. Further information regarding the required procedure is available on the DHCS ~~web site~~website.

In addition, the Superintendent or designee shall submit to the local educational consortium or local governmental agency, and shall update each quarter, a roster of all employees who perform direct Medi-Cal services or administrative activities. When notified by the local educational consortium or local governmental agency of the date and time that a random-moment time survey must be conducted by a particular employee, the Superintendent or designee shall coordinate the completion and submission of the survey in accordance with DHCS timelines and procedures.

The Superintendent or designee shall maintain an audit file containing random-moment time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

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

State	Description
17 CCR 2950-2951	Hearing tests
17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments
22 CCR 51009	Confidentiality
22 CCR 51050-51192	Definitions of Medi-Cal providers and services
22 CCR 51200	Requirements for providers
22 CCR 51231.2	Wheelchair van requirements
22 CCR 51270	Local educational agency provider; conditions for participation
22 CCR 51304	Limitations on specified benefits
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services
22 CCR 51323	Medical transportation services
22 CCR 51351	Targeted case management services
22 CCR 51360	Local educational agency; types of services
22 CCR 51491	Local educational agency eligibility for payment
22 CCR 51535.5	Reimbursement to local educational agency providers
Ed. Code 49073-49079	Privacy of student records
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 95020	Individualized family service plan
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12
H&S Code 123110	Minor's right to access health records
H&S Code 123115	Limitation on parent/guardian access to minor's health records
H&S Code 123800-123995	California Children's Services Act
H&S Code 124025-124110	Child Health and Disability Prevention Program

H&S Code 124172-124174.6	
H&S Code 124260	Mental health services; consent by minors age 12 and older
H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
W&I Code 5961-5961.5	Children and Youth Behavioral Health Initiative Act
W&I Code 14059.5	Definition of "medically necessary"
W&I Code 14115	Medi-Cal claims process
W&I Code 14115.8	LEA Medi-Cal Billing Option; programguide
W&I Code 14124.90	Third-party health coverage
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies W&I Code 14132.47 Administrative claiming process and targeted case management

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients 42 USC 1320c-9 Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Privacy of individually identifiable health information

Management Resources	**Description**
CA Department of Health Care Services Publication	LEA Medi-Cal Billing Option Program Provider Manual, November 2021 (https://www.dhcs.ca.gov/provgovpart/Pages/LEAProviderManual.aspx)
CA Dept of Health Care Services Publication	Policy and Procedure Letter No. 21-017R, December 2021 (https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf)
CA Dept of Health Care Services Publication	
CA Health and Human Services Publication	Policy and Procedure Letter No. 23-004, February 2023 (https://www.dhcs.ca.gov/formsandpubs/Documents/PPL23-004-Alternative-Format-Extension.pdf)
CASchool-Based Health Alliance Publication	
CA School-Based Health Alliance Publication	California School-Based Medi-Cal Administrative Activities Manual (https://www.dhcs.ca.gov/provgovpart/Pages/SMAAManual.aspx)
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Documenting the Link Between School-Based Health Centers and Academic Success, May 2014

How to Fund Health Services in Your School District, September 2014

Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 (https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf)

~~CSBA~~US Dept of Health and Human Services Publication	~~Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008~~Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 18, 2022 (https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf)
~~CSBA~~US Dept of Health and Human Services Publication	~~Promoting Oral Health for California's Students: New Role, New Opportunities for Schools, Policy Brief, November 2008~~Centers for Medicare & Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022 (https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf)
NationalCenterFor YouthLaw Publication	ConfidentialMedical Release:FrequentlyAskedQuestions from Schools and Districts, November 2015
Website	CSBA District and County Office of Education Legal Services
Website	CSBA, Practi-Cal Program
Website	California School-Based Health Alliance
Website	Center for Health and Health Care in Schools
Website	Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study
Website	Centers for Medicare and Medicaid Services
Website	California County Superintendents Educational Services
Association Website	National Center for Youth Law
Website	California School Nurses Organization
Website	California Department of Education, Health Services and School
Nursing Website	California Department of Health Care Services
Website	California Department of Public Health
Website	California Department of Health and Human Services (https://www.chhs.ca.gov/)
Website	CSBA

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
1330.1	Joint Use Agreements
1340	Access To District Records

1400	Relations Between Other Governmental Agencies And The Schools
3514	Environmental Safety
3514	Environmental Safety
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4119.41	Employees With Infectious Disease
4119.43	Universal Precautions
4119.43	Universal Precautions
4157	Employee Safety
4157	Employee Safety
4219.41	Employees With Infectious Disease
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4257	Employee Safety
4257	Employee Safety
4319.41	Employees With Infectious Disease
4319.43	Universal Precautions
4319.43	Universal Precautions
4357	Employee Safety
4357	Employee Safety
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5125	Student Records
5125	Student Records
5131.6	Alcohol And Other Drugs

5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services
5141.25	Availability Of Condoms
5141.26	Tuberculosis Testing
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.33	Head Lice
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.7	Sun Safety
5143	Insurance
5143	Insurance
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students

5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6175	Migrant Education Program
6175	Migrant Education Program
6177	Summer Learning Programs
6184	Continuation Education
6184	Continuation Education

Policy 5141.6: School Health Services

Status: ADOPTED

Original Adopted Date: 06/13/2019 **| Last Reviewed Date:** 06/13/2019

The Board of Education recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district.

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

The Board may prioritize school health services to schools serving students with the greatest need, including schools with medically underserved populations and/or a high percentage of low-income and uninsured children and youth.

School health services shall be provided under the supervision of a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

If a school nurse is employed by the school or district, he/she shall be involved in planning and implementing the school health services as appropriate.

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but are not limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law.

Consent and Confidentiality

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

Payment/Reimbursement for Services

The Superintendent or designee may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. Services may be provided free of charge or on a sliding scale in accordance with law.

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

Program Evaluation

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services

and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but are not necessarily limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; measures of school climate; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

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

State References	Description
17 CCR 2950-2951	Hearing tests - https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==
17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments - https://simbli.eboardsolutions.com/SU/2HhexRytdgKqeiq665fqEA==
22 CCR 51009	Confidentiality - https://simbli.eboardsolutions.com/SU/9Ra0oplusgjqEw5FSRj1Y5RhA==
22 CCR 51050-51192	Definitions of Medi-Cal providers and services - https://simbli.eboardsolutions.com/SU/kERMlu1VDplusslsh6dzkplusdMzUGA==
22 CCR 51200	Requirements for providers - https://simbli.eboardsolutions.com/SU/UQIfaxnRXavxH1iMhK5Bag==
22 CCR 51231.2	Wheelchair van requirements - https://simbli.eboardsolutions.com/SU/fgh9KIxZffbAsAxo4fcDhw==
22 CCR 51270	Local educational agency provider; conditions for participation - https://simbli.eboardsolutions.com/SU/CTr6GAXoy397Rj4nqkFcBQ==
22 CCR 51304	Limitations on specified benefits - https://simbli.eboardsolutions.com/SU/gKXAjwbtKM1ehmIveDLslshXA==
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services - https://simbli.eboardsolutions.com/SU/JplusO0slshwAaSImYc9rToIHXjA==
22 CCR 51323	Medical transportation services - https://simbli.eboardsolutions.com/SU/MDftOcwr3WyRZzEFcZXBmQ==
22 CCR 51351	Targeted case management services - https://simbli.eboardsolutions.com/SU/SAkqqpXGRCDSus29fCRGTA==
22 CCR 51360	Local educational agency; types of services - https://simbli.eboardsolutions.com/SU/zR8yhQ2FqNMBzTSHcLILWg==
22 CCR 51491	Local educational agency eligibility for payment - https://simbli.eboardsolutions.com/SU/fpUUVD1fR7XY4ikyPUdSVw==
22 CCR 51535.5	Reimbursement to local educational agency providers - https://simbli.eboardsolutions.com/SU/XtjI3eVKpmdCQ86slshGojFFA==
Ed. Code 49073-49079	Privacy of student records - https://simbli.eboardsolutions.com/SU/7w3lTz5N0pl8FxFYHEmjcg==
Ed. Code 49423.5	Specialized physical health care services - https://simbli.eboardsolutions.com/SU/L0igvSo5mElNt0KPZsplusc0Q==
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal - https://simbli.eboardsolutions.com/SU/apYfKshvfKaT8ryTPutYCw==
Fam. Code 6920-6930	Consent by minor for medical treatment - https://simbli.eboardsolutions.com/SU/2D2lN8VKrMt7jVdYwJ1aWA==
Gov. Code 95020	Individualized family service plan - https://simbli.eboardsolutions.com/SU/b7Bntu3G7u9NnB0bOTqUUA==

H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent - https://simbli.eboardsolutions.com/SU/wUMx41l85WwIOslshBFSWJm8w==
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12 - https://simbli.eboardsolutions.com/SU/Z4rsWlu9eGVfnBPGF6MIKA==
H&S Code 123110	Minor's right to access health records - https://simbli.eboardsolutions.com/SU/i8PW0EdRzv8jMoH51K3q7A==
H&S Code 123115	Limitation on parent/guardian access to minor's health records - https://simbli.eboardsolutions.com/SU/vkoslshKyhVxThhqoBDCKzknQ==
H&S Code 123800-123995	California Children's Services Act - https://simbli.eboardsolutions.com/SU/oRsfYcIzXRxToah0YVbNcA==
H&S Code 124025-124110	Child Health and Disability Prevention Program - https://simbli.eboardsolutions.com/SU/L9HOoCdNFf6OLmwKrjEjiQ==
H&S Code 124172-124174.6	Public School Health Center Support Program - https://simbli.eboardsolutions.com/SU/UiWhRk3Dplusb6dePxZuDu0oQ==
H&S Code 124260	Mental health services; consent by minors age 12 and older - https://simbli.eboardsolutions.com/SU/IVzTry4v3xqHaOX42MB0zw==
H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
W&I Code 14059.5	Definition of "medically necessary" - https://simbli.eboardsolutions.com/SU/NMJswpgplusptyKRrVPkZpLslshQ==
W&I Code 14115	Medi-Cal claims process - https://simbli.eboardsolutions.com/SU/FtggfcAzVlkv64OqMyvyNg==
W&I Code 14115.8	LEA Medi-Cal Billing Option; program guide - https://simbli.eboardsolutions.com/SU/N8rhZHRaa1KdAhOmqXxhVw==
W&I Code 14124.90	Third-party health coverage - https://simbli.eboardsolutions.com/SU/6PYeuATWcPdYnPcsTYkAUw==
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies - https://simbli.eboardsolutions.com/SU/US4ZV1v4hDplus3HszfZk2teg==
W&I Code 14132.47	Administrative claiming process and targeted case management - https://simbli.eboardsolutions.com/SU/slshu5xkSQ1HwQLRJF5batDlw==
W&I Code 5961-5961.5	Children and Youth Behavioral Health Initiative Act

Federal References	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients
42 USC 1320c-9	Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Privacy of individually identifiable health information

Management Resources References	**Description**
CA Department of Health Care Services Publication	LEA Medi-Cal Billing Option Program Provider Manual, November 2021 - https://simbli.eboardsolutions.com/SU/QOfp2pEslshD4aDoKM2QJ1t8g==
CA Dept of Health Care Services Publication	Policy and Procedure Letter No. 23-004, February 2023 - https://simbli.eboardsolutions.com/SU/lk2u2XTgK02Uk3z7XV2WqA==
CA Dept of Health Care Services Publication	Policy and Procedure Letter No. 21-017R, December 2021 - https://simbli.eboardsolutions.com/SU/ShaD7PfAmslshoWeplusec1VMAtA==
CA Dept of Health Care Services Publication	California School-Based Medi-Cal Administrative Activities Manual - https://simbli.eboardsolutions.com/SU/oYdd8QEplus0LrFh9A1ACiynQ==
CA Health and Human Services Publication	Children and Youth Behavioral Health Initiative, 2021 - https://simbli.eboardsolutions.com/SU/SQUS0zuWPAYGjpMSimryyg==

CA School-Based Health Alliance Publication	Documenting the Link Between School-Based Health Centers and Academic Success, May 2014
CA School-Based Health Alliance Publication	How to Fund Health Services in Your School District, September 2014
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019
National Center For Youth Law Publication	Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015
US Dept of Health and Human Services Publication	Centers for Medicare & Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022 - https://simbli.eboardsolutions.com/SU/e1AEPRkiYJiEMndl3IzjKA==
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Website	CSBA, Practi-Cal Program - https://simbli.eboardsolutions.com/SU/osj9cVthno059t2BIfslshzHw==
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Website	Center for Health and Health Care in Schools - https://simbli.eboardsolutions.com/SU/lUBge93PEmHaWbbZteiquw==
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Website	California School Nurses Organization - https://simbli.eboardsolutions.com/SU/y9UnslshTdDn6hY1DMTI3f6eQ==
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Website	California Department of Health Care Services - https://simbli.eboardsolutions.com/SU/slshcbdN8s1slshplus8ePOCd4fpQ7Q==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/Q9uum7Qie1RKlnyyMCvRYA==
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1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
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3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/n7CuOUfbHIaAcCzD0HsiyA==
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5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/XT46XMcmU8mJQZPC1xpMfQ==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/slshplusvMQK2l4plusWZA4Xslsht0nhOA==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/LUPslsh3GOwWlPrzOFht6vpluskg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/wzslshxB5PWuGpSLScMjslshssMQ==
5141.24	Specialized Health Care Services - https://simbli.eboardsolutions.com/SU/ETrDJ2NvSsgub4Vx4RzgcA==
5141.26	Tuberculosis Testing - https://simbli.eboardsolutions.com/SU/2I6VGcQ4GcfNVkCB4PkdWQ==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/ewTnhBtGxKGHkbFm3NatBg==
5141.3	Health Examinations - https://simbli.eboardsolutions.com/SU/WEhomHRqaulxRf1emZz0dw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/jgOyR5ZG6oxquyYQgJUHxw==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/1KEcWg3tdaMSHap3A6rQlA==
5141.32	Health Screening For School Entry - https://simbli.eboardsolutions.com/SU/nXFGAIcdg5TseX0vSC3nyw==

5141.33	Head Lice - https://simbli.eboardsolutions.com/SU/29nCN0ZGtURZV4srr3dYCA==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/oQ5qkpluswaNVsZFi4HHMlfwg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VjM4FfQvrAXs7V14zIU8TQ==
5141.5	Mental Health - https://simbli.eboardsolutions.com/SU/GLIS92G2rp1uMxqV7HdY9Q==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/QplusOL6joc2O14TslshRuGXoemA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/lcKgoSUplusCplusNw4UpTQRdl0A==
5143	Insurance - https://simbli.eboardsolutions.com/SU/pESmAhIrKvCt9TDDzpASWA==
5143	Insurance - https://simbli.eboardsolutions.com/SU/vvDhX4MjDrJ0DrsR0yaAxw==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/gR6ucyZS56duPchfmGVPslshQ==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/i1IPc7H4r7uslsh0slshTWOspoew==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/MfyKHSPWgTOMUMcbEnYL4w==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/aHXj1KbWKdGMYCTGHhoOvQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/uLigonpG5KlnPzfKy9UlPQ==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/x0hb3hkKicXv7wIr4CYoQg==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/3slshq0kP6i01dIvoZMdFHCvA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/AjyYJSIWIe0X1X9aYsrxDA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/0rtplusMzx8L8UZ1Qslsht9ctTsA==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/8SQdWu3IRoOhSBC6o4b3uA==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/JtQDlrkSo9aktbt4cbmG5g==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/9kuifz9ovp2U1IdnNuPhJg==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/51m08UmlQniwwDyARGs5pQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/AVwmTG7ryxplusslshszPKmIdwAg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/deK0RSxBpHnU9SuslshbsK0pQ==

6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vnplusLRaaI96IrScOYslshoSplusXg==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/jzHilKypSnLjfpYVMtgfTA==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/7BVCyKmuwsQoslshW2O4dllGQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/OwILob6A8qpWdbKgYa2a9Q==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/jRAItuzGTRslshtUwEvzm7B6Q==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/TuslshPMGHi6O2DoJzSkkL5uw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/5plussi8eIBplusplusRvrBTViayIIA==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/XxglTbD6thnD1iDuJMYSqQ==

Policy 5141.6: School Health Services

Original Adopted Date: 11/01/2008 | **Last Revised Date:** ~~10~~06/01/~~2018~~2023 | **Last Reviewed Date:** ~~10~~06/01/~~2018~~2023

CSBA NOTE: The following optional policy should be revised to reflect district practice. This policy addresses the provision of health services at or near school sites (e.g., a school-based or school-linked health center or mobile van) through the employment of or contract with health care professionals or community health centers~~. Districts maintaining or planning to establish school health services are encouraged to review CSBA's policy brief entitled Expanding Access to School Health Services: Policy Considerations for Governing Boards.~~, including by way of telehealth.

Pursuant to Education Code 49419, the California Department of Education (CDE) has created an Office of School-Based Health Programs to assist districts with current CDE health-related programs, and to provide technical assistance, outreach, and information to districts on allowable services and submission of claims. School-based health programs provide resources, support, and information to address the physical, mental, and/or behavioral health needs of school communities, including students and staff. For more information, see CDE's website.

The 2022 Bipartisan Safer Communities Act (P.L. 117-159), which amended the Protecting Access to Medicare Act of 2014 (42 USC 1396a), requires the Secretary of Health and Human Services (CalHHS) to publish best practices to support the delivery of services to students covered under Medicaid and the Children's Health Insurance Program (CHIP) via telehealth in schools, including mental health and substance use disorder services. See the section entitled "Medi-Cal Billing" in the accompanying administrative regulation.

Other CSBA sample policies and/or administrative regulations address specific health requirements and services for students. For example, see BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions, AR 5141.24 - Specialized Health Care Services, BP/AR 5141.3 - Health Examinations, ~~and~~ AR 5141.32 - Health Screening for School Entry, and BP 5141.5 – Mental Health.

The Governing Board recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The Board further recognizes that schools are uniquely positioned to increase health equity and to help ensure that all students have access to necessary health care services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses, and may utilize telehealth as a delivery mechanism to increase access to health care services in schools.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district, including preventative programming and intervention strategies to address students' physical, mental, and behavioral health needs.

CSBA NOTE: School health centers are generally funded by a combination of insurance reimbursements; state, federal, and county grants; district funds; subsidies from community clinics or hospitals; and/or private donations.

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

The Board may prioritize school health services to schools serving students with the greatest need, including schools with medically underserved populations and/or a high percentage of low-income and uninsured children and youth.

School health services shall be provided under the supervision of a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

If a school nurse is employed by the school or district, ~~he/she~~the nurse shall be involved in planning and implementing the school healthservices as appropriate.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The California Department of Education's (CDE), "Health Framework for California Public Schools," recommends a coordinated school health approach which integrates health services, health education, physical education, parent/community involvement, nutrition services, psychological and counseling services, a safe and healthy school environment, and health promotion for staff.

Welfare and Institutions Code 5961-5961.5 established the Children and Youth Behavioral Health Initiative, which was created to enhance, expand, and redesign the systems that support behavioral health for students under age 25, with the goal of delivering equitable, appropriate, timely, and accessible behavioral health services and supports. More information and resources are available on CalHHS' website.

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

CSBA NOTE: The following optional paragraph is for use by districts that choose to engage in outreach and enrollment efforts to encourage eligible students' participation in no-cost or low-cost health coverage programs.

Education Code 49557.2 authorizes the district to include on the application for free and reduced-price meals information about the Medi-Cal program and a student's potential eligibility. Pursuant to Education Code 49558, districts may release information on the free and reduced-price meals application to the local agency that determines eligibility under the Medi-Cal program, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information. See BP/AR 3553 - Free and Reduced Price Meals.

To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs

and local health initiatives. Such strategies may include, but are not limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law.

Consent and Confidentiality

CSBA NOTE: Parent/guardian consent is generally required prior to providing health services to a minor student. However, Family Code 6920-~~6929~~6930 specify exceptions under which minors do not need parent/guardian consent prior to receiving services, including an exception for a minor age 12 years or older to consent to medical care related to the prevention of a sexually transmitted disease., ~~for~~ for medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, or for medical care related to an injury caused by intimate partner violence. In addition, Health and Safety Code 124260 allows a minor age 12 or older to consent to outpatient mental health services if, in the opinion of a professional person, as defined, the minor is mature enough to participate intelligently in the mental health treatment or counseling services. In this case, the child's parent/guardian must be involved unless the professional person determines it would be inappropriate.

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-~~6929~~6930, Health and Safety Code 124260, or other applicable law.

CSBA NOTE: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500- 164.534) mandates actions that "covered entities" must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release. Districts with questions about the applicability of HIPAA should consult CSBA's District and CountyOffice of Education Legal Services or district legal counsel as appropriate.

Additionally, the California Confidentiality of Medical Information Act (CMIA) (Civil Code 56-56.37) prohibits a health care provider, a health care service plan, or contractor from disclosing medical information without first obtaining permission of the individual. Civil Code 56.10, as amended by SB 1184 (Ch. 993, Statutes of 2022), authorizes a health care provider or a health care service plan to disclose medical information that complies with HIPAA to a school-linked services coordinator, pursuant to a written authorization between the health provider and the student. A "school-linked services coordinator" means an individual located on a school campus or under contract by a county behavioral health provider agency for the treatment and health care operations and referrals of students and their families that holds one of the following credentials or licenses: pupil personnel services, school nurse, marriage and family therapy, educational psychology, or professional clinical counseling.

In addition, 22 CCR 51270 requires districts serving as Medi-Cal providers ~~(see section entitled "Payment/Reimbursement for Services" below)~~ to comply with confidentiality requirements specified in Education Code 46090 and 49073-49079, Welfare and Institutions Code 14100.2, 22 CCR 51009, 42 USC 1320c-9, and 42 CFR 431.300.; see the section entitled "Payment/Reimbursement for Services" below. Also see the accompanying administrative regulation regarding additional requirements for Medi-Cal billing, including the requirement to enter into a Provider Participation Agreement and Annual Report with the California Department of Health Care Services (DHCS).

Pursuant to Education Code 49428.15, CDE is required to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address student behavioral health, including instruction on how to maintain student privacy and confidentiality, consistent with federal and state privacy laws. CDE has identified sucha training program, "Youth Mental Health First Aid," which is available on its website.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

Payment/Reimbursement for Services

CSBA NOTE: Some school health services, such as medical and related services specified in an individualized education program for students with disabilities, must be provided free of charge. For other services, districts may charge a fee and are entitled to seek third-party reimbursement from students' private insurance and state or federal programs such as Medi-Cal or the Child Health and Disability Prevention program. See the accompanying administrative regulation.

The Superintendent or designee may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. Services may be provided free of charge or on a sliding scale in accordance with law.

CSBA NOTE: The following optional paragraph is for use by districts that have received approval from the ~~California Department of Health Care Services~~DHCS to serve as Medi-Cal providers.
Pursuant to Welfare and Institutions Code 14132.06 and 22 CCR 51051 and 51190.1, to the extent that federal funding is available, local educational agencies (LEAs) may receive partial Medi- Cal reimbursement through the LEA Medi-Cal Billing Option for health services provided to an enrolled student under age 22 who is certified for Medi-Cal and/or a member of the student's family. In addition, pursuant to Welfare and Institutions Code 14132.47, LEAs may be reimbursed through the Medi-Cal Administrative Activities (MAA) program for some of their administrative costs associated with school-based health and outreach activities that are not claimable under the LEA Medi-Cal Billing Option or other programs. See the accompanying administrative regulation.

Districts may receive assistance with Medi-Cal billing through CSBA's Practi-Cal program. See CSBA's ~~web site~~website for further information.

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

Program Evaluation

In order to continuously improve school healthservices, the Boardshall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but are not necessarily limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; measures of school climate; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

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

State	Description
17 CCR 2950-2951	Hearing tests
17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments
22 CCR 51009	Confidentiality
22 CCR 51050-51192	Definitions of Medi-Cal providers and services
22 CCR 51200	Requirements for providers
22 CCR 51231.2	Wheelchair van requirements
22 CCR 51270	Local educational agency provider; conditions for participation
22 CCR 51304	Limitations on specified benefits
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services
22 CCR 51323	Medical transportation services
22 CCR 51351	Targeted case management services
22 CCR 51360	Local educational agency; types of services
22 CCR 51491	Local educational agency eligibility for payment
22 CCR 51535.5	Reimbursement to local educational agency providers
Ed. Code 49073-49079	Privacy of student records
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 95020	Individualized family service plan
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12
H&S Code 123110	Minor's right to access health records
H&S Code 123115	Limitation on parent/guardian access to minor's health records
H&S Code 123800-123995	California Children's Services Act
H&S Code 124025-124110	Child Health and Disability Prevention
H&S Code 124172-124174.6	

Program Public School Health		Center Support Program
H&S Code 124260	Mental health services; consent by minors age 12 and older	

H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
W&I Code 5961-5961.5	Children and Youth Behavioral Health Initiative Act
W&I Code 14059.5	Definition of "medically necessary"
W&I Code 14115	Medi-Cal claims process
W&I Code 14115.8	LEA Medi-Cal Billing Option; programguide
W&I Code 14124.90	Third-party health coverage
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies
W&I Code 14132.47	Administrative claiming process and targeted case management

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients
42 USC 1320c-9	Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Privacy of individually identifiable health information

Management Resources	**Description**
CA Department of Health Care Services Publication CA Dept of Health Care Services Publication	LEA Medi-Cal Billing Option Program Provider Manual, November 2021 (https://www.dhcs.ca.gov/provgovpart/Pages/LEAProviderManual.aspx)
CA Dept of Health Care Services Publication	Policy and Procedure Letter No. 21-017R, December 2021 (https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf)
CA Dept of Health Care Services Publication CA Health and Human Services Publication	
CA School-Based Health Alliance Publication CA School-BasedHealth Alliance Publication California Department of Education Publication	Policy and Procedure Letter No. 23-004, February 2023 (https://www.dhcs.ca.gov/formsandpubs/Documents/PPL23-004-Alternative-Format-Extension.pdf)
~~CSBA~~US Dept of Health and Human Services Publication	California School-Based Medi-Cal Administrative Activities Manual (https://www.dhcs.ca.gov/provgovpart/Pages/SMAAManual.aspx)
	Children and Youth Behavioral Health Initiative, 2021 (https://www.chhs.ca.gov/wp-content/uploads/2021/12/Children-and-Youth-Behavioral-Health-Initiative-Brief.pdf)

Documenting the Link Between School-Based Health Centers and Academic Success, May 2014

How to Fund Health Services in Your School District, September 2014

Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019 (https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf)

~~Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008~~Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 18, 2022

	(https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf)
~~CSBA~~US Dept of Health and Human Services Publication	~~Promoting Oral Health for California's Students: New Role, New Opportunities for Schools, Policy Brief, November 2008~~Centers for Medicare & Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022
National Center For Youth Law Publication	(https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf) Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015
Website	CSBA District and County Office of Education Legal Services
Website	CSBA, Practi-Cal Program
Website	California School-Based Health Alliance
Website	Center for Health and Health Care in Schools
Website	Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study
Website	Centers for Medicare and Medicaid Services
Website	California County Superintendents Educational Services
Association Website	National Center for Youth Law
Website	California School Nurses Organization
Website	California Department of Education, Health Services and School
Nursing Website	California Department of Health Care Services
Website	California Department of PublicHealth
Website	California Department of Health and Human Services (https://www.chhs.ca.gov/)
Website	CSBA

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools

3514	Environmental Safety
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4119.41	Employees With Infectious Disease
4119.43	Universal Precautions
4119.43	Universal Precautions
4157	Employee Safety
4157	Employee Safety
4219.41	Employees With Infectious Disease
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4257	Employee Safety
4257	Employee Safety
4319.41	Employees With Infectious Disease
4319.43	Universal Precautions
4319.43	Universal Precautions
4357	Employee Safety
4357	Employee Safety
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5125	Student Records
5125	Student Records
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.61	Drug Testing
5131.62	Tobacco

5131.63	Steroids
5131.63	Steroids
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services
5141.25	Availability Of Condoms
5141.26	Tuberculosis Testing
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.33	Head Lice
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.7	Sun Safety
5143	Insurance
5143	Insurance
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
5148	Child Care And Development
5148	Child Care And Development

5148.3	Preschool/Early Childhood Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6175	Migrant Education Program
6175	Migrant Education Program
6177	Summer Learning Programs
6184	Continuation Education
6184	Continuation Education

Policy 5141.5: Mental Health

Status: ADOPTED

Original Adopted Date: 10/15/2020 **| Last Reviewed Date:** 10/15/2020

The Governing Board recognizes that students' emotional well-being and mental health contribute to their ability to perform to their full academic and personal potential. The Superintendent or designee shall develop strategies and services to build students' resiliency skills, help students cope with life challenges, and reduce the stigma associated with mental illness.

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

The district shall provide instruction to students that promotes their healthy mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework and shall include, but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors, developing coping skills, and identifying resources that may provide assistance.

The Superintendent or designee shall provide school staff with information and training to recognize the early signs of an emerging mental health condition, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, and link students with effective services and supports. Such information may also be provided to parents/guardians and families.

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention team(s) to respond to mental health concerns in the school setting.

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual's credential. As needed, students and their parents/guardians may be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

The Superintendent or designee shall explore potential funding sources for district programs and services that support student's mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

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

State References	Description
Ed. Code 215-216	Student suicide prevention - https://simbli.eboardsolutions.com/SU/YQuj5Ee24LUVpoMxplusplusZ0ig==

Ed. Code 234.6	Bullying and harassment prevention information - https://simbli.eboardsolutions.com/SU/a4lCNlpztJRYRuxdsXLNcQ==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 49060-49079	Student records - https://simbli.eboardsolutions.com/SU/48PbpM8vuGIggyF7weQSbw==
Ed. Code 49428.1	Student mental health referral protocols
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.5	Student mental health poster
Ed. Code 49600	Responsibilities of school counselors - https://simbli.eboardsolutions.com/SU/1Qs6L2XGQUV4yEm8LqRplusjg==
Ed. Code 49602	Counseling and confidentiality of student information - https://simbli.eboardsolutions.com/SU/taoVZQpPcQaRslshb7xSZfnXg==
Ed. Code 49604	Suicide prevention training for school counselors - https://simbli.eboardsolutions.com/SU/OqJxN60W1yPe277k2UVsRQ==
Ed. Code 56171	Duty to identify and assess children in private schools who need special education services - https://simbli.eboardsolutions.com/SU/bXiOcSUqFpLgAgKwFRKe6g==
Ed. Code 56300-56385	Identification and referral; assessment, instructional planning - https://simbli.eboardsolutions.com/SU/IyJBY6MuvDQvUJCYUiOuyQ==
W&I Code 5698	Emotionally disturbed youth; legislative intent - https://simbli.eboardsolutions.com/SU/ssLJSixNDlzGGErFBmL2Ww==
W&I Code 5840-5840.8	Prevention and early intervention programs - https://simbli.eboardsolutions.com/SU/Ors46cEY8zPaNIi0oFoNlg==
W&I Code 5850-5883	Mental Health Services Act - https://simbli.eboardsolutions.com/SU/VIPbaVJvtlIf2jphwZWcoA==

Federal References	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 300.1-300.818	Individuals with Disabilities Education Act

Management Resources References	**Description**
California Department of Education Publication	Youth Behavioral Health Training Programs - https://simbli.eboardsolutions.com/SU/Mmo0IxM4BS7jFpsRNmVD9Q==
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019
CDC and Prevention Publication	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009
Nat. Child Traumatic Stress Network Publication	Child Trauma Toolkit for Educators, 2008
US Department of Education Publication	Bipartisan Safer Communities Act Stronger Connections Grant Program, Frequently Asked Questions, April 2023 - https://simbli.eboardsolutions.com/SU/42jwT4yzCRVoPsQkv4No2A==
US Department of Health and Human Services	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023 - https://simbli.eboardsolutions.com/SU/XnFdge1FCG9plusplusyquygm9FA==

US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023 - https://simbli.eboardsolutions.com/SU/oplusluJA7Tl2d5TmvHSbXHxQ==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	National Child Traumatic Stress Network - https://simbli.eboardsolutions.com/SU/fsMXOe6GO4nOQplus2T5QtsUQ==
Website	National Council for Behavioral Health, Mental Health First Aid - https://simbli.eboardsolutions.com/SU/TTslsh52Vi7bNIplus44j8iLDgXA==
Website	Suicide Prevention Lifeline - https://simbli.eboardsolutions.com/SU/afV0kpluspY6dedsMutWePi1w==
Website	Suicide Prevention Resource Center - https://simbli.eboardsolutions.com/SU/2cfjFY4ju3lrj8NMBvPa0g==
Website	Substance Abuse and Mental Health Services Administration - https://simbli.eboardsolutions.com/SU/fqslshmylnfegyQnF2VZzOl5g==
Website	American Association of Suicidology - https://simbli.eboardsolutions.com/SU/2epimFF2un2Frplus9gZent5w==
Website	American Foundation for Suicide Prevention
Website	American Psychological Association - https://simbli.eboardsolutions.com/SU/whnZxkEv3ftXIzAgq4Eknw==
Website	California Department of Health Care Services, Mental Health Services - https://simbli.eboardsolutions.com/SU/wnGyBmpMMLbLHbpkjAmLDg==
Website	Centers for Disease Control and Prevention, Mental Health - https://simbli.eboardsolutions.com/SU/zljgm8LIDIJLplusGWxslshSbPEQ==
Website	National Association of School Psychologists - https://simbli.eboardsolutions.com/SU/2Pbs2eIslshfyVi8hrLAnCIslshQ==
Website	National Institute for Mental Health - https://simbli.eboardsolutions.com/SU/IYEsleokeWiWcCFo92HqaA==
Website	California Department of Education, Mental Health - https://simbli.eboardsolutions.com/SU/U8ybLhoblslshezvvd8YxPBKw==
Website	American School Counselor Association - https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==
Website	Office of the Surgeon General - https://simbli.eboardsolutions.com/SU/YTHSm6tRH0EXtN5VNUdIplusg==

Cross References	**Description**
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/ThjcPyO0ekUJ2UV3ySsQiQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/Z3Ivz9vxU2oiWyN9L92y6Q==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/LUPslsh3GOwWlPrzOFht6vpluskg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/wzslshxB5PWuGpSLScMjslshssMQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/oQ5qkpluswaNVsZFi4HHMlfwg==

5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VjM4FfQvrAXs7V14zIU8TQ==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/QplusOL6joc2O14TslshRuGXoemA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/IcKgoSUplusCplusNw4UpTQRdl0A==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KzxmngnveoordTPegwXZQg==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/VIA77L2HdAhqEqPt4plusWb0Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/x0hb3hkKicXv7wIr4CYoQg==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/3slshq0kP6i01dIvoZMdFHCvA==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/JtQDlrkSo9aktbt4cbmG5g==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/9kuifz9ovp2U1ldnNuPhJg==

Policy 5141.5: Mental Health

Original Adopted Date: 05/01/2020 | **Last Reviewed Date:** ~~05~~06/01/~~2020~~2023

~~CSBA NOTE:~~ CSBA NOTE: The U.S. Surgeon General's, "Social Connection Advisory," emphasizes the critical role that social connection plays in individual and societal health and well-being, and provides recommendations for how to address the consequences when there is a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, which include (1) developing a strategic plan for school connectedness and social skills with benchmark tracking, (2) building social connection into the health curriculum, (3) implementing socially based educational techniques, and (4) creating a supportive school environment.

In its advisory, "Social Media and Youth Mental Health," the U.S. Surgeon General describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.

Education Code 215 requires all governing boards to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components; see BP/AR 5141.52 - Suicide Prevention. The following optional policy is intended to address broader mental health issues facing students and may be revised to reflect district practice.

The Governing Board recognizes that students' emotional well-being and mental health ~~contribute~~are critical to their ability to perform to their full academic and personal potential. The Superintendent or designeeshalldevelopstrategies and services to reduce the stigmaassociated with mental illness, facilitate access to mental health services, and help students build ~~students'~~ resiliency skills, ~~help students~~ including digital resilience, increase social connections, and cope with life challenges~~, and reduce the stigma associated with mental illness~~.

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

CSBA NOTE: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

Education Code 51925, as added by SB 224 (Ch. 675, Statutes of 2021), requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. Pursuant to Education Code 51929, as added by SB 244, the California

Department of Education (CDE) is required to, by January 1, 2024, develop a plan to expand mental health instruction.

The district shall provide instruction to students that promotes their healthy mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework and shall include, but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors, developing coping skills, and identifying resources that may provideassistance.

Information and Training

CSBA NOTE: Pursuant to Education Code 49428.15, as added by SB 14 (Ch. 672, Statutes of 2021), CDE is required to, subject to budget appropriations, recommend best practices and identify evidence-based and evidence-informed training programs for schools to address student behavioral health, including staff and student training on recognizing the signs and symptoms of behavioral health disorders, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, and has identified such a training program, "Youth Mental Health First Aid," which is available on its website.

The Superintendent or designee shall provide school staff with information and training to recognize the early signs and symptoms of an emerging mental health condition or behavioral health disorder, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, safely deescalate crisis situations involving students with a behavioral health disorder, and link students with effective services, referrals, and supports. Such training shall also provide instruction on how to maintain student privacy and confidentiality. Behavioral health information and training may also be provided to parents/guardians, students, and families. (Education Code 49428.15)

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention team(s) to respond to mental health concerns in the school setting.

CSBA NOTE: Each district school is required to notify students and parents/guardians at least twice per school year with information regarding how to access student mental health services on campus and/or in the community, in accordance with Education Code 49428.

At least twice per school year, the Superintendent or designee shall ensure that each school provides notice regarding how to initiate access to student mental health services on campus and/or in the community. The notification shall be in at least two of the following methods: (Education Code 49428)

1. Distributing the information, electronically or in hardcopy, in a letter to parents/guardians, and in a school publication or other document tostudents

2. Including the information, at the beginning of the school year, in the parent handbook for parents/guardians and in student orientation materials or a student handbook

3. Posting the information on the school's website or social media

Parents/guardians and students shall each receive two notices on how to initiate access to student mental health services, which may be delivered by different methods. (Education Code 494280)

CSBA NOTE: Pursuant to Education Code 49428.5, as added by AB 748 (Ch. 431, Statutes of 2022), each school site serving students in any of grades 6-12 is required to create a poster, as specified below, that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. Pursuant to Education Code 49428.5, as added by AB 748, CDE is required to develop a model mental healthposter.

Each school site that serves students in any of grades 6-12 shall create an age appropriate and culturally relevant poster that identifies approaches and shares resources about student mental health, and that includes the following information: (Education Code 49428.5)

1. Identification of common behaviors of those struggling with mental health or who are in a mental health crisis, including, but not limited to, anxiety, depression, eating disorders, emotional dysregulation, bipolar episodes, and schizophrenic episodes

2. A list of, and contact information for, school site-specific resources, including, but not limited to, counselors, wellness centers, and peer counselors

3. A list of, and contact information for, community resources, including, but not limited to, suicide prevention, substance abuse, child crisis, nonpolice mental health hotlines, public behavioral health services, and community mental healthcenters

4. A list of positive coping strategies to use when dealing with mental health, including, but not limited to, meditation, mindfulness, yoga, breathing exercises, grounding skills, journaling, acceptance, and seeking therapy

5. A list of negative coping strategies to avoid, including, but not limited to, substance abuse or self-medication, violence and abuse, self-harm, compulsivity, dissociation, catastrophizing, and isolating

The poster shall be displayed in English and any primary language spoken by 15 percent or more of the students at the school site and be no smaller than 8.5 by 11 inches and at least 12-point font. The poster shall be prominently and conspicuously displayed in public areas that are accessible to, and commonly frequented by, students at each school site such as bathrooms, locker rooms, classrooms, classroom hallways, gymnasiums, auditoriums, cafeterias, wellness centers, and offices. Additionally, at the beginning of each school year the poster shall be distributed online to students through social media, websites, portals, and learning platforms. (Education Code49428.5)

Mental Health Counseling and Referrals

CSBA NOTE: Pursuant to Education Code 49428.1, as added by AB 309 (Ch. 662, Statutes of 2021), CDE is required to develop model referral protocols for addressing student mental health concerns and to post the model referral protocols on its website.

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual's credential. As needed, students and theirparents/guardiansmay be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

CSBA NOTE: Pursuant to Education Code 49429, as amended by AB 167 (Ch. 252, Statutes of 2021), CDE, in consultation with the State Department of Health Care Services and appropriate stakeholders, is required to develop, subject to budget appropriations, guidelines for the use of

telehealth technology in schools, including mental health and behavioral health services to students on school campuses, by December 31, 2022. See also 5141.6 - School Health Services. Mental health and behavioral health services for students on campus may be provided by way of telehealth technology. (Education Code 49429)

CSBA NOTE: Pursuant to 28 CFR 35.108, a student should be evaluated in accordance with Section 504 of the Rehabilitation Act (29 USC 794) if the student has a disability, including a mental impairment, that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. See BP/AR 6164.6 - Identification and Education Under Section 504. Districts also have an affirmative, ongoing duty to actively and systematically seek out, identify, locate, and evaluate all children with disabilities who may be in need of special education and related services (Education Code 56171, 56300-56385; 20 USC 1412; 34 CFR 300.111). See BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

Funding Resources

CSBA NOTE: In addition to using district funds for mental health programs or services, districts may apply for grant funds administered by the county mental health agency or other sources.

The Mental Health Services Act, established by Proposition 63 in 2004, provides funding, personnel, and other resources to support county mental health programs, including, but not limited to, prevention and early intervention programs. Funding may be allocated for outreach to families and others to recognize the early signs of potentially severe and disabling mental illnesses, access and linkage to medically necessary care for children with severe mental illness, reduction in stigma and discrimination against people with mental illness, and strategies to reduce negative outcomes that may result from untreated mental illness.

Welfare and Institutions Code 5886~~, as added by SB 75 (Ch. 51, Statutes of 2019), establishes~~ established the Mental Health Student Services Act, a competitive grant program to award funds to county mental health or behavioral health departments for the purpose of creating mental health partnerships with school districts, charter schools, and county offices of education

The Superintendent or designee shall explore potential funding sources for district programs and services that support student's mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

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

State	Description

Ed. Code 215-216	Student suicide prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 49060-49079	Student records
Ed. Code 49428.1	Student mental health referral protocols
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.5	Student mental health poster
Ed. Code 49600	Responsibilities of school counselors
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 56171	Duty to identify and assess children in private schoolswho need special education services
Ed. Code 56300-56385	Identification and referral; assessment, instructional
planning W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5840-5840.8	Prevention and early intervention programs
W&I Code 5850-5883	Mental Health Services Act

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities EducationAct
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 300.1-300.818	Individuals with Disabilities Education Act

Management Resources	**Description**
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve
California Department of Education Publication	Youth Behavioral Health Training Programs (https://www.cde.ca.gov/ls/mh/ec49428.15.asp)
CDC and Prevention Publication	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009
US Department of Education Publication	Bipartisan Safer Communities Act Stronger Connections Grant Program, Frequently Asked Questions, April 2023 (https://oese.ed.gov/files/2023/04/23-0083.BSCA-

FAQs.pdf)

US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023 (https://www.hhs.gov/sites/default/files/surgeon-general- social-connection-advisory.pdf)
US Department of Health and Human Services	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
Nat. Child Traumatic Stress Network Publication	Child Trauma Toolkit for Educators, 2008
Website	CSBA District and County Office of Education Legal Services
Website	National Child Traumatic Stress Network
Website	National Council for Behavioral Health, Mental Health First Aid
Website	Suicide Prevention Lifeline
Website	Suicide Prevention Resource Center
Website	Substance Abuse and Mental Health Services Administration
Website	American Association of Suicidology
Website	American Foundation for Suicide Prevention
Website	American Psychological Association
Website	California Department of Health Care Services,Mental Health Services
Website	Centers for Disease Control and Prevention, Mental Health
Website	National Association of School Psychologists
Website	National Institute for Mental Health
Website	California Department of Education, Mental Health
Website	American School Counselor Association
Website	Office of the Surgeon General (https://www.hhs.gov/surgeongeneral/index.html)

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
4131	Staff Development
5141.22	Infectious Diseases

5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.6	School Health Services
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6164.5	Student Success Teams
6164.5	Student Success Teams

Policy 5131.9: Academic Honesty

Status: ADOPTED

Original Adopted Date: 06/13/2019 | **Last Reviewed Date:** 06/13/2019

The Board of Education believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

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

State References	Description
Ed. Code 35291-35291.5	Rules - https://simbli.eboardsolutions.com/SU/x70F3bNKbY1cKTjvdslshoC4A==
Ed. Code 56341.1	Assistive technology devices for a student with a disability - https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==

Federal References	Description
20 USC 1401	Assistive technology device; definition

Management Resources References	Description
Metropolitan Ed. Research Consortium Publication	Balancing the Benefits and Risks of AI Large Language Models in K12 Public Schools, 2023 - https://simbli.eboardsolutions.com/SU/wliZlJ3wnBazcmzKwWUW8g==
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 - https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==
Website	Metropolitan Educational Research Consortium - https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References	Description
5131	Conduct - https://simbli.eboardsolutions.com/SU/xIZ9Gc1UILhCCQT5CCGHtg==
5131.8	Mobile Communication Devices - https://simbli.eboardsolutions.com/SU/f6D4mEiYdVRIGfMclkViAQ==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/AvfPMzgRujCuQplusRsgkkgFA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/AFcRplusAycuwgNfvAG4HFOow==
5144	Discipline - https://simbli.eboardsolutions.com/SU/yuoBvCr3dEySUslshiqnnLxcg==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/PKZCznPK5uVYh2rtuZWrQQ==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/QyLrruw5gplussHOObxmtHbig==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/OmNL5T6SuAH1l46w0L28oA==

6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/ceT73NcXQVcuvaYslshGFplusfpA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/72afLR1iFxwZ4UvyhY0uLg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/bK5tZtFKr9Bu9YGjy15vUg==
6162.5	Student Assessment - https://simbli.eboardsolutions.com/SU/W2pplusGXW0VmmslshgPRPDAsAaw==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/MiNF7yEKwRZqAUraPDJoXA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/PLG8plus3O6AvdCDiuFbYKWnA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/qjuUyEwp6S6FOWflAzTP7w==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/VoppNbk4pBgl2gPK2huvrQ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/cMfYbPZNNyLJKpE7JPMKxg==

Policy 5131.9: Academic Honesty

Status: ADOPTED

Original Adopted Date: 06/01/1987 | **Last Revised Date:** ~~07~~09/01/2000~~2023~~ | **Last Reviewed Date:** ~~07~~09/01/~~2000~~2023

CSBA NOTE: The Following policy is optional and may be revised to reflect district practice.

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize, or commit other acts of academic dishonesty.

Students, parents/guardians, staff, and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators, and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

Prohibited and Permitted Technology Use

CSBA NOTE: The following section addresses student use of technology, such as artificial intelligence (AI), as it relates to academic honesty, and may be modified to reflect district practice. The U.S. Department of Education Office of Educational Technology's, "Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations," provides information related to the opportunities for using AI to improve education, the challenges in doing so, and recommendations to guide further policy development. Districts are encouraged to continue to monitor the development of new technologies, including AI, and, as needed, consult with CSBA's District and County Office of Education Legal Services or district legal counsel. For more information on student use of technology, see BP 6163.4 – Student Use of Technology.

As the district's standards for academic achievement are designed to challenge all students to reach their full potential in acquiring the knowledge and skills needed for success in postsecondary education, employment, and responsible citizenship, any use of technology that prevents or inhibits a student from achieving these standards is prohibited. Prohibited uses include, but are not limited to, using technology primarily or solely for the completion of coursework as a student's original work and generating answers to mathematical, scientific, or analytical problems.

Permitted uses of technology include, but are not limited to, conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications.

Additionally, consistent with the limitations expressed in this policy and with teacher consent, students may also use technology to assist with assessments, homework, and/or makeup work or other uses approved by the teacher.

CSBA NOTE: A student who has been identified as a student with a disability may require assistive technology devices and services, including the use of AI. Pursuant to Education Code 56341.1, a student's Individualized Education Program team must consider whether a student with a disability needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a disability. For more information regarding assistive technology for a student with a disability, see AR 6159 – Individualized Education Program.

However, a student with a disability shall be permitted to use technology for any purpose identified in the student's individualized education program as a tool to support the student's learning.

If an employee suspects that a student has used technology in violation of this policy, the student shall be given the opportunity to demonstrate that the use of technology was in accordance with this policy.

Any information acquired from an employee's use of technology in determining whether a student has committed an act of academic dishonesty shall be shared with the student, and the student's parent/guardian as appropriate.

The Superintendent or designee may provide training to staff regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

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

State	**Description**
Ed. Code 35291-35291.5	Rules
Ed. Code 56341.1	Assistive technology devices for a student with a disability
Federal	**Description**
20 USC 1401	Assistive technology device; definition
Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services
Website	Metropolitan Educational Research Consortium (https:/ merc.soe.vcu.edu/)
U.S. Department of Education, Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 (https:/ www2.ed.gov/documents/ai-report/ai-report.pdf)
Metropolitan Educational Research Consortium Publication	Balancing the Benefits and Risks of AI Large Language Models in K12 Public Schools, 2023 (https:/ scholarscompass.vcu.edu/cgi/viewcontent.cgi?article =1133&context=merc_pubs)

Cross References

Code	Description
5131	Conduct
5131.8	Mobile Communication Devices
5137	Positive School Climate
5144	Discipline
5144	Discipline
6000	Concepts And Roles
6141	Curriculum Development and Evaluation
6159	Individualized Education Program
6162.54	Test Integrity/Test Preparation
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use of Technology

Policy 5117: Interdistrict Attendance

Status: ADOPTED

Original Adopted Date: 06/13/2019 | **Last Revised Date:** 10/15/2020 | **Last Reviewed Date:** 10/15/2020

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

Interdistrict Attendance Agreements and Permits

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Transportation

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

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

State References	Description
CA Constitution Article 1, Section 31	Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin - https://simbli.eboardsolutions.com/SU/0KVbaGNrEyhaRaN0U2VmUQ==
Ed. Code 41020	Requirement for annual audit - https://simbli.eboardsolutions.com/SU/etPttuB7Ulj1NltnPw7cGg==
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48204	Residency requirements for school attendance - https://simbli.eboardsolutions.com/SU/HqJj3DBOrZilTRB4slsh7hYFg==
Ed. Code 48300-48317	Student attendance alternatives; school district of choice program - https://simbli.eboardsolutions.com/SU/8mggUppWu6f117Bg4H4yfg==
Ed. Code 48900	Grounds for suspension or expulsion - https://simbli.eboardsolutions.com/SU/ty00CSnFfkJelBt0Nh9REw==
Ed. Code 48915	Expulsion; particular circumstances - https://simbli.eboardsolutions.com/SU/7uVZik9ZJKRP30NCcHeASw==
Ed. Code 48915.1	Expelled individuals; enrollment in another district - https://simbli.eboardsolutions.com/SU/J0f39lFK8wILDyKFR6lvrg==
Ed. Code 48918	Rules governing expulsion procedures - https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==

Ed. Code 52317	Regional Occupational Center/Program; enrollment of students; interdistrict attendance - https://simbli.eboardsolutions.com/SU/dsOup4vX96JRK1L8Yo31AA==
Ed. Code 8151	Apprentices; exemption from interdistrict attendance agreement - https://simbli.eboardsolutions.com/SU/5sMkpEpfY8y36ip0ilqKLw==

Management Resources References	Description
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 198 (2001)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 132 (2004)
Court Decision	Walnut Valley Unified School District v. the Superior Court of Los Angeles County (2011) 192 Cal.App.4th 234
Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	Description
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/7KslshaaRlvB93u64qPdHBJVA==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/w1UWVRblvzFSH5gGf79KGA==
3540	Transportation - https://simbli.eboardsolutions.com/SU/ebnf7LeW4sfZ9RmsGLcDuw==
3540	Transportation - https://simbli.eboardsolutions.com/SU/i2XE6plusoAe0A5pE5TWHBaQA==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/7N9bBLdH2rplusLh3dBRI3O1g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/KpSlgZ2FPbW1xwYtO2lwpA==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/moaZkISdlwmOsXWZslshJVDeA==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/slshWYDlkeWFYgAPyDeQIHP1g==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/R3U5JpeaoplusoVTWmp6aTfsw==

5111	Admission - https://simbli.eboardsolutions.com/SU/GUaeicU7jgrM5znpNYGjqQ==
5111	Admission - https://simbli.eboardsolutions.com/SU/xQb0iX5ZndNOtMmjybpA0A==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/GPT61WhRNQ8pHfa3UXX8Ng==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/Bgrve0Gbkwy2h7YR9OcBmQ==
5112.2	Exclusions From Attendance - https://simbli.eboardsolutions.com/SU/hNRpajXSn3ecKXjHEVvwdg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/1iOUp6c5HdLm7bq0FbPbCg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/6rOSfwDcA9Fh4XEbKTxyrA==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/W0kfchGI2iOKslshoFGzAI1gg==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/1BV7lSFpyUspZhc9eQ8FWw==
5116	School Attendance Boundaries - https://simbli.eboardsolutions.com/SU/Ey4I8nFOKZ8R5QNOcWU6jQ==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/3q2jiVsGBAXslsh9WmsN3Ri2A==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/x64w7bNWubnjpluscMr9yvhlA==
5119	Students Expelled From Other Districts - https://simbli.eboardsolutions.com/SU/6NcJbQ95Bzy5p30A76WeSA==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/kWRplusbnOoZSIWwJmVGTs0Zw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/O9dpMNxs57RsmdEMWPQ4slshw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/H9XqUCTnawzYMnWhyVIiBg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/VHWD3wPiRB0TqdnaHB6ghQ==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/gR6ucyZS56duPchfmGVPslshQ==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/i1IPc7H4r7uslsh0slshTWOspoew==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/OwILob6A8qpWdbKgYa2a9Q==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/jRAItuzGTRslshtUwEvzm7B6Q==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/BQGNxKewahWVQiPdXWOODA==

9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Russell Little, Asst. Supt. of Educational Leadership and Pupil Services

☐ Informational
☒ Action

AGENDA ITEM: FIRST READING AND ADOPTION OF NEW AND REVISED BOARD POLICIES AND ADMINISTRATIVE REGULATIONS - 6000 SERIES

BACKGROUND INFORMATION:
The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of new and revised Board Policies (BP) and Administrative Regulations (AR):

- Board Policy 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities
- Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education
- New Board Policy 6173.4 - Education for American Indian Students
- Delete Administrative Regulation 6173.4 - Title VI Indian Education Program
- Board Policy 6174 - Education for English Learners
- Administrative Regulation 6174 - Education for English Learners
- Board Policy 6154 – Homework/Makeup Work
- Board Policy 6162.5 – Student Assessment.

RECOMMENDATION:
Approve the First Reading and Adoption of New and Revised Board Policies and Administrative Regulations - 6000 series: Board Policy 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities, Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education, New Board Policy 6173.4 - Education for American Indian Students, Delete Administrative Regulation 6173.4 - Title VI Indian Education Program, Board Policy 6174 - Education for English Learners, Administrative Regulation 6174 - Education for English Learners, Board Policy 6154 – Homework/Makeup Work and Board Policy 6162.5 – Student Assessment.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

6000 SERIES

Board Policy 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities
Policy updated to reflect NEW LAW (AB 181, 2022) which (1) requires districts to exempt an eligible student with a disability from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements and award such student a high school diploma, and (2) provides that any such exempted student is eligible to participate in any graduation ceremony and school activity in which a student of similar age without a disability would be eligible to participate.

Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education
Policy updated to reflect a December 2022 Davis Joint Unified School District Resolution Agreement with the U.S. Department of Education, Office for Civil Rights, regarding the use of seclusion and restraint as it relates to a free appropriate public education for students with disabilities placed in nonpublic schools.

NEW - Board Policy 6173.4 - Education for American Indian Students
New policy addresses legal implications and best practices for the education of American Indian students, including a philosophical statement which recognizes the unique cultural, language, and educational needs of Indian students and the ways those needs may be addressed, the importance of culturally relevant curriculum for all students related to local American Indian tribes, and the practice of implementing strategies necessary for the improvement of the academic achievement of American Indian students. Policy also provides for the involvement of a California Indian Education Task Force as encouraged by NEW LAW (AB 1703, 2022), the identification of and related supports for American Indian students most at-risk of not meeting state academic standards, the additional protections for American Indian students prior to a suspension, expulsion, assignment to a supervised suspension classroom, or involuntary transfer to a continuation school in accordance with NEW LAW (AB 740, 2022), the provision of programs to facilitate the successful transition of American Indian students to post-secondary education and employment, professional development to assist those working with students regarding the unique needs of American Indian students, and annual reporting to the Governing Board regarding the outcomes of American Indian students. Additionally, policy includes a section entitled, "Title VI Indian Education Program," with material moved from deleted Administrative Regulation 6173.4 - Title VI Indian Education Program, and reflects major requirements for districts that receive Title VI Indian education funding.

DELETE - Administrative Regulation 6173.4 - Title VI Indian Education Program
Regulation deleted as unnecessary with material moved to new Board Policy 6173.4 - Education for American Indian Students.

Board Policy 6174 - Education for English Learners
Policy updated to remove outdated material and reflect NEW LAW (SB 941, 2022) which permits a district to enter into an instruction collaboration agreement with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations to science, technology, engineering, and mathematics classes, or dual language immersion programs.

Administrative Regulation 6174 - Education for English Learners
Regulation updated to remove outdated material and reflect updated information from the California Department of Education's (CDE) English Learner Federal Program Monitoring 2022-23 Instrument, CDE's Reclassification Criteria website, and letters from CDE which provide updated reclassification guidance regarding the criteria used to determine whether an English learner should be reclassified, including a review of the student's curriculum mastery and academic performance, the provision of an interpreter for parents/guardians, when necessary, as part of the parent/guardian involvement, comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English. Regulation also updated to include that the four years of post-reclassification monitoring should be utilized to ensure that students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program. Additionally, regulation updated to clarify that the LCAP advisory committee provides input regarding exiting language acquisition programs and the possible establishment of other programs.

Board Policy 6154 – Homework/Makeup Work
Policy updated to add that meaningful homework can provide enrichment, address student use of technology, including artificial intelligence, as it relates to homework and makeup work, provide that teacher training may include designing homework assignments that inspire students' interests, include that students may work with other students and use approved outside resources as directed by the teacher, and move material related to notifying the student's parents/guardians when a student repeatedly fails to complete homework so that it follows chronologically.

Board Policy 6162.5 – Student Assessment
Policy updated to reflect that prohibited and permitted student use of technology, including artificial intelligence, in relation to assessment, be as specified in Board Policy 5131.9 – Academic Honesty and Board Policy 6163.4 – Student Use of Technology, reference NEW LAW (AB 114, 2023) which includes long term English learners as a numerically significant student subgroup for purposes of demonstrating comparable improvement in academic achievement by all numerically significant subgroups, include that state interim and formative assessments may be used to communicate with students' parents/guardians and for use in identifying professional development, and that results of an individual student on the California Assessment of Student Performance and Progress may be released to a postsecondary educational institution for the purpose of credit, placement, or admission.

Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities **Status:** ADOPTED

Original Adopted Date: 11/01/1999 | **Last Revised Date:** ~~11~~06/01/~~2009~~2023 | **Last Reviewed Date:** ~~11~~06/01/~~2009~~2023

CSBA NOTE: The following optional policy is for use by districts that maintain high schools and should be modified to reflect district practice.

Pursuant to Education Code 56345 and 34 CFR 300.320, the individualized education program (IEP) for each student with a disability must contain ~~statements~~a statement of measurable annual goals that would enable the student to progress in the general education curriculum ~~and~~, a statement regarding any accommodations necessary to measure the student's performance on state and district assessments , and any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation; see AR 6159 - Individualized Education Program for a detailed listing of the required contents of the IEP.

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Exemption from District-Established Graduation Requirements

CSBA NOTE: Pursuant to Education Code 51225.31, as added by AB 181 (Ch. 52, Statutes of 2022), districts are required to exempt an eligible student with a disability from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. Awarding a diploma pursuant to this exception does not change the district's obligation to provide a free appropriate public education or otherwise constitute a change in placement.

District students shall complete all course requirements for high school graduation as specified in Board Policy 6146.1 – High School Graduation Requirements. However, a student with a disability may be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student's IEP provides for both of the following requirements: (Education Code 51225.31).

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640

2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

Prior to the beginning of grade 10, the IEP team for each student with a disability shall determine whether the student is eligible for the exemption, and if so, notify the student's parent/guardian of the exemption. (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

Certificate of Educational Achievement or Completion

CSBA NOTE: Education Code 56390-56392 authorize a district to award a certificate of educational achievement to ~~students~~a student with ~~disabilities~~a disability who ~~meet~~meets the criteria specified below. Pursuant to Education Code 56391, ~~students~~a student who ~~meet~~meets the criteria ~~are~~is eligible to participate in any graduation ceremony/activity in which a student of similar age without ~~disabilities~~a disability would be eligible to participate. However, Education Code 56391 provides that the right to participate in graduation ceremonies does not equate a certificate or document of educational achievement with a regular diploma.

Instead of a high school diploma, a student with ~~disabilities~~a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. 1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in ~~his/her~~the student's IEP

2. 2. Satisfactorily met ~~his/her~~the student's IEP goals and objectives during high school as determined by the IEP team

3. 3. Satisfactorily attended high school, participated in the instruction as prescribed in ~~his/her~~the student's IEP, and met the objectives of the statement of transition services

A student with ~~disabilities~~a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

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

State	Description
5 CCR 3070	Graduation
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 56341	Individualized education program team

Ed. Code 56345	Individualized education program contents
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress

Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.320	Definition of IEP

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

Cross References

Code	Description
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
5127	Graduation Ceremonies And Activities
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests

6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6200	Adult Education
6200	Adult Education

Policy 6162.5: Student Assessment

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Reviewed Date:** 07/11/2019

The Board of Education recognizes that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for promotion. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and test publisher's directions, and that test administration procedures are fair and equitable for all students.

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

Interim and Formative Assessments

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

The Superintendent or designee shall ensure that teachers who administer interim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

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

State References	Description
5 CCR 850-876	California Assessment of Student Performance and Progress
Ed. Code 10600-10610	California Education Information System - https://simbli.eboardsolutions.com/SU/4ekvxoWXCGDCoyWy6fu5aQ==
Ed. Code 313	Assessment of English language development - https://simbli.eboardsolutions.com/SU/ooKplusHEjiyr2kQeAg57bETA==
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Ed. Code 49558	Free and reduced-price meals; use of individual applications and records - https://simbli.eboardsolutions.com/SU/CNB3fdQq8zfm0g3k6UKrKA==

Ed. Code 51041	Evaluation of the educational program - https://simbli.eboardsolutions.com/SU/AFLfGnplusZXLfdEESdlkr5OA==
Ed. Code 51450-51455	Golden State Seal Merit Diploma - https://simbli.eboardsolutions.com/SU/bplusHFbZcWNEGzUknsdh5B2A==
Ed. Code 52052	Accountability; numerically significant student subgroups - https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWIo3rs0EA==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjIplusPzLslshlt7rP0BfXZYJuQ==
Ed. Code 56341.1	Assistive technology devices for a student with a disability - https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==
Ed. Code 60600-60649	Assessment of academic achievement - https://simbli.eboardsolutions.com/SU/vslshWgHorCjslsh9UHEON4ipXIA==
Ed. Code 60640-60649	California Assessment of Student Performance and Progress - https://simbli.eboardsolutions.com/SU/HslshHaBzkqMYXjCsA0qmuMmg==
Ed. Code 60800	Physical performance test - https://simbli.eboardsolutions.com/SU/ClmMslshrIiqJX6F9H0lMXNVw==
Ed. Code 60900	California Longitudinal Pupil Achievement Data System - https://simbli.eboardsolutions.com/SU/Xhplus6RDAeVyLMk9JRiYPUfg==
Ed. Code 60910	California State Preschool Program Longitudinal Pupil Achievement Data System - https://simbli.eboardsolutions.com/SU/Yc8gdU6QslshA38V0jyO36FWQ==

Federal References	**Description**
20 USC 1401	Assistive technology device; definition
20 USC 9622	National Assessment of Educational Progress

Management Resources References	**Description**
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 - https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==
Website	Metropolitan Educational Research Consortium - https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education, Testing and Accountability - https://simbli.eboardsolutions.com/SU/z09cOywLKf7ya8HZK2Obvw==
Website	Smarter Balanced Assessment Consortium - https://simbli.eboardsolutions.com/SU/9vsKmslshoslshf13U2Yv60w1Tgg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/3HcjCJkXOwFBX0NUyV6GWw==
0420	School Plans/Site Councils - https://simbli.eboardsolutions.com/SU/pQFMLE2xTmKnIHxqp09IZg==

0420	School Plans/Site Councils - https://simbli.eboardsolutions.com/SU/8GGUCwMWIfx8fLz6Ngpn3w==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/bNM83O154Fe5slshi3ubUeINg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/cDgdwl1j9pYAV4p5F786Rg==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==
0510	School Accountability Report Card - https://simbli.eboardsolutions.com/SU/rzNCNplusgIOuZ07tkLn8zplusrQ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
2140	Evaluation Of The Superintendent - https://simbli.eboardsolutions.com/SU/C6xMIn4EVClLsplus1Qcag12g==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/5OLsaEzDpyJtZIMsslshGd2Lg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/zyrEhHh6KnfG9AKVh0ZMNw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/UdQGNJ46U3p26PI80PL6cQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/r3FjtcyWYRzoggplusAxgZfEw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/qxIKnSvFsbtuzP7KEplusPprg==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/UQ1O4LHoybrpluslXuDXP09uw==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/4vLD4sHEz3MzvvyoXs9mCg==
5123	Promotion/Acceleration/Retention - https://simbli.eboardsolutions.com/SU/alTJplusjBplusRT7mJuaeYderAQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
5131.9	Academic Honesty - https://simbli.eboardsolutions.com/SU/Q4HZE6bLS8LLooVaFalBzA==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/PKZCznPK5uVYh2rtuZWrQQ==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/wlufamEAdcmeCnQqXP7A9Q==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6120	Response To Instruction And Intervention - https://simbli.eboardsolutions.com/SU/dEp4ldh5BcjpnZ6dDslshCGbw==

6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/QyLrruw5gplussHOObxmtHbig==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/OmNL5T6SuAH1l46w0L28oA==
6142.6	Visual And Performing Arts Education - https://simbli.eboardsolutions.com/SU/9Oplus8QiiLFz8iEtY1xQwVXA==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/bxdO02orcknVGTfpbSK9vw==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/hbGCDAbQPplusslshdSybFLnA10Q==
6142.91	Reading/Language Arts Instruction - https://simbli.eboardsolutions.com/SU/jHkplusBplusnL6sM6K6C8Zc5KUw==
6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/2kHeob8oTQU4G54jdJKp4w==
6146.5	Elementary/Middle School Graduation Requirements - https://simbli.eboardsolutions.com/SU/BxjuPZDW0cslsh5EZg7vxynFw==
6151	Class Size - https://simbli.eboardsolutions.com/SU/FplusvStgc8s1rUk6PQHcJ6RA==
6152	Class Assignment - https://simbli.eboardsolutions.com/SU/yplusZi8hUyqslshMRsRage6je8A==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/cVcwWiAK3pCgNhfrC3plusGpA==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/LEKRQIY1ERodUMIga3JmEQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/bpIfq6ODgTOqb5pKplusmrRlQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/ZbAwIfVztbG4fvTGJWBqAA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/72afLR1iFxwZ4UvyhY0uLg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/bK5tZtFKr9Bu9YGjy15vUg==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/mx70qzqnj48uAUY9I9m7fg==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/rf9plusYmtsgv6hznQC3ipMplusQ==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/EoZiZhrplusD2n6Z25P848uBQ==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/MiNF7yEKwRZqAUraPDJoXA==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/VoppNbk4pBgl2gPK2huvrQ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/cMfYbPZNNyLJKpE7JPMKxg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/Wa6ZJZ7BgrmYeDmvxY9Pplusg==

6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/pLPKyuXkTjHUVX0bMg6g1w==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/JtQDlrkSo9aktbt4cbmG5g==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/9kuifz9ovp2U1ldnNuPhJg==
6170.1	Transitional Kindergarten - https://simbli.eboardsolutions.com/SU/captf1Q8oxwc3XTrVxLVag==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/51m08UmlQniwwDyARGs5pQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/AVwmTG7ryxplusslshszPKmldwAg==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/gPgCpCtjdJruPgmJ7Rcfqw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/aslshgNHEuTeSsRhcLzTiYZOg==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/ZdRslshgxDjJyLzuRCDQi7YzA==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/EmVIh5NPbhplusIBFAplusaALJkw==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/y4cq1hSeYGrqEtIeJpLYEQ==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/SsYiNF0LslshseiRm7GRp9z9g==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/BQGNxKewahWVQiPdXWOODA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Policy 6162.5: Student Assessment

Status: ADOPTED

Original Adopted Date: 07/01/2010 | **Last Revised Date:** ~~03~~09/01/2018~~2023~~ | **Last Reviewed Date:** ~~03~~09/01/~~2018~~2023

CSBA NOTE: The following optional policy may be revised to reflect district practice. For information about required state assessments administered as part of the California Assessment of Student Performance and Progress (CAASPP), see BP/AR 6162.51 - State Academic Achievement Tests.

TheGoverningBoardrecognizes that studentassessmentsare an importantinstructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

[NEW CSBA NOTE: The following paragraph reflects that prohibited and permitted student use of technology, including artificial intelligence (AI), in relation to assessments, should be as specified in BP 5131.9 – Academic Honesty and BP 6163.4 – Student Use of Technology, and may be modified to reflect district practice. The U.S. Department of Education Office of Educational Technology's "Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations," provides information related to the opportunities for using AI to improve education, the challeng in doing so, and recommendations to guide further policy development.]

Any student use of technology to complete assessments shall be as specified in Board Policy 5131.9 – Academic Honesty and Board Policy 6163.4 – Student Use of Technology.

CSBA NOTE: The following paragraph addresses potential uses of student assessment data. Pursuant to Education Code 52060, applicable statewide student assessments must be used as one of the measures of progress toward the district's annual goals for student achievement included in its local control and accountability plan; see AR 0460 - Local Control and Accountability Plan. In addition, pursuant to Education Code 44662, evaluations of certificated staff must include an assessment of students' progress toward meeting district standards of expected student achievement at each grade level in each area of study and, if applicable, toward state standards as measured by state criterion-referenced assessments (i.e., assessments that test students' mastery of the content). However, Education Code 44662 prohibits the use of publishers' normsestablished by standardized tests (i.e., assessments that comparestudents' performance to a representative sample of students) for the purpose of evaluating and assessing certificated staff performance. The use of student assessment results in staff evaluations may also be addressed in collective bargaining agreements or employment contracts. See BP/AR 4115 - Evaluation/Supervision and BP 4315 - Evaluation/Supervision.

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and test publisher's directions, and that test administration procedures are fair and equitable for all students.

CSBA NOTE: Education Code 52052 requires that schools and districts demonstrate comparable improvement in academic achievement by all "numerically significant" student subgroups, including, as amended by AB 114 (Ch. 48, Statutes of 2023), ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and ~~homeless~~ students experiencing homelessness. A "numerically significant" subgroup is one that consists of at least 30 students, or 15 foster youth ~~or homeless~~, students experiencing homelessness, or long-term English learners, each of whom has a valid test score. To evaluate the extent to which the district fulfills this responsibility, it will be important to examine disaggregated student assessment results as provided below.

Pursuant to Education Code 49558, the Governing Board may adopt policy allowing the use of individual applications or records from the free and reduced-price meal program to identify students for the purpose of disaggregating studentachievement data. See BP/AR3553 - Freeand Reduced Price Meals for optional language providing such authorization.

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

Interim and Formative Assessments

CSBA NOTE: At their discretion, districts may choose to use the Smarter Balanced interim and formative assessments, which are part of the CAASPP. Pursuant to Education Code 60642.6, ~~as amended by AB 1035 (Ch. 752, Statutes of 2017),~~ these tests may be used, in combination with other sources of information, to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Education Code 60642.7, ~~as added by AB 1035,~~ specifies that results of such assessments shall not be used for any high-stakes purpose.

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning., and for communicating with students' parents/guardians and identifying professional development goals. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or

identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

The Superintendent or designee shall ensure that teacherswhoadministerinterim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

Individual Record of Accomplishment

CSBA NOTE: The following section is for use by districts that maintain high schools.

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the state achievement tests required and administered as part of the California Assessment of Student Performance and Progress, or any predecessor assessments, pursuant to Education Code 60640-60649

2. The results of any end-of-course examinations taken

3. The results of any vocational education certification examinations taken

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if ~~he/she~~the student is an adult or emancipated minor. The student or ~~his/her~~ the student's parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit,placement, or admission. Furthermore, the results of an individualstudent on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

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

State	Description
5 CCR 850-864876	California Assessment of Student Performance and Progress
Ed. Code 10600-10610	California Education Information System
Ed. Code 313	Assessment of English language development
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees

Ed. Code 49558	Free and reduced-price meals; use of individual applications and records
Ed. Code 51041	Evaluation of the educational program
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56341.1	Assistive technology devices for a student with a disability
Ed. Code 60600-60648.560649	Assessment of academic achievement
Ed. Code 60640-60648.560649	California Assessment of Student Performance and Progress
Ed. Code 60800	Physical performance test
Ed. Code 60900	California Longitudinal Pupil Achievement Data System
Ed. Code 60910	California State Preschool Program Longitudinal Pupil Achievement Data System

Federal	**Description**
~~17 USC 102~~	~~Definitions~~
20 USC 1401	Assistive technology device; definition
20 USC 9622	National Assessment of Educational Progress

Management Resources	**Description**
U.S. Department of Education, Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 (https:/ www2.ed.gov/documents/ai-report/ai-report.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	Smarter Balanced Assessment Consortium
Website	California Department of Education, Testing and Accountability
Website	CSBA
Website	U.S. Department of Education
Website	Metropolitan Educational Research Consortium https://merc.soe.vcu.edu/

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0415	Equity

0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
1340	Access To District Records
1340	Access To District Records
2140	Evaluation Of The Superintendent
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4131	Staff Development
4315	Evaluation/Supervision
4331	Staff Development
5121	Grades/Evaluation Of StudentAchievement
5121	Grades/Evaluation Of StudentAchievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5131.9	Academic Honesty
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity

6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.5	Elementary/Middle School Graduation Requirements
6151	Class Size
6152	Class Assignment
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6155	Challenging Courses By Examination
6155	Challenging Courses By Examination
6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6162.54	Test Integrity/Test Preparation
6163.4	Student Use of Technology
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs

6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6172.1	Concurrent Enrollment In College Classes
6172.1	Concurrent Enrollment In College Classes
6173.4	Title VI Indian Education Program
6174	Education For English Learners
6174	Education For English Learners
6178	Career Technical Education
6178	Career Technical Education
6178.2	Regional Occupational Center/Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 6154: Homework/Makeup Work

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 10/15/2020 **| Last Reviewed Date:** 10/15/2020

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives.

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, learn to work independently, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines shall also be included in student and/or parent/guardian handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. When a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

To further support students' homework efforts, the Superintendent or designee may establish and maintain electronic forums, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

Makeup Work

Students who are absent from school shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

The Superintendent or designee shall notify parents/guardians that no student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

Suspended Students

When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

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

State References	Description
Ed. Code 46120	Expanded Learning Opportunities Program - https://simbli.eboardsolutions.com/SU/PO5Qp686pluslGJplusvUduBS1QA==
Ed. Code 48205	Absence from school for jury duty or precinct board service - https://simbli.eboardsolutions.com/SU/q54m51wGgW5HWX0taUIDKQ==
Ed. Code 48913	Completion of work missed by suspended student - https://simbli.eboardsolutions.com/SU/QgqTY80tfY8R1PGL7VoSLw==
Ed. Code 48913.5	Suspended students; homework assignments - https://simbli.eboardsolutions.com/SU/RfKslshUJ1Kr2qPLOhmGQ4iDg==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Ed. Code 56341.1	Assistive technology devices for a student with a disability - https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment for Teens - https://simbli.eboardsolutions.com/SU/JaviDlWO4ZM2pql8e1lg1g==
Ed. Code 8482-8484.65	After School Education and Safety Program - https://simbli.eboardsolutions.com/SU/UtnUiesMBgYqY0ld3Fslshm3Q==
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers - https://simbli.eboardsolutions.com/SU/giVZzMtMblumbGYLS5W8Pw==

Federal References	Description
20 USC 1401	Assistive technology device; definition
20 USC 7171-7176	21st Century Community Learning Centers

Management Resources References	Description
CSBA Publication	Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016 - https://simbli.eboardsolutions.com/SU/Ssz7tvie11J8Tm7nVTUezA==
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 - https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==
Website	Metropolitan Educational Research Consortium - https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California State Parent Teacher Association - https://simbli.eboardsolutions.com/SU/WpQSM7bTSBlBBwMA6DJ5JA==

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

Cross References	Description
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/gzQHDiGfrXy1fMfuyU99plusA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/x1QewT4YgzruZlTbYpBsCw==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/AEEKECijKNmVMzEslshyCblkw==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/NdfFmK3KRDWa7ZhbLQia8g==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/7N9bBLdH2rplusLh3dBRI3O1g==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/YNNaCdv3slshzfElKecgex4Rw==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/slshWYDlkeWFYgAPyDeQIHP1g==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/R3U5JpeaoplusoVTWmp6aTfsw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/sXmiPExcpyoFC82JNOLAdg==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/XXYplusotWfxGjdaHHplusUtKIww==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/qxIKnSvFsbtuzP7KEplusPprg==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/UQ1O4LHoybrpluslXuDXP09uw==
5131.9	Academic Honesty - https://simbli.eboardsolutions.com/SU/Q4HZE6bLS8LLooVaFalBzA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/H9XqUCTnawzYMnWhyVIiBg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/VHWD3wPiRB0TqdnaHB6ghQ==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/gR6ucyZS56duPchfmGVPslshQ==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/i1IPc7H4r7uslsh0slshTWOspoew==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/erp6x2bBEnAI5slshRCslshm9H4Q==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/VWiUZgh4RGGeEslshVkslsh8VR1g==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/Cvhn2qSYRlRLP3bxx2fsjQ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/djb4slshsgbpszLlijYQcBTww==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/KQOplusjVe5z9q5dsDaNMna6w==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/wlufamEAdcmeCnQqXP7A9Q==

6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/kTSslsh7Ga7Eam1ZbmEyYq8GQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/2djpXtxmac1zQZScP6LNTw==
6112	School Day - https://simbli.eboardsolutions.com/SU/V0Q5g2Ta4MDdGwupXvFdrQ==
6112	School Day - https://simbli.eboardsolutions.com/SU/NslshOG1iblXOQAxyMYTK2mbQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/LbSSIk56JLiE1txjsSaa7g==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/8plusPaMuEXplusYBmiXwqhtmFslshA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/XaaEXSfKRATddEdedTr5Rw==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/72afLR1iFxwZ4UvyhY0uLg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/bK5tZtFKr9Bu9YGjy15vUg==
6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/lslsh86du039e3kAM9Lgk5plusjg==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/VoppNbk4pBgl2gPK2huvrQ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/cMfYbPZNNyLJKpE7JPMKxg==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/5jms7slshX2fplus8DlzGDIaaMaw==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/XxglTbD6thnD1iDuJMYSqQ==

Policy 6154: Homework/Makeup Work

Original Adopted Date: 02/01/1997 | **Last Revised Date:** ~~12~~09/01/2019~~2023~~ | **Last Reviewed Date:** ~~12~~09/01/~~2019~~2023

Status: ADOPTED

CSBA NOTE: The following optional policy may be revised to reflect district practice.

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time, provide enrichment, and assist students in developing good study habits. Homework and/or makeup work shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

CSBA NOTE: The following paragraph addresses student use of technology, including artificial intelligence (AI), in relation to homework and makeup work, and may be modified to reflect district practice. The U.S. Department of Education Office of Educational Technology's, "Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations," provides information related to the opportunities for using AI to improve education, the challenges in doing so, and recommendations to guide further policy development. For more information regarding prohibited and permitted student use of technology, see BP 5131.9 – Academic Honesty and BP 6163.4 – Student Use of Technology.

Students may use technology to assist with homework and/or makeup work in conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications, as specified in Board Policy 5131.9 – Academic Honesty and Board Policy 6163.4 – Student Use of Technology.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

CSBA NOTE:The following optional paragraph may be revised to specify the average number of minutes of homework that may be expected per day at each grade level, or the district may adopt an administrative regulation that contains such guidelines.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives and inspire students' interests.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is

completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, learn to work independently, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines shall also be included in student and/or parent/guardian handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. ~~When a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.~~ Students may also work with other students and use approved outside resources as directed by the teacher.

CSBA NOTE: The following paragraph should be revised to reflect district practice. Pursuant to Education Code 8482.3, ~~before-school and after-school~~ programs operated under the After School Education and Safety Program (Education Code 8482-8484.65) a~~nd/or~~), the federal 21st Century Community Learning Center program (Education Code 8484.7-8484.9; 20 USC 7171-7176), and/or the Expanded Learning Opportunities Program (Education Code 46120) are required to include an educational and literacy component in which tutoring or homework assistance is provided in language arts, mathematics, history-social science, computer training, and/or science. If the district offers a before-school or after-school program under the 21st Century High School After School Safety and Enrichment for Teens program for grades 9-12 (Education Code 8420- 8428; 20 USC 7171-7176), the program must include an academic assistance program, which may include homework assistance. See AR 5148.2 - Before/After School Programs. In addition, some districts offer a supervised study hall elective which high school students can take instead of other electives.

To further support students' homework efforts, the Superintendent or designee may establish and maintain electronic forums, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

If a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

Makeup Work

CSBA NOTE: Pursuant to Education Code 48205, students who miss ~~school work~~ schoolwork because of an excused absence must be given full credit for makeup work satisfactorily completed within a reasonable period of time. State law does not require districts to give full credit for makeup work following an unexcused absence. However, CSBA's governance brief , "Research- Supported Strategies to Improve the Accuracy and Fairness of Grades ," recommends that student absence be dealt with separately from determining students' academic understanding and progress. Thus, the following paragraph provides for full credit to be awarded for satisfactory completion of makeup work regardless of the reason for the absence, an approach which is consistent with BP/AR 5121 - Grades/Evaluation for Student Achievement. Also see BP/AR 5113.1
- Chronic Absence and Truancy for strategies to address excessive excused and/or unexcused absences. The district mayrevise the following paragraph to reflect district practice, provided that it ensures compliance with Education Code 48205.

Students who are absent from school shall be given the opportunity to complete all assignments and tests that can be reasonablyprovided. As determined by the teacher, the assignments and tests shall be equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

The Superintendent or designee shall notify parents/guardians that no student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

Suspended Students

~~CSBA NOTE: Education Code 48913.5, as added by AB 982 (Ch. 779, Statutes of 2019), requires that when a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework.~~

When a parent/guardian of a student who has been suspended for two or more school days requestshomework that the studentwouldotherwise have been assigned, the student'steacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

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

State	Description
Ed. Code 46120	Expanded Learning Opportunities Program
Ed. Code 48205	Absence from school for jury duty or precinct board service
Ed. Code 48913	Completion of work missed by suspended student
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 56341.1	Assistive technology devices for a student with a disability
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment for Teens
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers

Federal	Description
20 USC 1401	Assistive technology device; definition
20 USC 7171-7176	21st Century Community Learning Centers

Management Resources	Description
CSBA Publication	Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016 (https:/ www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/20161507-GradingGB.ashx?la=en&rev=4e25a7ce86c742198068af40c27324b5)
U.S. Department of Education, Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 (https:/ www2.ed.gov/documents/ai-report/ai-report.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	California State Parent Teacher Association
Website	CSBA
Website	Metropolitan Educational Research Consortium https://merc.soe.vcu.edu/

Cross References

Code	Description
0470	COVID-19 Mitigation Plan
1240	Volunteer Assistance
1240	Volunteer Assistance

1700	Relations Between Private Industry And The Schools
3541	Transportation Routes And Services
4131	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5113	Absences And Excuses
5113	Absences And Excuses
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5131.9	Academic Honesty
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6112	School Day
6112	School Day
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.4	Service Learning/Community Service Classes
6159	Individualized Education Program
6163.1	Library Media Centers
6163.4	Student Use of Technology
6176	Weekend/Saturday Classes
6177	Summer Learning Programs

Policy 6174: Education For English Learners

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 01/23/2020 **| Last Reviewed Date:** 01/23/2020

The Board of Education intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

   However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in item #1 above

3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

Staff Qualifications and Training

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

Identification and Assessment

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

Language Acquisition Programs

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding

2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

Reclassification

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

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

State References	Description
5 CCR 11300-11316	English learner education
5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR 853	Administration of CAASPP
5 CCR 854.9	CAASPP and unlisted resources for students with disabilities
Ed. Code 200	Prohibition of discrimination
Ed. Code 300-340	English language education for immigrant children - https://simbli.eboardsolutions.com/SU/eFiLlf42EkNoktxd7jTn1A==
Ed. Code 310	Language acquisition programs - https://simbli.eboardsolutions.com/SU/dbIZSwocKmh3eQUQ9VbOHQ==
Ed. Code 313-313.5	Assessment of English proficiency - https://simbli.eboardsolutions.com/SU/yUm1umUioA7FQNDs6iq22g==
Ed. Code 33050	Nonwaivable provisions - https://simbli.eboardsolutions.com/SU/HEWh7ZLlXYaotPWKN0YeIg==
Ed. Code 42238.02	Local Control Funding Formula - https://simbli.eboardsolutions.com/SU/Jqpym25ftBZp1A9tsjGq1A==
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Policy 6174: Education For English Learners

Original Adopted Date: 03/01/2017 | **Last Revised Date:** ~~07~~06/01/~~2019~~2023 | **Last Reviewed Date:** ~~07~~06/01/~~2019~~2023

CSBA NOTE: The following policy may be revised to reflect district practice. State and federal law establish requirements for the identification, placement, and education of English learners.

Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced-price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.

In addition, 20 USC 6801-7014 (Title III) provide grant funds that may be used to supplement, but not supplant, funding from other sources for the purpose of ensuring that English learners attain English proficiency and meet the same challenging academic standards that are applicable to all students. During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with state and federal requirements. See CDE's ~~web site~~website for FPM compliance monitoring instruments.

For further information regarding English learners, programs, and services, see CDE's ~~publication~~ , ~~"The California English Learner Roadmap: Strengthening Comprehensive~~ Educational Policies, Programs and Practices for English Learners,," (Roadmap) available on its ~~web site~~website.

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

CSBA NOTE: Pursuant to Education Code 60811, ~~in November 2012~~ the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), and the English Language Arts/English Language Development Framework aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. ~~In July 2014, the SBE adopted the English Language Arts/English Language Development Framework aligned to those standards.~~ A supplementary resource, "Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning,," specifies the correspondence ~~between~~of the state ELD standards ~~and~~to the California Common Core State Standards for mathematics and the Next Generation Science Standards.

~~CDE's Roadmap~~CDE's, "California Digital Learning Integration and Standards Guidance," available on its website, provides distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development.

Additionally, CDE's, "Roadmap" encourages differentiated instruction and curriculum which are

integrated across all subject areas and ~~emphasize~~emphasizes inquiry-based learning and critical thinking skills.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

CSBA NOTE: The following items are for use by districts that maintain middle and/or high schools and may be revised to reflect the grade levels offered by the district. Education Code 60811.8~~, as added by AB 2735 (Ch. 304, Statutes of 2018),~~ prohibits districts from denying any student who is an English learner the opportunity to enroll in core curriculum courses, courses required for middle school promotion or high school graduation, courses required for college admission, or advanced courses, with specified exceptions for recently arrived immigrant students. ~~Pursuant to~~However, Education Code 60811.8, this law does not require districts to create supplemental courses in languages other than English.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and histo~~r~~ry-/social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

   However, an English learner ~~may be denied participation in any such course if the student~~who has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students~~, and~~ may be denied participation in any such course, if the course of study provided to the student is designed to remedy academic deficits incurred during participation and reasonably calculated to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the schoolsystem.

2. A full course load of courses specified in ~~item~~Item #1 above

3. Other courses that meet the "~~a-g~~A-G" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

CSBA NOTE: Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. CDE's "Roadmap" provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

CSBA NOTE: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305 requires the district to solicit input on language acquisition programs as part of the parent/guardian and community engagement process during the development of the LCAP; see section on "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English learner parent advisory committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

Staff Qualifications and Training

CSBA NOTE: Commission on Teacher ~~Credentialing~~Credentialing's (CTC) leaflet CL-622, "Serving English Learners~~, describes~~," and "Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations," describe requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from CTC; see AR 4112.22 - Staff Teaching English Learners.

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

CSBA NOTE: The following paragraph reflects a requirement for districts that receive federal Title III funds to improve the education of English learners, and is recommended for use by all districts. 20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences.

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

CSBA NOTE: The following paragraph is optional. CDE's "Roadmap," indicates the importance of a supportive and collaborative environment in order for teachers to effectively address the complex needs of English learners.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

Identification and Assessment

CSBA NOTE: CDE's , "Roadmap," emphasizes the importance of early identification of English learners, as early childhood is a crucial period of time for language development. Education Code 313 requires any district that has one or more students who are English learners to assess the English language proficiency of those students using the ~~state~~ English Language Proficiency Assessments for California (ELPAC). The ELPAC includes an initial test for identifying students who may be English learners and an annual summative assessment for determining English learners' level of English proficiency and progress in acquiring the skills of listening, speaking, reading, and writing in English. CDE also provides a home language survey to be used to identify students who should be tested for English proficiency. See the accompanying administrative regulation for further information about test administration, identification of English learners, and reclassification criteria.

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the ~~state's~~ English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

CSBA NOTE: Note: In addition to testing the level of English proficiency of English learners, districts are required pursuant to Education Code 60640 to administer the California Assessment of Student Performance and Progress (CAASPP) to English learners; see BP/AR 6162.51 - State Academic Achievement Tests. As needed, English learners may be provided with the testing resources (i.e., universal tools, designated supports, and accommodations) specified in 5 CCR ~~854.1-854.3~~853 during test administration.

CAASPP also includes the optional California Spanish Assessment for students in grades 3-8 and high school, which measures a student's competency in reading, writing, and listening in Spanish.

Pursuant to Education Code 60900.1, as added by AB 1868 (Ch. 907, Statutes of 2022), CDE is required to annually post on its website CAASPP test results by English language acquisition status and to report enrollment data by English language acquisition status and disability.

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR ~~854.1-854.3~~853. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR ~~854.1-854.3~~853)

CSBA NOTE: The following paragraph is optional. CDE's , "Roadmap," highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

Language Acquisition Programs

CSBA NOTE: Education Code 305-310 ~~authorize~~authorizes parents/guardians to select a language acquisition program that best suits their child. At a minimum, the district must offer a structured English immersion program. It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306. Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program. The following section may be revised to reflect programs offered by the district. Also see the accompanying administrative regulation.

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction in the structured English immersion program is provided in English pursuant to Education Code 306. The following paragraph defines "nearly all" as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The district could instead establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

CSBA NOTE: Items #1-2 below are optional and may be revised to reflect district practice.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding

2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades K-3.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

CSBA NOTE: Pursuant to 5 CCR 11311, districts are required to establish a process with specified components for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. See the section "Language Acquisition Programs" in the accompanying administrative regulation.

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

CSBA NOTE: The following paragraph is optional and may be deleted if the district does not offer a dual-language immersion program.
Pursuant to Education Code 48345, as added by SB 941 (Ch. 711, Statutes of 2022), as an alternative to cancelling classes or seeking emergency credentials for teachers, the Governing Board is authorized, until July 1, 2029, to enter into an instruction collaboration agreement (ICA) with districts, county offices of education, or charter schools to offer courses and coursework to students who have been impacted by disruptions or cancellations to dual language immersion programs, or teacher shortages to such programs. See BP 5117 – Interdistrict Attendance for more information on ICAs.

Until July 1, 2029, the Superintendent or designee may, with Board approval, and as specified in BP 5117 – Interdistrict Attendance, enter into an instruction collaboration agreement (ICA) with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations, or teacher shortages to dual language immersion programs. (Education Code 48345)

Reclassification

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language

acquisition program into an English language mainstream classroom.

Program Evaluation

CSBA NOTE: The following section may be revised to reflect indicators agreed upon by the ~~Governing~~ Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners. Education Code 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

Pursuant to Education Code 313.2, CDE is required to annually determine the number of students in each district and school who are, or are at risk of becoming, long-term English learners and to report that information to districts and schools. Definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner" are contained in Education Code 313.1.

20 USC 6311 requires the inclusion of a performance indicator on Englishlanguageproficiency within the state accountability system under Title I.

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency inEnglish
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to ~~items~~Items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

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

State	Description
5 CCR 11300-11316	English learner education
5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for
California 5 CCR ~~854.1-854.3~~853	~~CAASPP and universal tools, designated supports, and accommodations~~Administration of CAASPP
5 CCR 854.9	CAASPP and unlisted resources for students with disabilities
Ed. Code 200	Prohibition of discrimination
Ed. Code 300-340	English language education for immigrant children
Ed. Code 310	Language acquisition programs
Ed. Code 313-313.5	Assessment of English proficiency
Ed. Code 33050	Nonwaivable provisions
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 430-446	English Learner and Immigrant Pupil Federal Conformity Act
Ed. Code 44253.1-44253.11	Qualifications of teachers of English learners
Ed. Code 48345	Interdistrict instruction collaboration agreements
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52160-52178	Bilingual Bicultural Act of 1976
Ed. Code 56305	CDE manual on English learners with disabilities
Ed. Code 60603	Definition; recently arrived English learner
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 62002.5	Continuation of advisory committee after program sunsets

Federal	Description
20 USC 1412	State eligibility
20 USC 1701-~~1705~~1721	Equal Educational Opportunities
Act 20 USC 6311	State plan

20 USC 6312	Local educational agency plan
20 USC 6801-7014	Limited English proficient and immigrant
students 20 USC 7801	Definition of English learner
34 CFR 100.3	Prohibition of discrimination on basis of race, color ornational origin
~~34 CFR 200.16~~	~~Assessment of English learners~~

Management Resources	**Description**
Attorney General Opinion 83 Ops.Cal.Atty.Gen. 40 (2000)	
California Department of Education Publication	California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, ~~2018~~2017 (https://www.cde.ca.gov/sp/el/rm/rmpolicy.asp)
California Department of Education Publication	English Language Proficiency Assessments for California Information Guide, August 2022 (https://www.cde.ca.gov/ta/tg/ep/documents/elpacinfoguide 22.docx)
California Department of Education Publication	California Practitioners' Guide for Educating English Learners with Disabilities, 2019 (https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide. pdf)
California Department of Education Publication	Common Core State Standards for Mathematics, ~~rev.~~ 2013 (https://www.cde.ca.gov/be/st/ss/documents/ccssmathstandardaug2013.pdf)
California Department of Education Publication	Reclassification Guidance for ~~2017-18~~202-21 and Statewide Testing Window Extension, CDE Correspondence, ~~April 28, 2017~~June 14, 2021 (https://www.cde.ca.gov/sp/el/rd/reclass2021tstng.asp)
	Monitoring Reclassified Students, December 2019 (https://www.cde.ca.gov/sp/el/rd/reclassified122019.asp)
	Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December

2015
(https://www.cde.ca.gov/sp/el/er/documents/fnl1516agmnteldstndab899.doc)

~~Matrix One: Universal Tools, Designated Supports, and Accommodations for the~~ California Assessment ~~of Student Performance and Progress for 2017-18~~Accessibility Resources Matrix, 2022 (https://www.cde.ca.gov/ta/tg/ca/documents/caaccessmatrix 23.docx)

California Department of Education Publication	Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015 (https://www.cde.ca.gov/pd/ca/sc/ngssstandards.asp)
California Department of Education Publication	English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012 (https://www.cde.ca.gov/sp/el/er/documents/eldstndspublic ation14.pdf)
California Department of Education Publication Commission on Teacher Credentialing Publication	English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014 (https://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.as p) California Digital Learning Integration and Standards Guidance, May 2021 (https://www.cde.ca.gov/ci/cr/dl/documents/dlintegrationstd sguide.pdf) Englisher Learner, Federal Program Monitoring Instrument (https://www.cde.ca.gov/ta/cr/documents/el2223.docx) Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021 (https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/bilingual_authorization_program_standards_btpes.pdf?sfvrsn=8ebc27b1_3)
Court Decision	Valeria O. v. Davis, (2002) 307 F.3d 1036
Court Decision	California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
Court Decision	McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
Court Decision	Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698
CSBA Publication	English Learners in Focus, Issue 3: Ensuring High-Quality

	Staff for English Learners, Governance Brief, July 2016 (https://www.csba.org/~/media/544AF3BEB57F449689C9942EDB3F919F.ashx)
CSBA Publication	English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201703GBEnglishLearnersInFocusIssue4_Prop58.ashx?la=en&rev=1153e4657b3c46328a4bd425ee40f1c2)

CSBA Publication	English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018 (https://www.csba.org/GovernanceAndPolicyResources/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201802EnglishLearnerRoadmap.ashx)
CSBA Publication	English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, ~~rev. Sep~~September 2016 (https://www.csba.org/GovernanceAndPolicyResources/~/media/AF163C269B0A4E6B83FE1A5626BB5273)
CSBA Publication	English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014 (https://www.csba.org/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201409GBEnglishLearnersInFocusIssue2_DualImmersion)
The Education Trust- West Publication	Unlocking Learning: Science as a Lever for English Learner Equity, January 2017 (https://west.edtrust.org/resource/unlocking-learning-science-lever-english-learner-equity/)
The Education Trust- West Publication	
U.S. Department of Education Publication	Unlocking Learning II: Math as a Lever for EnglishLearner Equity, March 2018 (https://west.edtrust.org/resource/unlocking-learning-ii-using-math-lever-english-learner-equity/)
U.S. Department of Education Publication	
U.S. Department of Education Publication	English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA)), September 2016 (https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf)
U.S. Department of Education Publication	Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017 (https://oese.ed.gov/files/2020/10/real- guidefinal.pdf)
	English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November

2016
(https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELsToolkit_508C.pdf)

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015
(https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf)

Website ~~Publication~~	~~Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017~~CSBA District and County Office of Education Legal Services
Website	National Clearinghouse for English Language Acquisition
Website	The Education Trust-West
Website	California Department of Education, English Learners
Website	California Association for Bilingual Education
Website	CSBA
Website	**U.S. Department of Education**
Website	California Digital Learning Integration and Standards Guidance (https://www.cadlsg.com/)

Cross References

Code	Description
0200	Goals For The School District
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3100	Budget
3100	Budget
4112.22	Staff Teaching English Learners
4131	Staff Development
4231	Staff Development
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5117	Interdistrict Attendance

5126	Awards For Achievement
5126	Awards For Achievement
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.91	Reading/Language Arts Instruction
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams

6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6175	Migrant Education Program
6175	Migrant Education Program
6190	Evaluation Of The Instructional Program

Regulation 6173.4: Title VI Indian Education Program

Status: ADOPTED

Original Adopted Date: 05/01/2020 | **Last Reviewed Date:** 05/01/2020

CSBA NOTE: The following administrative regulation is for use by districts that receive federal Title VI Indian education funding (20 USC 7401-7492), which supports local educational agencies, Indian tribes and organizations, and consortia in meeting the unique cultural, language, and educational needs of American Indian students and ensuring that all students meet challenging state academic standards. Pursuant to 20 USC 7424, districts receiving such funding are mandated to adopt policy and procedures to ensure that the program will be operated and evaluated in consultation with, and with the involvement of, parents/guardians and family members of American Indian students and community representatives, as provided below.

The terms "American Indian," "Native American," and "Indian" are used in various state and federal laws but do not always refer to the same groupings of people or are not defined. For purposes of Title VI, 20 USC 7491 defines "Indians" to include Alaska natives. The following regulation may be revised to reflect terminology preferred by the district and local tribes.

With the assistance of federal Title VI funding for the education of children from federally recognized tribes, the district shall offer programs and activities to meet the unique cultural, language, and educational needs of American Indian students, as defined in 20 USC 7491. Program objectives and outcomes shall be based on state academic standards. (20 USC 7424)

CSBA NOTE: The following paragraphs address the involvement of parents/guardians and family members of American Indian students and community representatives in program implementation and evaluation, as mandated by 20 USC 7424, and may be expanded to reflect district practice.

In developing, implementing, and evaluating Title VI programs and activities, the Superintendent or designee shall consult with and involve parents/guardians and family members of American Indian students and other community representatives. (20 USC 7424)

The district shall establish a committee that is composed of, and selected by, parents/guardians and family members of American Indian students, representatives of tribes on tribal lands located within 50 miles of any district school that serves any children of the tribes, teachers, and, if appropriate, American Indian students enrolled in secondary schools in the district. The majority of the committee shall be parents/guardians and family members of American Indian students. The committee shall participate in program development and provide written approval for the program. (20 USC 7424)

CSBA NOTE: Pursuant to 20 USC 7425, federal funding for American Indian education programs may be used for any of the services and activities listed in items #1-13 below. The following list may be revised to reflect district practice.

The district's Title VI program for American Indian education may include any of the following services and activities: (20 USC 7425)

1. Activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders

2. ~~Culturally related activities that support the district's progra~~

3. ~~Early childhood and family programs that emphasize school readines~~

4. ~~Enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of state academic standards~~

5. ~~Integrated educational services in combination with other programs that meet the needs of American Indian students and their families, including programs that promote parent/guardian involvement in school activities and increase student achievement~~

6. ~~Career preparation activities that enable American Indian students to participate in career technical education programs, including programs for mentoring and apprenticeship~~

7. ~~Activities to educate individuals so as to prevent violence, suicide, and substance abuse~~

8. ~~The acquisition of equipment that is essential to achieve program goals~~

9. ~~Activities that promote the incorporation of culturally responsive teaching and learning strategies into the district's educational program~~

10. ~~Family literacy services~~

11. ~~Activities that recognize and support the unique cultural and educational needs of American Indian students, and incorporate appropriately qualified tribal elders and seniors~~

12. ~~Dropout prevention strategies for American Indian students~~

13. ~~Strategies to meet the educational needs of AmericanIndianstudents in correctional facilities, including such strategies that support American Indian students who are transitioning from such facilities to schools served by the district~~

~~Any federal funds received to support American Indian education programs shall be used to supplement, not supplant, state or local funds allocated for such purposes. (20 USC 7424)~~

~~Program funds may be used to support a Title I schoolwide program pursuant to 20 USC 6314 if approved by the committee established pursuant to 20 USC 7424, provided that the schoolwide program is consistent with the purpose of American Indian education programs and the district's application identifies how the use of such funds in a schoolwide program will produce benefits to American Indian students that would not be achieved if not used in a schoolwide program. (20 USC 7424)~~

~~As needed, professional development shall be provided to teachers and other school staff to assist them in working with American Indian students and carrying out Title VI programs. (20 USC 7424)~~

~~The Superintendent or designee shall maintain a record of the information establishing the status of each student as an American Indian student eligible for assistance through the federal American Indian education program. (20 USC 7427)~~

~~The Superintendent or designee shall periodically assess the progress of American Indian students, including American Indian students who do not participate in programs funded through Title VI, in meeting program goals and objectives. Assessment results shall be provided to the Board, the committee established pursuant to 20 USC 7424, tribes whose children are served by~~

~~the district,~~

and the community. (20 USC 7424)

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State	Description
Ed. Code 33380-33384	California Indian Education Centers

Federal	Description
2 CFR 200.0-200.521	Federal uniform grant guidance
20 USC 6314	Title I schoolwide program
20 USC 7401-7492	Indian education
20 USC 7701-7714	Impact Aid
34 CFR 222.90-222.129	Impact Aid; special provisions for local educational agencies that claim children residing on Indian lands

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Impact Aid
Website	U.S. Department of Education, Office of Indian Education
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3230	Federal Grant Funds
3230	Federal Grant Funds
3231	Impact Aid
4131	Staff Development

~~4231~~	~~Staff Development~~
~~4331~~	~~Staff Development~~
~~6011~~	~~Academic Standards~~
~~6020~~	~~Parent Involvement~~
~~6020~~	~~Parent Involvement~~
~~6162.5~~	~~Student Assessment~~
~~6171~~	~~Title I Programs~~
~~6171~~	~~Title I Programs~~

Policy 6173.4: Education for American Indian Students

Original Adopted Date: 06/01/2023 |

CSBA NOTE: The following policy may be revised to reflect district practice. Districts that receive federal Title VI Indian education funding (20 USC 7401-7492), which supports local educational agencies, Indian tribes and organizations, and other entities in meeting the unique cultural, language, and educational needs of American Indian students, are mandated to adopt policy and procedures to ensure that the program will be operated and evaluated in consultation with, and with the involvement of, parents/guardians and family members of American Indian students and community representatives; see the section entitled, "Title VI Indian Education Program," for more information regarding this mandate.

The terms "American Indian," "Native American," and "Indian" are used in various state and federal laws but do not always refer to the same groupings of people or are not defined. For purposes of Title VI, 20 USC 7491 defines "Indians" to include Alaska natives. The following regulation may be revised to reflect terminology preferred by the district and local tribes.

The Governing Board recognizes that American Indian students may have unique cultural, language, and educational needs that may be addressed by increasing student knowledge about American Indian history, including the history and culture of local tribes, and by providing American Indian students with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

The Superintendent or designee shall provide all students with culturally relevant curriculum related to local American Indian tribes and implement strategies necessary for the improvement of the academic achievement of American Indian students.

CSBA NOTE: The following paragraphs address the involvement of a California Indian Education Task Force. Pursuant to Education Code 33391, as added by AB 1703 (Ch. 477, Statutes of 2022), districts are encouraged to form a California Indian Education Task Force with Indian tribes local to their region, or historically located in the region, to assist in the development of curriculum related to local tribes, and in the identification of, and strategies to close, any achievement gaps between American Indian students and other students in the district.

In order to discuss, gain a shared understanding of, and develop curriculum for use within the district, and to identify the extent and nature of any achievement gaps between American Indian students and other district students, and strategies to address any such gaps, the district may form a California Indian Education Task Force with tribes local to the region. Participants in the task force meetings may consider issues of mutual concern, which include: (Education Code 33391)

1. Developing a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and developing such materials for use within the district that include tribal experiences and perspectives

2. Developing a shared understanding of proper or improper instructional materials when these materials use depictions of Native Americans

3. Encouraging the adoption of the curriculum developed by the California Indian Education Task Force

4. Identifying the extent and nature of any achievement gap between American Indian students and other students, and strategies necessary to close it

If formed, the California Indian Education Task Forceshall, within one year and thereafter annually, submit a report to the California Department of Education on the findings, including progress of work on Items #1-4, above. (Education Code 33391)

The Superintendent or designee shall identify American Indian students most at-risk of not meeting state academic standards and provide to such students the needed support(s), including making referrals, as appropriate, for special education services or services under Section 504 of the federal Rehabilitation Act of 1973, or other school-based services such as counseling and health services, supplemental instruction, before- or after-school services, and summer learning programs.

CSBA NOTE: Education Code 48432.5, as amended by AB 740 (Ch. 400, Statutes of 2022), provides protections for American Indian students prior to an involuntary transfer to a continuation school. Additionally, Education Code 48853.5, 48911, 48911.1, 48915.5, and 48918.1, as amended by AB 740, provide protections for American Indian students regarding suspension and expulsion proceedings and assignments to supervised suspension classrooms. In such instances, written notice must be provided to an American Indian student's tribal social worker and, if applicable, the county social worker. See AR 5144.1 – Suspension and Expulsion/Due Process, AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), AR 6173.1 – Education for Foster Youth, and AR 6184 – Continuation Education.

Suspension, expulsion, assignment to a supervised suspension classroom, or involuntary transfer to a continuation school of an American Indian student shall be in accordance with law and as specified in Administrative Regulation 5144.1 – Suspension and Expulsion/Due Process, 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), and 6184 – Continuation Education.

CSBA NOTE: Pursuant to Labor Code 3074.2, any district planning to hold a college or career fair is required to identify approved apprenticeship programs in the county and notify such programs that they are hosting a college or career fair. See BP 6164.2 – Guidance/Counseling Services and BP 6178 – Career Technical Education.

The Superintendent or designee shall provide programs to facilitate the successful transition of American Indian students to post-secondary education and employment, which may include college and career fairs in accordance with Labor Code 3074.2, mentorship programs, and counseling services.

As needed, the Superintendent or designee shall provide professional development to teachers and other school staff to assist them in understanding and responding to the unique needs of American Indian students.

At least annually, the Superintendent or designee shall report to the Board on the outcomes of American Indian students including, but not limited to, school attendance, student achievement test results, promotion and retention by grade level, graduation rates, and suspension/expulsion rates.

Title VI Indian Education Program

CSBA NOTE: The following section is for districts that receive Title VI funding pursuant to 20 USC 7401-7492, and should be deleted by districts that do not receive such funding.

With the assistance of federal Title VI funding for the education of children from federally recognized tribes, the district shall offer programs and activities to meet the unique cultural, language, and educational needs of American Indian students, as defined in 20 USC 7491. Program objectives and outcomes shall be based on state academic standards. (20 USC 7424)

CSBA NOTE: The following paragraphs address the involvement of parents/guardians and family members of American Indian students and community representatives in program implementation and evaluation, as mandated by 20 USC 7424, and may be expanded to reflect district practice.

In developing, implementing, and evaluating Title VI programs and activities, the Superintendent or designee shall consult with and involve parents/guardians and family members of American Indian students and other community representatives. (20 USC 7424)

The district shall establish a committee that is composed of, and selected by, parents/guardians and family members of American Indian students, representatives of tribes on tribal lands located within 50 miles of any district school that serves any children of the tribes, teachers, and, if appropriate, American Indian students enrolled in secondary schools in the district. The majority of the committee shall be parents/guardians and family members of American Indian students. The committee shall participate in program development and provide written approval for the program. (20 USC 7424)

CSBA NOTE: Pursuant to 20 USC 7425, federal funding for American Indian education programs may be used for any of the services and activities listed in Items #1-13 below. The following list may be revised to reflect district practice.

The district's Title VI program for American Indian education may include any of the following services and activities: (20 USC 7425)

1. Activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders

2. Culturally related activities that support the district's program

3. Early childhood and family programs that emphasize school readiness

4. Enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of state academic standards

5. Integrated educational services in combination with other programs that meet the needs of American Indian students and their families, including programs that promote parent/guardian involvement in school activities and increase student achievement

6. Career preparation activities that enable American Indian students to participate in career technical education programs, including programs for mentoring and apprenticeship

7. Activities to educate individuals so as to prevent violence, suicide, and substance abuse

8. The acquisition of equipment that is essential to achieve program goals

9. Activities that promote the incorporation of culturally responsive teaching and learning strategies into the district's educational program

10. Family literacy services

11. Activities that recognize and support the unique cultural and educational needs of American Indian students, and incorporate appropriately qualified tribal elders and seniors

12. Dropout prevention strategies for American Indian students

13. Strategies to meet the educational needs of American Indianstudents in correctional facilities, including such strategies that support American Indian students who are transitioning from such facilities to schools served by the district

Any federal funds received to support American Indian education programs shall be used to supplement, not supplant, state or local funds allocated for such purposes. (20 USC 7424)

Program funds may be used to support a Title I schoolwide program pursuant to 20 USC 6314 if approved by the committee established pursuant to 20 USC 7424, provided that the schoolwide program is consistent with the purpose of American Indian education programs and the district's application identifies how the use of such funds in a schoolwide program will produce benefits to American Indian students that would not be achieved if not used in a schoolwide program. (20 USC 7424)

As needed, professional development shall be provided to teachers and other school staff to assist them in working with American Indian students and carrying out Title VI programs. (20 USC 7424)

The Superintendent or designee shall maintain a record of the information establishing the status of each student as an American Indian student eligible for assistance through the federal American Indian education program. (20 USC 7427)

The Superintendent or designee shall periodically assess the progress of all American Indian students, including American Indian students who do not participate in programs funded through Title VI, in meeting program goals and objectives. Assessment results shall be provided to the Board, the committee established pursuant to 20 USC 7424, tribes whose children are served by the district, and the community. (20 USC 7424)

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

State	Description
Ed. Code 33380-33384	California Indian Education Centers
Ed. Code 33390-33391	California Indian Education Act
Ed. Code 48400-48454	Compulsory continuation education

Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900-48927	Suspension and expulsion
Labor Code 3074.2	College and career fairs; notice to apprenticeship programs

Federal	**Description**
2 CFR 200.0-200.521	Federal uniform grant guidance
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6314	Title I schoolwide program
20 USC 7401-7492	Indian education
20 USC 7701-7714	Impact Aid
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 222.90-222.122	Impact Aid; special provisions for local educational agencies that claim children residing on Indian lands
34 CFR 300.1-300.818	Individuals with Disabilities Education Act

Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Impact Aid
Website	U.S. Department of Education, Office of Indian Education
Website	California Department of Education

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3230	Federal Grant Funds
3230	Federal Grant Funds
3231	Impact Aid
4131	Staff Development
4231	Staff Development
4331	Staff Development

5113.1	Chronic Absence and Truancy
5141.5	Mental Health
5141.6	School Health Services
5144.1	Suspension and Expulsion/Due Process
5144.2	Suspension and Expulsion/Due Process (Students with Disabilities)
5147	Dropout Prevention
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response to Instruction and Intervention
6162.5	Student Assessment
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6177	Summer Learning Programs
6178	Career Technical Education
6179	Supplemental Instruction
6184	Continuation Education

Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education

Status: ADOPTED

Original Adopted Date: 07/11/2019 | **Last Revised Date:** 03/11/2021 | **Last Reviewed Date:** 03/11/2021

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

(cf. 0430 - Comprehensive Local Plan for Special Education)

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

No district student shall be placed in an NPS/A unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the placement is appropriate for the student. (Education Code 56342.1)

(cf. 6159 - Individualized Education Program)

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

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

State References	Description
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 56034-56035	Definitions of nonpublic, nonsectarian school and agency - https://simbli.eboardsolutions.com/SU/7oGI4oqTV6VUB0BqCXudTQ==
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest - https://simbli.eboardsolutions.com/SU/CqgFYXETxFgoQZZoXqGeDQ==

Ed. Code 56101	Waivers - https://simbli.eboardsolutions.com/SU/yEnvslsh7fIPQ2Zslshv7bvI2zPA==
Ed. Code 56163	Certification - https://simbli.eboardsolutions.com/SU/1aKirF5nDTplusMW1QiKw2yQg==
Ed. Code 56168	Responsibility for education of student in hospital or health facility school - https://simbli.eboardsolutions.com/SU/GheTvgEaXkgeqplusJRBeplusG7w==
Ed. Code 56195.8	Adoption of policies - https://simbli.eboardsolutions.com/SU/IAlkj50Xu3hCSDslshTyqw1ng==
Ed. Code 56342.1	Individualized education program; placement - https://simbli.eboardsolutions.com/SU/slsh1plusSX05J3xRgnNpdwlh6SQ==
Ed. Code 56360-56369	Implementation of special education - https://simbli.eboardsolutions.com/SU/plusHx6S11qXL2VZ64czJIT8Q==
Ed. Code 56711	Computation of state aid
Ed. Code 56740-56743	Apportionments and reports
Ed. Code 56760	Annual budget plan; service proportions
Ed. Code 56775.5	Reimbursement of assessment and identification costs
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools - https://simbli.eboardsolutions.com/SU/vG7uG3gZFbyWSDgHy4qQKA==
Fam. Code 7911-7912	Interstate compact on placement of children - https://simbli.eboardsolutions.com/SU/7ihslshgI4t1fImkoxsgjKp1Q==
Gov. Code 7570-7587	Interagency responsibilities for providing services to children with disabilities - https://simbli.eboardsolutions.com/SU/NDYX2wpq0dgvA3vESxrvvQ==
Gov. Code 7572.55	Seriously emotionally disturbed child; out-of-state placement
W&I Code 362.2	Out-of-home placement for IEP - https://simbli.eboardsolutions.com/SU/9pVJkOvArl8bIODjqYI49A==
W&I Code 727.1	Out-of-state placement of wards of court - https://simbli.eboardsolutions.com/SU/J5BDkIya2iHk4x7IQHitslshg==

Federal References	**Description**
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.129-300.148	Children with disabilities in private schools

Management Resources References	**Description**
Court Decision	Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services - https://simbli.eboardsolutions.com/SU/qL0cIe1gncukY8IMLvozRw==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References	**Description**
0430	Comprehensive Local Plan For Special Education - https://simbli.eboardsolutions.com/SU/Hslsh3YFhhJGmAplus2VouBDRAsA==
0430	Comprehensive Local Plan For Special Education - https://simbli.eboardsolutions.com/SU/vv5CwdZakD4RbAslsh85YYVgg==
0500	Accountability - https://simbli.eboardsolutions.com/SU/8OSp14MQoBm0c5h903CVjA==

1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1431	Waivers - https://simbli.eboardsolutions.com/SU/zheIVgBw9INSaqaXaujz9w==
3541.2	Transportation For Students With Disabilities - https://simbli.eboardsolutions.com/SU/CkZkCl5GKSusAnqQiDzUDA==
3580	District Records - https://simbli.eboardsolutions.com/SU/slGJYA28YslshNTQCMslshGcplusm0g==
3580	District Records - https://simbli.eboardsolutions.com/SU/BEy9zuPlfTW5TQjPpTt55Q==
4112.23	Special Education Staff - https://simbli.eboardsolutions.com/SU/gmZgmCslshLxxBI7mz2rvcd7A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/jCusuJL5GRwssU1plusfkgUrA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/aMeRdZmVplusqYsfeNpluspEkgwA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/72afLR1iFxwZ4UvyhY0uLg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/bK5tZtFKr9Bu9YGjy15vUg==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/m8kR6OqcnpKBslshBUOCscN6Q==
6159.1	Procedural Safeguards And Complaints For Special Education - https://simbli.eboardsolutions.com/SU/c3m96PV0v0n1mPST6vUNcA==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/w5y5I2RKRITTWgEGr7c4pA==
6159.3	Appointment Of Surrogate Parent For Special Education Students - https://simbli.eboardsolutions.com/SU/OAsg62CoShZYMnQmfACXslshA==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/TmZ3V9hBhQTlZzpfmXIKEg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/evlgoJdiV3OVQakeqroGOQ==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/Wa6ZJZ7BgrmYeDmvxY9Pplusg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/pLPKyuXkTjHUVX0bMg6g1w==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/OwILob6A8qpWdbKgYa2a9Q==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/jRAItuzGTRslshtUwEvzm7B6Q==

Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education **Status:** ADOPTED

Original Adopted Date: 06/01/1995 | **Last Revised Date:** ~~07~~06/01/~~2020~~2023 | **Last Reviewed Date:** ~~07~~06/01/~~2020~~2023

CSBA NOTE: Education Code 56195.8 mandates districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided to students with disabilities when no appropriate public education program is available to meet their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying administrative regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

CSBA NOTE: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education review the certification status of an NPS/A.

~~Beginning in the 2020-21 school year,~~ Education Code 56366.1, ~~as amended by AB 1172 (Ch. 454, Statutes of 2019),~~ also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has notexpired.

No district student with a disability shall be referred to, or placed in, an NPS/A unless the student's individualized education program (IEP) team has determined ~~that an appropriate public education alternative does not exist and~~ that the placement is appropriate for the student. (Education Code 56342.1)

CSBA NOTE: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or, ~~as amended by AB 1172,~~ the agency fees for participating students pursuant to the contract.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A.

pursuant to the contract. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

CSBA NOTE: In a December 2022 Settlement Agreement between Davis Joint Unified School District and the U.S. Department of Education Office for Civil Rights, following an investigation into the use of seclusion and restraint at an NPS/A that the district contracted with, the district was found to have denied students a free and appropriate public education (FAPE) because the district failed to ensure the NPS/A staff were knowledgeable about district policies, procedures, and practices regarding the use seclusion and restraint, failed to reevaluate students to determine if the repeated use of restraint and seclusion affected the receipt of FAPE, and failed to consider if any additional aids and services were appropriate in order to provide FAPE. See BP5131. 41 – Use of Seclusion and Restraint for additional information on the use of Seclusion and Restraint.

The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

CSBA NOTE: The following optional paragraph may be modified to reflect district practice.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

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

State	Description
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agencyservices
Ed. Code 56034-56035	Definitions of nonpublic, nonsectarian school and agency
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest

Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school
Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
~~Ed. Code 56711~~	~~Computation of state aid~~
~~Ed. Code 56740-56743~~	~~Apportionments and reports~~
~~Ed. Code 56760~~	~~Annual budget plan; service proportions~~
~~Ed. Code 56775.5~~	~~Reimbursement of assessment~~ ~~and identificationcosts~~
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
~~Gov. Code 7570-7587~~	~~Interagency responsibilities~~ ~~for providing services to children with disabilities~~
~~Gov. Code 7572.55~~	~~Seriously emotionally disturbed~~ ~~child; out-of-state placement~~
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court

Federal	**Description**
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.129-300.148	Children with disabilities in private schools

Management Resources	**Description**
Court Decision	Agostini v. Felton, (1997) 521 U.S. 203~~, 117 S.Ct. 1997~~
US Dept of Ed Office for Civil Rights Settlement	Department of Education, Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

Cross References

Code	**Description**
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education

1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Jose Iniguez, Ed.D., Asst. Supt. of Administrative Support, School Support and Safety

☐ Informational
☒ Action

AGENDA ITEM: FIRST READING AND ADOPTION OF REVISED ADMINISTRATIVE REGULATIONS - 7000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of revised Administrative Regulations (AR):

- Administrative Regulation 7140 – Architectural and Engineering Services.

RECOMMENDATION:
Approve the First Reading and Adoption of Revised Administrative Regulations - 7000 series: Administrative Regulation 7140 – Architectural and Engineering Services.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications? ☐ Yes ☒ No

Are funds for this item available in the 2023-2024 Budget? ☐ Yes ☐ No

Requisition #

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

7000 SERIES

Administrative Regulation 7140 – Architectural and Engineering Services
Regulation updated to more closely align with law and to reflect **NEW LAW (AB 185, 2022)** which enables a district to enter into an alternative design-build contract with a single entity for both design and construction of any school facility if the contract is in excess of $5,000,000.

CSBA NOTE: When applying for state facilities funding, the district will be required to certify that any professional design services used for the project were selected using a qualification-based selection process. The Office of Public School ~~Construction, in its~~ Construction's, "School Facility Program Handbook, ," advises districts to consult with legal counsel to ensure that its process for selecting architects or structural engineers is a qualification-based selection process and complies with all other legal requirements, including the Public Contract Code and requirements for disabled veterans business enterprises.

Regulation 7140: Architectural And Engineering Services | **Status: ADOPTED**

Original Adopted Date: 02/01/1996 | **Last Revised Date:** ~~1009~~/01/20192023 | **Last Reviewed Date:** ~~1009~~/01/~~2019~~2023

Contractors for any private architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

CSBA NOTE: Government Code 4526 requires that the district's selection process include at least ~~items~~Items #1-3 below; however, the law does not prescribe the exact procedures that must be followed. Generally, elements of a "competitive process" include advertising and notice of the need for services, objective evaluation and selection criteria, and an appeals process for use by those not selected. Districts may wish to develop procedures consistent with these and other requirements in consultation with CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Assures maximum participation by small business firms as defined pursuant to Government Code 14837

2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration

3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

CSBA NOTE: Pursuant to Government Code 4527, the following items areoptional and may be revised to reflect district practice.

The selection process may also include: (Government Code 4527)

1. Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project

2. Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services

3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Government Code 4528 authorizes, but does not require, the district to implement the following procedures.

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involvelittle professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications, and estimates prepared by the architect or structural engineer shall become the property of the district. for the purpose of repair, maintenance, renovation, modernization, or other purposes, but only as they relate to the project for which the architect or structural engineer was retained. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

CSBA NOTE: Education Code 17250.20 authorizes the district, until January 1, 2025, to utilize the design-build method of construction delivery for projects in excess of $1,000,000. Additionally, pursuant to Education Code 17250.60-017250.69, as added by AB 185 (Ch. 571, Statutes of 2022), the district may, until January 1, 2029, utilize alternative design-build contracts for public works projects in excess of $5,000,000. See AR 3311 – Bids and AR 3311.3 - Design-Build Contracts for more information regarding design-build.

A design-build contract may be awarded to a single entity for both design and construction of any school facility if the contract is in excess of $1,000,000, or an alternative design-build contract may be awarded if the contract is in ~~accordance with AR~~excess of $5,000,000, as specified in Administrative Regulation 3311.3 - Design-Build Contracts. (Education Code 17250.20), 17250.62)

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

State	Description

24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Bus. Code 5500-5502	Architecture
Bus. Code 5550-5558	Architects; licensure
Bus. Code 6700-6706.3	~~Engineers~~Professional Engineers Act
Bus. Code 6750-6766~~6767~~	Engineers; licensure
CA Constitution Article 22	Architectural and engineering services
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code~~ 17070.50~~	~~Conditions for apportionment~~
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17250.60-17250.69	Alternative design-build contracts
Ed. Code 17251-17256	CDE powers concerning buildings and building sites
Ed. Code 17260-17268	Plans and specifications for school facilities
Ed. Code 17280-17316~~17317~~	Building approvals
~~Ed. Code 17302~~	~~Persons qualified to prepare plans, specifications and estimates and supervise construction~~
~~Ed. Code 17316~~	~~Contract provision re school district property~~
Ed. Code 17371	Limitation on liability of governing board
Gov. Code 14837	Definition of small business
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms
Gov. Code 87100	Public officials; financial interest
Pub. Cont. Code~~ 20111~~20110- 20118.44	School district contracts

Management Resources	**Description**
California Department of Education Publication	Plan Submission Requirements for Modernization Projects, Form SFPD 4.08 (https:/ www.cde.ca.gov/ls/fa/sf/documents/rev408jul10.d oc)
California Department of Education Publication	Plan Submission Requirements for New Construction, Form SFPD 4.07 (https:/ www.cde.ca.gov/ls/fa/sf/documents/jan2015407. doc)

Office of PublicSchoolConstruction Publication	School Facility Program Handbook, January 2019 (https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Handbooks-Guides-and-Brochures)
Website	CSBA District and County Office of Education Legal Services
Website	Department of General Services, Division of the State Architect
Website	American Institute of Architects California Council
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education, School Facilities

Cross References

Code	Description
1240	Volunteer Assistance
1240	Volunteer Assistance
3311	Bids
3311	Bids
3311.3	Design-Build Contracts
3312	Contracts
3515.6	Criminal Background Checks For Contractors
7000	Concepts And Roles
7110	Facilities Master Plan
7150	Site Selection And Development
7150	Site Selection And Development
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest

Regulation 7140: Architectural And Engineering Services

Status: ADOPTED

Original Adopted Date: 07/11/2019 **| Last Revised Date:** 01/23/2020 **| Last Reviewed Date:** 01/23/2020

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Assures maximum participation by small business firms as defined pursuant to Government Code 14837

2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration

3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

The selection process may also include: (Government Code 4527)

1. Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project

2. Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services

3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications, and estimates prepared by the architect or structural engineer shall become the property of the district. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

A contract may be awarded to a single entity for both design and construction of any school facility in excess of $1,000,000 in accordance with AR 3311.3 - Design-Build Contracts. (Education Code 17250.20)

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

State References	Description
24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14030-14036	Standards, planning, and approval of school facilities

Bus. Code 5500-5502	Architecture - https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMslshkHBDOw==
Bus. Code 5550-5558	Architects; licensure - https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==
Bus. Code 6700-6706.3	Professional Engineers Act - https://simbli.eboardsolutions.com/SU/bBefhrraIfLA07Z2EQslshDdA==
Bus. Code 6750-6767	Engineers; licensure - https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==
CA Constitution Article 22	Architectural and engineering services - https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17250.10-17250.55	Design-build contracts - https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==
Ed. Code 17250.60-17250.69	Alternative design-build contracts - https://simbli.eboardsolutions.com/SU/TP1PLVItclqEnCDsIhhiHQ==
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqIt8A==
Ed. Code 17260-17268	Plans and specifications for school facilities - https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgjg==
Ed. Code 17280-17317	Building approvals - https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjlzroyZQ==
Ed. Code 17371	Limitation on liability of governing board - https://simbli.eboardsolutions.com/SU/d56uwclTvplussgYGebp99UTw==
Gov. Code 14837	Definition of small business - https://simbli.eboardsolutions.com/SU/c3i4e2xmxHs5PpVTCh63Qw==
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms - https://simbli.eboardsolutions.com/SU/u3t4hVRrP0xRvORn2OtLmA==
Gov. Code 87100	Public officials; financial interest - https://simbli.eboardsolutions.com/SU/QchMgplusAyDf6dKHslshcFZKU6A==
Pub. Cont. Code 20110-20118.44	School district contracts - https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==

Management Resources References	**Description**
California Department of Education Publication	Plan Submission Requirements for Modernization Projects, Form SFPD 4.08 - https://simbli.eboardsolutions.com/SU/AB4LcZw74cBI1fpPipluswu0w==
California Department of Education Publication	Plan Submission Requirements for New Construction, Form SFPD 4.07 - https://simbli.eboardsolutions.com/SU/DZkNXR40KMZ1VKbKpOYL3A==
Office of Public School Construction Publication	School Facility Program Handbook, January 2019 - https://simbli.eboardsolutions.com/SU/eHGlMKVqSUBhe1qjhtPt8g==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Department of General Services, Division of the State Architect - https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==
Website	American Institute of Architects California Council - https://simbli.eboardsolutions.com/SU/1jDPdUHfCFt8sXf4176tpA==
Website	Department of General Services, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	California Department of Education, School Facilities - https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==

Cross References	Description
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/x1QewT4YgzruZlTbYpBsCw==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/AEEKECijKNmVMzEslshyCbIkw==
3311	Bids - https://simbli.eboardsolutions.com/SU/TXCclHAPO4AvqlRkslshIGT6g==
3311	Bids - https://simbli.eboardsolutions.com/SU/YtGjBb8AeKJBCbTEVI6JKg==
3311.3	Design-Build Contracts - https://simbli.eboardsolutions.com/SU/Vt1IHMfQDwjVpED58wmjOw==
3312	Contracts - https://simbli.eboardsolutions.com/SU/ypySW5bYSpEyYt3f9slshq8XA==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/ghT3ViasOYaGYe0LFgpluskslshw==
7000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/JJrOViPslshbuxP2KuqeuKM1w==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/Mr1vH6nbOnhmz7Fd4jenxg==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/hLH5xQladPYlEyHgaZbJrg==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/YTy9bjpwCqbvxNTc2Xhefw==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/7FlKjwQtJ6ErOskzum2ymw==
9270-E PDF(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/1pr6ublzcUt51mYCwwocqQ==
9270-E PDF(2)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/K7ityvEsig55qNtibyqpDw==

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Gina Potter, Ed.D.
Superintendent

☐ Informational
☒ Action

AGENDA ITEM: FIRST READING AND ADOPTION OF NEW AND REVISED BOARD POLICIES AND ADMINISTRATIVE REGULATIONS – 0000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of the revised Board Bylaws:

- Board Bylaw 9124 – Attorney
- Board Bylaw 9322 - Agenda/Meeting Materials.

RECOMMENDATION:
Approve the First Reading and Adoption of Revised Board Bylaws - 9000 series: Board Bylaw 9124 – Attorney and Board Bylaw 9322 - Agenda/Meeting Materials.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

9000 SERIES

Board Bylaw 9124 – Attorney
Bylaw updated to revise the first philosophical paragraph to recognize the need to provide legal representation to the district and the importance of cost-effective legal advice and services, clarify that the Governing Board may appoint and fix and order paid legal counsel's compensation, expand the types of entities that the Board may contract with to serve as legal counsel, and reflect that the Board supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate. Bylaw also updated to clarify that districts may, but are not required, to initiate a Request for Proposals to advertise and solicit proposals for legal services, and that districts may consider the attorney's, firm's, and/or entity's relevant legal reputation when evaluating such attorneys, firms, and/or entities. Additionally, bylaw updated to reflect that any attorney representing the district is required to be admitted to practice law in California.

Board Bylaw 9322 - Agenda/Meeting Materials
Bylaw updated to move material regarding public comments to be with content related language, amend language to be more closely aligned with code language, add material regarding the means for in-person and remote public comments, and reflect NEW LAW (AB 2449, 2022), which requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation to board meetings for individuals with disabilities. Bylaw also updated to provide that each agenda for a regular meeting is required to list the address designated by the Superintendent or designee for public inspection of documents related to records of a statement threatening litigation against the district to be discussed in closed session, in addition to documents related to open session, when such documents have been distributed to the Governing Board less than 72 hours before a Board meeting, clarify that the Board president and Superintendent decide when an item is placed on the agenda, include that public records under the Public Records Act and which relate to an agenda item which contain a claim or written threat of litigation which will be discussed in closed session are required to be made available to the public, in addition to documents which relate to an agenda item scheduled for the open session of a regular meeting, and NEW LAW (AB 2647, 2022) which clarifies how districts can, without opening their offices after normal business hours, comply with the portion of the Brown Act that requires writings or documents distributed to a majority of a local legislative body less than 72 hours before a meeting to also be distributed to the public.

Bylaw 9124:
Attorney

Status:
ADOPTED

Original Adopted Date: 06/01/1991 | **Last Revised Date:** ~~07~~09/01/2008~~2~~2023 | **Last Reviewed Date:** ~~07~~09/01/~~2008~~2023

CSBA NOTE: Education Code 35041.5, 35204, and 35205 authorize the Governing Board to enter into a contract to hire an attorney as a district employee or independent contractor or to contract with a private firm to provide legal services for purposes deemed appropriate by the Board.

According to the Rules of Professional Conduct of the State Bar of California, (Rule 1.13), when an attorney is hired by an organization such as a school district, the attorney's client is the district as a whole, and not an individual Board member or employee. However, at certain times an attorney may owe a duty of defense to a Board member or employee pursuant to the Tort Claims Act (Government Code 814-895.8). ~~See~~For more information regarding the Tort Claims Act, see BP/AR 3320 - Claims and Actions Against the District, and for more information regarding protection

~~The California Council~~

~~professional opportunities for school attorneys, is a component of CSBA. CSBA has also significance~~Services to ~~school districts~~receive legal advice, services, and resources.

against liability for Board members, see BB 9260 Legal Protection.

Districts may subscribe to CSBA's District and County Office of School Attorneys, which ~~Education Legal Alliance to initiate and support litigation in cases of statewide~~

The Governing Board recognizes the complex legal environment in which districts operate ~~and desires~~, the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice ~~at reasonable rates.~~ and services.

In order to meet the district's legal needs, the Board may ~~contract with county counsel, attorneys in private practice, or~~ appoint legal counsel and fix and order paid legal counsel's compensation as ~~a district~~an employee or as an independent contractor. (Education Code 35041.5)

The Board may enter into independent contractor services agreements with county counsel, law firms, attorneys in privatepractice, and other public or privatelegalservicesentities. (Education Code 35204, 35205; Government Code 26520, 26529)

The Board also supports pursuing collaborative legal efforts with other ~~agencies and~~ districts as well as other government agencies as appropriate.

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee

2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings

3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of thesemeasures

4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Retaining Legal Counsel

CSBA NOTE: Government Code 53060 exempts contracts for legal services from the bidding requirements of the Public Contract Code; for more information regarding bidding requirements, see AR 3311 - Bids. However, when entering into a new contract for legal services, ~~it is recommended that the Board~~Boards may use a Request for Proposal ~~(RFP)~~ procedure in order to solicit a range of proposals for services. The following optional section is for use by districts that contract with outside firms to provide legal services and should be modified to reflect district practice.

When the district is seeking legal advice or representation, the Superintendent or designee shall identify prospective attorney(s), firm(s), and/or legal services entity(ies).

The district may, but is not required to, initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the ~~proposals,~~prospective attorney(s), firm(s), and/or entity(ies), the Board and Superintendent ~~shall~~may consider the ~~firm's or~~ attorney's, firm's, and/or entity's background, experience, and relevant legal reputation ~~in education law~~; experience advising ~~or~~and representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

Any attorney representing the district shall be admitted to practice law in California. (Education Code 35041.5)

The Board and Superintendent shall ~~annually~~periodically evaluate the performance of the firm (s) and/or ~~attorneys providing legal services in such areas as~~ attorney(s); the efficiency and adequacy of advice; the results obtained for the district; the reasonableness of fees; and the responsiveness to and interactions with the Board, administration, and community. ~~Upon a successful~~

The Board may use such evaluation~~, the Board may~~(s) to determine whether to renew ~~the~~any current agreement ~~with~~(s) for legal ~~counsel without initiating an RFP.~~services.

The Board may also contract for ~~temporary,~~ specialized legal services ~~without initiating an RFP~~, as appropriate, when a majority of the Board determines that the unique demands of a particular issue or emergency situation ~~so requires~~require such representation.

Contacting Legal Counsel

CSBA NOTE: The following section should be modified to reflect district practice.

~~At his/her discretion, the~~The Board president, or Superintendent or designee, may , at their discretion, confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Board president, or Superintendent or ~~Board president~~designee, may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by the Superintendent, the Board president, or a majority of the Board.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
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State	Description
Ed. Code 35041	Administrative adviser
Ed. Code 35041.5	Legal counsel
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 35200-35214	Liabilities
Ed. Code 35204	Contract with attorney in private practice
Ed. Code 35205	Contract for legal services
Gov. Code 26520	Legal services to school districts
Gov. Code 26529	District Attorney
Gov. Code 53060	Special services and advice
Gov. Code 814-895.8	Liability of public entities and public employees
Gov. Code 995-996.6	Defense of public employees

Management Resources	Description
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
~~National School Boards Association~~ ~~Publication~~	~~Selecting and Working with a School Attorney: A Guide for~~ ~~School Boards, 1997~~
State Bar of California Publication	California Rules of Professional Conduct
Website	CSBA District and County Office of Education Legal Services
Website	State Bar of California
Website	California Council of School Attorneys
~~Website~~	~~National School Boards Association~~
Website	CSBA

Cross References

Code	Description
1160	Political Processes
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures

1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2121	Superintendent's Contract
3311.2	Lease-Leaseback Contracts
3312	Contracts
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
4312.1	Contracts
9000	Role Of The Board
9200	Limits Of Board Member Authority
9260	Legal Protection
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Bylaw 9124: Attorney

Status: ADOPTED

Original Adopted Date: 04/11/2019 **| Last Reviewed Date:** 04/11/2019

The Board of Education recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Retaining Legal Counsel

When the district is seeking legal advice or Request for Quote (RFQ), the Superintendent or designee may initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the Board and Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent may annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Upon a successful evaluation, the Board may renew the agreement with legal counsel without initiating an RFP or an RFQ.

The Board may also contract for temporary, specialized legal services without initiating an RFP or RFQ when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires.

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

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

State References	Description
Ed. Code 35041	Administrative adviser - https://simbli.eboardsolutions.com/SU/Vq05GqcT0i7Lze5Df8sn5A==
Ed. Code 35041.5	Legal counsel - https://simbli.eboardsolutions.com/SU/JMgRHfLyT3TkUIslshulOhiTg==
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==

Ed. Code 35200-35214	Liabilities - https://simbli.eboardsolutions.com/SU/6BkNJy81QHZDnJLHzKMK0g==
Ed. Code 35204	Contract with attorney in private practice - https://simbli.eboardsolutions.com/SU/irlX4qUNWLsPUplusIWDLQTXw==
Ed. Code 35205	Contract for legal services - https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==
Gov. Code 26520	Legal services to school districts - https://simbli.eboardsolutions.com/SU/PCL8jSEUX60slsholBip5gTwQ==
Gov. Code 26529	District Attorney - https://simbli.eboardsolutions.com/SU/LdCCxwnN6qy10FsCptHkkg==
Gov. Code 53060	Special services and advice - https://simbli.eboardsolutions.com/SU/7T7sFbIKV6reI4lFp43jCg==
Gov. Code 814-895.8	Liability of public entities and public employees - https://simbli.eboardsolutions.com/SU/oDrUWB4B0SplusRs8Jx6ZmWgA==
Gov. Code 995-996.6	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwvnYONWPBqypbUzbA==

Management Resources References	**Description**
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
State Bar of California Publication	California Rules of Professional Conduct
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	State Bar of California - https://simbli.eboardsolutions.com/SU/HeXYVIVNHFx4izN0mRp2fg==
Website	California Council of School Attorneys - https://simbli.eboardsolutions.com/SU/esZp2XebReOtGoslshZJmM3dA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
1160	Political Processes - https://simbli.eboardsolutions.com/SU/xyZPKDlw3nGcZMeM8JRMDw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/SrcoN8hwjplusCBpsEGTwmpaQ==

3311.2	Lease-Leaseback Contracts - https://simbli.eboardsolutions.com/SU/uUeplusB5IJk5S7CpviZCeDgQ==
3312	Contracts - https://simbli.eboardsolutions.com/SU/ypySW5bYSpEyYt3f9slshq8XA==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/clm77Hslsh9RplusDUndTMnG5tLg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/Eh4AWcSQOckQHzhhNrRWBQ==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/BQGNxKewahWVQiPdXWOODA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/MUANAHffhFXRiSlbxt8hmw==
9260	Legal Protection - https://simbli.eboardsolutions.com/SU/HOx8yfcf53urUHkidd00aw==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==

Bylaw 9322: Agenda/Meeting Materials

Original Adopted Date: 03/01/2008 | **Last Revised Date:** ~~03~~06/01/~~2022~~2023 | **Last Reviewed Date:** ~~12~~06/01/~~2018~~2023

Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.

CSBA NOTE: Government Code 54954.2 requires Governing Board meeting agendas to briefly describe each item to be discussed, including closed session items, and states that a brief general description of an item generally need not exceed 20 words. For information regarding the different types of meetings and meeting location requirements, including teleconferenced meetings, see BB 9320 - Meetings and Notices. For agenda requirements regarding closed session agenda items, see BB 9321 - Closed Session ~~Purposes and Agendas.~~.

Each agenda shall state the meeting time and location and shall briefly describe each item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. ~~However, the~~ The agenda for a regular meeting shall also provide members of the public an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The agenda does not need ~~not~~to provide an opportunity for public comment ~~when the agenda~~on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it. ~~(Government Code 54954.3)~~

~~The agenda for a regular Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5;~~ (Government Code 54954.3)

Thenotice and agenda shalldescribe the meansavailable for the public to access the meeting and provide public comment in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953)

~~CSBA NOTE: Pursuant to Government Code 54957.5, the agenda for a regular meeting must include the address of the location where the public can inspect any materials that are related to an open session item and are distributed to the Board less than 72 hours before that meeting. See~~

~~section below entitled "Agenda Dissemination to Members of the Public."~~CSBA NOTE: GovernmentCode 54954.2 requires that the agenda includeinformationregardinghow,when, and to whom a request for a disability-related accommodation or modification may be made. Additionally, Government Code 54953, as amended by AB 2449 (Ch. 285, Statutes of 2022), requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the Americans with Disabilities Act, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices. The following paragraph should be modified to reflect district practice as to when and to whom such a request should be made.

~~Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)~~

~~CSBA NOTE: Government Code 54954.2 requires that the agenda include information regarding how, when, and to whom a request for a disability-related accommodation or modification may be made. See BB 9320 - Meetings and Notices. The following paragraph should be modified to reflect district practice as to when and to whom such a request should be made.~~

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting. , ~~-~~as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54954.2), ~~5~~4953)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda for a regular meeting must include the address of the location where the public can inspect any materials that are related to an open session item and are distributed to the Board less than 72 hours before that meeting. In *Fowler v. City of Lafayette*, the court clarified that the disclosure requirements of Government Code 54957.5 also apply to claims or written threats of litigation pursuant to Government Code 54956.9.

See the section below entitled "Agenda Dissemination to Members of the Public."

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 49073.2, the Board is prohibited from including in its minutes a student's directory information, as defined in Education Code 49061, or a parent/guardian's personal information, as defined in Education Code 49073.2, when the student or parent/guardian has provided the Board with a written request that such information be excluded; see BB 9324 - Minutes and Recordings. In order to notify students and parents/guardians of the right to request that such information be withheld, the Board should consider including a statement in each agenda.

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall

also state that the request must be made in writing to the secretary or clerk of the Board.

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

CSBA NOTE: Education Code 35145.5 mandates that the Board adopt reasonable regulations to ensure that members of the public can place matters directly related to district business on Board meeting agendas. The following paragraph, including the timeline, should be revised to reflect district practice. Districts are free to establish their own timeline for placing an item on the agenda, taking into account staff time and resources, as long as the established timeline is a reasonable one. In *Caldwell v. Roseville Joint Union High School District*, a federal district court upheld a district bylaw requiring members of the public to submit a written request in order to place items on a meeting agenda. The case involved an alleged violation of the plaintiff's First Amendment rights when the district did not place an item on the agenda in response to the plaintiff's oral request because the district disagreed with the plaintiff's religious beliefs. However, the court held that the district's bylaw requiring that requests first be made in writing was content-neutral and thus a reasonable restriction.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information~~, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue~~.

CSBA NOTE: In *Mooney v. Garcia*, a California appeals court reaffirmed the ~~board's~~Board's discretion in determining whether an agenda item is ~~related to school district matters~~within the subject matter jurisdiction of a governing board.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information, and if so, respond accordingly.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice.

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board ~~to~~ take action during a Board meeting to determine whether the item shall be placed on the agenda.

TheBoardpresident and Superintendentshallalsodecidewhether an agenda item is appropriate for discussion in open or closed session, ~~and~~ whether the item should be an action item subject to Board vote or an information item ~~that does not require immediate action~~, and when the item is placed on the agenda.

CSBA NOTE: The following optional paragraph is for boards that use the consent agenda or calendar to take action on matters of a routine nature for which discussion may not be necessary. It is important for such boards to limit the use of the consent agenda to noncontroversial matters and

to establish rules that help ensure that any use of the consent agenda does not reduce transparency in the ~~board's~~Board's conduct of district business or result in violation of the open meeting laws. In addition, boards should be aware that, by law, certain items may not be placed on the consent agenda. For example, pursuant to Government Code 54960.2, a board's decision to approve or rescind its unconditional commitment to refrain from taking certain actions in violation of the Brown Act must be made as a separate item and not on the consent agenda. See BB 9323.2

- Actions by the Board.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a ~~regular~~separate agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)

Any Board action that involves borrowing $100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

Agenda Dissemination to Board Members

CSBA NOTE: The following section is optional and should be modified to reflect district practice. Pursuant to Government Code ~~6252.7~~7921.310, when the Board, in the conduct of its duties, is authorized by law to access any writing of the Board or district, including agenda and supporting documents, the district is prohibited from discriminating between or among Board members as to when and which writing will be made available.

CSBA's GAMUT Meetings, an electronic board meeting agenda service for use by districts, county offices of education, and the public allows development of and access to Board meeting agendas, supporting documents, and minutes from any computer that has Internet access. Further information can be found on CSBA's ~~web site~~website.

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed

meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

Agenda Dissemination to Members of the Public

~~Any agenda~~Agenda and related materials distributed to the Board shall be made available to the public upon request without delay. ~~Only~~However, only those documents which are disclosable public records under the Public Records Act (PRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be discussed in closed session shall be made available to the public. (Government Code 54956.9, 54957.5)

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular meeting of the Board must be posted at least 72 hours prior to the meeting on the district's ~~web site~~website, if it has one, and at a location that is freely accessible to the public. The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time, including evening hours, during the 72 hours immediately preceding the meeting. Also see BB 9320 - Meetings and Notices.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

CSBA NOTE: Government Code 54954.2 requires that the agenda ~~for any meeting occurring on or after January 1, 2019,~~ be posted on the homepage of the district ~~web site~~website, if it has one, in accordance with law. Districts that use an integrated agenda management platform, such as CSBA's GAMUT Meetings, may provide a direct link on the homepage of the district's ~~web site~~website to access agendas posted on the platform. Pursuant to Government Code 54954.2, the link must not be solely accessible through a contextual menu, and the agenda must be posted in a format which is retrievable, downloadable, indexable, electronically searchable by commonly used Internet search applications, available to the public free of charge, and without any restriction that would impede the reuse or redistribution of the agenda.

The Attorney General has opined in 99 Ops. Cal. Atty. Gen. 11 (2016) that the Brown Act regular meeting online agenda posting provision contained within Government Code 54954.2 is not necessarily violated when a local agency's ~~web site~~website experiences technical difficulties that cause the agenda to become inaccessible to the public for a portion of the 72 hours that precede the scheduled meeting. If the local agency has otherwise substantially complied with the Brown Act agenda posting requirements, the legislative body may lawfully hold its regular meeting as scheduled.

Pursuant to Government Code 54957.5, as amended by AB 2647, the district may post on the district's website any writing related to an open session item of a regular Board meeting which is distributed to Board members less than 72 hours before the meeting, when, due to the closure of the location designated for inspection, the writing is not available for inspection by the public. To post such a writing, the requirements specified in Items #1-4 below must be met. Districts with questions regarding this exception are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

In addition, the Superintendent or designee shall post the agenda on the homepage of the district ~~web site~~website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the ~~web site~~website with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a ~~document~~writing which relates to an open session agenda item ~~of~~or which contains a claim or written threat of litigation which will be discussed in closed session during a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the ~~document~~writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. ~~(Government Code 54957.5)~~

However, if the writing is distributed to at least a majority of the Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting

2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting

3. The district lists the website address where such writings may be accessed on all Board meeting agendas

4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant Board meeting

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

CSBA NOTE: The following paragraph is for districts that have a ~~web site~~website and should be deleted by districts that do not have a ~~web site~~website. Pursuant to Government Code 54954.1, ~~as amended by SB 274 (Ch. 763, Statutes of 2021),~~ any district with a ~~web site~~website is required to email a copy of, or a ~~web site~~website link to, the agenda or a copy of all the documents constituting the agenda packet if a person requests that such items be delivered by email, as specified below.

The Superintendent or designee shall email a copy of, or a ~~web site~~website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a ~~web site~~website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for

the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

CSBA NOTE: The following optional paragraph is for use by districts that charge a fee for mailing the agenda or agenda packet. Government Code 54954.1 authorizes districts to charge a fee for mailing the agenda or agenda packet as long as the fee does not exceed the cost of providing the service. Pursuant to Government Code 54957.5, a surcharge may not be imposed for providing the agenda and other public record documents in alternative formats to persons with disabilities.

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the PRA. (Government Code 54957.5)

CSBA NOTE: Pursuant to Government Code 54954.1, upon request, the agenda and supporting documentation must be made available in appropriate alternative formats to persons with a disability, as required under the Americans with Disabilities Act (42 USC 12132). Examples of alternative formats, also referred to as "auxiliary aids and services," are listed in 28 CFR 36.303 and include accessible electronic and information technology, audio recordings, or Braille materials.

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

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

State	Description
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 49061	Definitions; directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Gov. Code 53635.7	Separate item of business for borrowing of $100,000 or more
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54954.1	Request for copy of agenda or agenda packet by member of public

Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54954.5	Closed session item descriptions
Gov. Code 54956.5	Emergency meetings
Gov. Code 54956.9	Meetings
Gov. Code 54957.5	Public records
Gov. Code 54960.2	Challenging board actions; cease and
desist Gov. Code 7920.000 – 7930.170215	California Public Records Act
Gov. Code 95000-95004	California Early Intervention Services Act

Federal	**Description**
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability;, public accommodations;, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
Attorney General Opinion	99 Ops. Cal. Atty. Gen. 11 (2016)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Caldwell v. Roseville Joint Union High School District, (2007) U.S. Dist. LEXIS 66318
Court Decision	Mooney v. Garcia, (2012) 207 Cal.App.4th 229
Court Decision	Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
Court Decision	Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2018
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	CSBA

Cross References

Code	**Description**
0000	Vision

0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3312	Contracts
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability

4312.1	Contracts
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
6161.1	SelectionAndEvaluation Of InstructionalMaterials
6161.1	SelectionAndEvaluation Of InstructionalMaterials
6161.1-E(1)	SelectionAndEvaluation Of InstructionalMaterials
9012	Board Member Electronic Communications
9121	President
9122	Secretary
9130	Board Committees
9150	Student Board Members
9200	Limits Of Board Member Authority
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9323.2-E(2)	Actions By The Board
9324	Minutes And Recordings

Bylaw 9322: Agenda/Meeting Materials

Status: ADOPTED

Original Adopted Date: 04/11/2019 | **Last Revised Date:** 06/09/2022 | **Last Reviewed Date:** 06/09/2022

Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.

Each agenda shall state the meeting time and location and shall briefly describe each item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The agenda for a regular Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting. (Government Code 54954.2)

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall also state that the request must be made in writing to the secretary or clerk of the Board.

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information, and if so, respond accordingly.

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote or an information item that does not require immediate action.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)

Any Board action that involves borrowing $100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

Agenda Dissemination to Board Members

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act (PRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. (Government Code 54957.5)

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

The Superintendent or designee shall email a copy of, or a web site link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a web site link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the PRA. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

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

State References	Description
Ed. Code 35144	Special meeting - https://simbli.eboardsolutions.com/SU/oslshF1qJh5uvQZLlQuslshl9pluscw==
Ed. Code 35145	Public meetings - https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==
Ed. Code 35145.5	Agenda; public participation and regulations - https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==
Ed. Code 49061	Definitions; directory information - https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting - https://simbli.eboardsolutions.com/SU/9iplPezeEfX6eKlwZZ6PhA==
Gov. Code 53635.7	Separate item of business for borrowing of $100,000 or more - https://simbli.eboardsolutions.com/SU/JplusUCwDvtGcslshvRM2JnM0CAQ==
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54954.1	Request for copy of agenda or agenda packet by member of public - https://simbli.eboardsolutions.com/SU/QuLkqRCdqxdjfJue924zsg==
Gov. Code 54954.2	Agenda posting requirements; board actions - https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==
Gov. Code 54954.3	Opportunity for public to address legislative body - https://simbli.eboardsolutions.com/SU/9tmO3fD85XtoLZj5dg6MyA==
Gov. Code 54954.5	Closed session item descriptions - https://simbli.eboardsolutions.com/SU/7VS42ErXCB3wCCMNBEAPcw==

Gov. Code 54956.5	Emergency meetings - https://simbli.eboardsolutions.com/SU/dRHvbu20Ai5GgfX1plusGwrMg==
Gov. Code 54956.9	Meetings
Gov. Code 54957.5	Public records - https://simbli.eboardsolutions.com/SU/7vEZRhlGDWCGTK6d07W9pQ==
Gov. Code 54960.2	Challenging board actions; cease and desist - https://simbli.eboardsolutions.com/SU/73kFAV00rhSrIL9vMkaLcg==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Gov. Code 95000-95004	California Early Intervention Services Act - https://simbli.eboardsolutions.com/SU/k4EUDfAAVqT0JWikSXBC1Q==

Federal References	**Description**
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References	**Description**
Attorney General Opinion	99 Ops. Cal. Atty. Gen. 11 (2016)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
Court Decision	Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
Court Decision	Caldwell v. Roseville Joint Union High School District (2007) U.S. Dist. LEXIS 66318
Court Decision	Mooney v. Garcia (2012) 207 Cal.App.4th 229
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2018
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References	**Description**
0000	Vision - https://simbli.eboardsolutions.com/SU/u5qD89SrQMplus85pcm4Ju8ww==
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/VlhslshSaGqXuTsCMKpG2plusbSQ==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/ngt3fUOS2yQJJKmjn5yXsQ==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/1B5V1awYkIj0NjM4JzKPxw==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/1b2pTYKv1STslshiplus35b6wXJw==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/ODMDFmaqATGsLixNUqGgYg==

1113	District And School Websites - https://simbli.eboardsolutions.com/SU/92wfmcN541FlED53K1C2Uw==
1113-E PDF(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/w7nYKjqtVfwCcpawAntpluspg==
1113-E(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/Uf3YpSEplusOyslqUTeEEQMbw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/md8slshPOqbUWsBaJbY15B4plusQ==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/jIslshWyG1myr3r3LT6ybplus88A==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/6YK5NnnN8ixS9KaVUY9VtA==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/RJT1ZA7mYf5cFplusxhlsOFHw==
1312.2-E PDF(1)	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/fwwslshKKNNJQPHBSr8eBRx3g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/LWkQKlox9LKeAZYpluts6Q==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/XrRplusCmxp3upT0P3upP7L0w==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/kSrAwY7oJ7SKiyJfslsh6cAjg==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/7HzXF8QLn2iLE3tplusW51BUg==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/tislshVZgV0EplusKdGCklfE2OdA==
1312.3-E PDF(4)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/0Jplusr04dv64PchIslshicefyfg==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/UGQ3MTIOD95Pe5BM5khuuw==
1312.4-E PDF(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BOLiBEOnqWtridjdcLu7mw==
1312.4-E PDF(2)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/mc8TAySPJlIM6slshnaHBT34w==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/bCevdtr1it1VFkmq39Wfmw==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/cXGxpZRquYId0nKebslshBk4Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/YUJTRiiy5YvfA2F87SiMsg==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/zP9eNCslshlhcPcKReyWt0R0w==
2210	Administrative Discretion Regarding Board Policy - https://simbli.eboardsolutions.com/SU/DYgYwNUc3KVMCJCgFYXslshLQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/aC8PPargIbjIhplusnObjfp2g==
3100	Budget - https://simbli.eboardsolutions.com/SU/0onvwoV1fxbpJr5OyAa8nA==
3312	Contracts - https://simbli.eboardsolutions.com/SU/ypySW5bYSpEyYt3f9slshq8XA==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/snI7UuC2a2TuCuBYc9Cslsh2g==

3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/XZqh0YeMnwcUsslshtxvPGogA==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/7KslshaaRlvB93u64qPdHBJVA==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/w1UWVRblvzFSH5gGf79KGA==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/G21QkoJmweXy5Bm5bslshK6eQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/H9XqUCTnawzYMnWhyVIiBg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/VHWD3wPiRB0TqdnaHB6ghQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/mx70qzqnj48uAUY9I9m7fg==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/rf9plusYmtsgv6hznQC3ipMplusQ==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/EoZiZhrplusD2n6Z25P848uBQ==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/zBDaaRxMplus3plusaFBvIgwdRslshg==
9121	President - https://simbli.eboardsolutions.com/SU/8slshPL9Q8nAVREDDgLy0oPJQ==
9122	Secretary - https://simbli.eboardsolutions.com/SU/NxQKPpluspC9BNRGF9lrpToHA==
9130	Board Committees - https://simbli.eboardsolutions.com/SU/zttbsXMjnVGFMUQTUzCyOw==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/MUANAHffhFXRiSlbxt8hmw==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/yaMTwdI9DALoCYwkKwgn0w==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/bYRFicsLGHplusfHq59V3nVNw==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/QfknlZ1iziDTUxplussARKweQ==
9321-E PDF(1)	Closed Session - Board Meeting Agenda Descriptions for Closed Session Items - https://simbli.eboardsolutions.com/SU/yzFfpIKv29py7c0GU7E5Hw==
9321-E PDF(2)	Closed Session - Reports of Closed Session Actions - https://simbli.eboardsolutions.com/SU/slshQyLOCsux502vo1sZybqOg==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/Q2DNQERfzcBY1yXrtDM5Xw==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/HYbc3y30dclhkp5Y1plusx49w==
9323.2-E PDF(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/Mghslsh8AyxyEBhj9tbPplusca6g==
9323.2-E PDF(2)	Actions By The Board - https://simbli.eboardsolutions.com/SU/TNeJrr1bk8B4EvwSDHqgHg==
9324	Minutes And Recordings - https://simbli.eboardsolutions.com/SU/3splusXoQn6mN4Y9TWBBVFGzg==

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Administration
Gina A. Potter, Ed.D.,
Superintednent

☐ Informational
☒ Action

AGENDA ITEM: ADOPT RESOLUTION No. 23/24-0018 AMENDING THE DISTRICT'S CONFLICT OF INTEREST CODE

BACKGROUND INFORMATION:
The Political Reform Act (the "Act") requires all public agencies to adopt and maintain a Conflict of Interest Code containing the rules for disclosure of personal assets and the prohibition from making or participating in making governmental decisions that may affect any personal assets. The Conflict of Interest Code must specifically designate all agency positions that make or participate in the making of decisions and assign specific types of personal assets to be disclosed that may be affected by the exercise of powers and duties of that position.

The Act further requires that an agency amend and update its Code as necessary when change is necessitated by changed circumstances (Sections 87306 and 87306.5).

Pursuant to the Act the District adopted a Conflict of Interest Code which was approved by the San Diego County Board of Supervisors in 2022. However, the Code must be amended to designate newly created positions that must be designated, revise titles of existing positions and deletes titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

The new, revised and deleted positions that were:

- Child Nutrition Services Production Coordinator
- Coordinator, Federal and State Programs and Language Acquisition
- Director of Early Childhood Education
- Director of Human Resources
- Financial Services Analyst
- Director of Maintenance, Operations, Transportation and Facilities
- Deleted Coordinator, Community Schools and After School Programs
- Deleted Executive Director of Human Resources
- Deleted Executive Director of Educational Services

RECOMMENDATION:
Adopt Resolution No. 23/24-0018 amending the Conflict of Interest Code of San Ysidro School District and directing that such amendment be submitted to the San Diego County Board of Supervisors as the District's code-reviewing body (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☐ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE SAN YSIDRO UNIFIED SCHOOL DISTRICT

NOTICE IS HEREBY GIVEN that the Governing Board of the San Ysidro Unified School District (the "District") intends to amend the District's Conflict of Interest Code (the "Code") pursuant to Government Code Section 87306.

The Code designates those employees, members, officers, and consultants who make or participate in the making of decisions which may affect personal financial interests and are subject to the disclosure requirements of the District's Code. The District's proposed amendment is to include new positions that must be designated, revise titles to existing positions and deletes titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

The proposed amended Code will be considered by the Governing Board on November 9, 2023, at 5:00 p.m. Any interested person may be present telephonically and comment at the public meeting or may submit written comments concerning the proposed amendment. Any comments or inquiries should be directed to the attention of Miguel Ortega, Senior Executive Secretary, San Ysidro Unified School District, 4350 Otay Mesa Road, San Ysidro, CA 92173; (619) 428-4476. Written comments must be submitted no later than November 9, 2023, at 5:00 p.m.

Copies of the proposed amended Code may be obtained from Mr. Ortega.

RESOLUTION NO. 23/24-0018

RESOLUTION OF THE GOVERNING BOARD OF THE SAN YSIDRO SCHOOL DISTRICT AMENDING THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the San Ysidro School District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Governing Board adopted a Conflict of Interest Code (the "Code") which was amended on October 20, 2022, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Governing Board of, the proposed amended Code was provided each affected designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Governing Board on November 9, 2023, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the San Ysidro School District that the Governing Board does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Senior Executive Secretary to the Superintendent and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective immediately upon approval by the Board of Supervisors.

APPROVED, SIGNED AND ADOPTED this 9th day of November, 2023.

_____
President, Governing Board
San Ysidro School District

ATTEST:

_____
Secretary, Governing Board
San Ysidro School District

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE

OF THE

SAN YSIDRO SCHOOL DISTRICT

CONFLICT OF INTEREST CODE
OF THE
SAN YSIDRO SCHOOL DISTRICT

(Amended ~~October 20, 2022~~ November 9, 2023)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and, the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **San Ysidro School District (the "District").**

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Senior Executive Secretary** as the District's filing officer. The **Senior Executive Secretary** shall make and retain a copy of all statements filed by Members of the Governing Board and the Superintendent, and forward the originals of such statements to the Clerk of the Board of Supervisors. The **Senior Executive Secretary** shall retain the originals of all other designated positions and make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SAN YSIDRO SCHOOL DISTRICT

(Amended ~~October 20, 2022~~ November 9, 2023)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the District's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments[1]:

~~Members of the~~ Governing Board

Chief Business Official

Investment Consultants[2]

[1] Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

[2] Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that make or participate in making decisions must file under the broadest disclosure requirements set forth in this Code subject to the following limitation:

The Superintendent may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code § 82019; FPPC Regs 18219 and 18734.) The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code § 81008.)

[3] This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Assistant Principals (ALL)	5
Assistant Superintendent, Education Leadership Pupil Services	4
Assistant Superintendent of Administrative Leadership, School Support and Safety	3, 4 ,6
Child Nutrition Services Production Coordinator	5
~~Coordinator, Community Schools & After School Programs~~	~~5~~
Coordinator of Pupil Services	5, 6
Coordinator of Student Services	5, 6
Coordinator, Federal ~~&~~ and State Programs~~: Pupil Services~~ and Language Acquisition	5
Coordinator, Human Resources & Credentialing	5
Director of ~~Child Development~~ Early Childhood Education	5
Director of Child Nutrition Services	5
Director of Educational Services	5
Director of Education Technology	5
Director of Special Education	5
~~Executive Director of Curriculum, Instruction and Innovation~~	~~5~~
~~Executive Director of Educational Services~~	~~5~~
~~Executive~~ Director of Human Resources	5
Financial Services Analyst	1, 2
General Counsel	1, 2
Director Maintenance, Operations, Transportation and Facilities ~~Manager~~	2, 3, 5
Principals (ALL)	5
Program Specialist	5
Superintendent of Schools	1, 2

Consultant and New Positions[2]

PART B

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which the designated is assigned.[33] "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of the District.

Category 2: All Interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District, including any leasehold, beneficial or ownership interest or option to acquire property.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions in business entities and source of income (including receipt of gifts, loans and travel payments) if the business entity or source is of the type to receive grants or other funding from or through the District.

CONFLICT OF INTEREST CODE

OF THE

SAN YSIDRO SCHOOL DISTRICT

CONFLICT OF INTEREST CODE
OF THE
SAN YSIDRO SCHOOL DISTRICT

(Amended November 9, 2023)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and, the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **San Ysidro School District (the "District").**

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Senior Executive Secretary** as the District's filing officer. The **Senior Executive Secretary** shall make and retain a copy of all statements filed by Members of the Governing Board and the Superintendent, and forward the originals of such statements to the Clerk of the Board of Supervisors. The **Senior Executive Secretary** shall retain the originals of all other designated positions and make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SAN YSIDRO SCHOOL DISTRICT

(Amended November 9, 2023)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the District's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments[1]:

Members of the Governing Board

Chief Business Official

Investment Consultants

[1] Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Assistant Principals (ALL)	5
Assistant Superintendent, Education Leadership Pupil Services	4
Assistant Superintendent of Administrative Leadership, School Support and Safety	3, 4 ,6
Child Nutrition Services Production Coordinator	5
Coordinator of Pupil Services	5, 6
Coordinator of Student Services	5, 6
Coordinator, Federal and State Programs and Language Acquisition	5
Coordinator, Human Resources & Credentialing	5
Director of Early Childhood Education	5
Director of Child Nutrition Services	5
Director of Educational Services	5
Director of Education Technology	5
Director of Special Education	5
Director of Human Resources	5
Financial Services Analyst	1, 2
General Counsel	1, 2
Director Maintenance, Operations, Transportation and Facilities	2, 3, 5
Principals (ALL)	5
Program Specialist	5
Superintendent of Schools	1, 2

Consultant and New Positions[2]

[2] Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that make or participate in making decisions must file under the broadest disclosure requirements set forth in this Code subject to the following limitation:

The Superintendent may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code § 82019; FPPC Regs 18219 and 18734.) The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code § 81008.)

[3] This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

PART B

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which the designated is assigned.[33] "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of the District.

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Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions in business entities and source of income (including receipt of gifts, loans and travel payments) if the business entity or source is of the type to receive grants or other funding from or through the District.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Preschool & Child Development Programs
Julie Pretzer, Director

☐ Informational
☒ Action

AGENDA ITEM: RESOLUTION NO. 23/24-0016 DESIGNATING STAFF TO SIGN CONTRACT DOCUMENTS AND CONTINUED FUNDING APPLICATION FOR THE PRESCHOOL AND CHILD DEVELOPMENT PROGRAM FOR FISCAL YEAR 2024-2025

BACKGROUND INFORMATION:
Adopting a resolution is required to certify the approval of the San Ysidro Elementary School District Governing Board to enter into contract with the California State Department of Education for the purpose of providing Preschool & Child Development Programs for children three and four years of age during the fiscal year 2024-25.

RECOMMENDATION:
Adopt Resolution No. 23/24-0016.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2022-2023 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☒ No	

N/A	N/A	
(Amount)	(Name of funding source and/or location)	(Funding account number)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

RESOLUTION NO. 23/24-0016

RESOLUTION AUTHORIZING CONTINUED FUNDING APPLICATION

This resolution is adopted to certify approval of the Governing Board to submit the Continued Funding Application (CFA) to the California Department of Education (CDE). If the CFA is approved by the CDE, the agency's current California State Preschool Program contract and Prekindergarten and Family Literacy Support contract, if applicable, will be automatically renewed for fiscal year (FY) 2024–2025. This resolution further authorizes the designated representative(s) below to sign the CFA and all related FY 2024–2025 contract documents.

RESOLUTION

BE IT RESOLVED that the Governing Board of
San Ysidro Elementary School District
authorizes that the person/s listed below, is/are authorized to sign the FY 2024–2025 CFA and all related contract documents for the Governing Board.

NAME/S OF AUTHORIZED REPRESENTATIVE/S	TITLE/S
Gina A. Potter, Ed.D.	Superintendent
Marilyn Adrianzen	Chief Business Official

PASSED AND ADOPTED THIS 9th day of November,2023 (month year), by the Governing Board of San Ysidro Elementary School District of San Diego County, in the State of California.

I, Irene Lopez, Clerk of the Governing Board of San Ysidro Elementary School District, of San Diego County, in the State of California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's Signature)

11/9/23
(Date)

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Preschool & Child Development Programs
Julie Pretzer, Director

☐ Informational
☒ Action

AGENDA ITEM: RESOLUTION NO. 23/24-0016 DESIGNATING STAFF TO SIGN CONTRACT DOCUMENTS AND CONTINUED FUNDING APPLICATION FOR THE PRESCHOOL AND CHILD DEVELOPMENT PROGRAM FOR FISCAL YEAR 2024-2025

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RECOMMENDATION:
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LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2022-2023 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☒ No	

N/A	N/A	
(Amount)	(Name of funding source and/or location)	(Funding account number)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

RESOLUTION NO. 23/24-0016

RESOLUTION AUTHORIZING CONTINUED FUNDING APPLICATION

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San Ysidro Elementary School District
authorizes that the person/s listed below, is/are authorized to sign the FY 2024–2025 CFA and all related contract documents for the Governing Board.

NAME/S OF AUTHORIZED REPRESENTATIVE/S	TITLE/S
Gina A. Potter, Ed.D.	Superintendent
Marilyn Adrianzen	Chief Business Official

PASSED AND ADOPTED THIS 9th day of November,2023 (month year), by the Governing Board of San Ysidro Elementary School District of San Diego County, in the State of California.

I, Irene Lopez, Clerk of the Governing Board of San Ysidro Elementary School District, of San Diego County, in the State of California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's Signature)

11/9/23
(Date)

SAN YSIDRO SCHOOL DISTRICT

GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
Glenn Heath,
Interim Executive Director

☐ Informational
☒ Action

AGENDA ITEM: APPROVE REVISED SUBSTITUTE SALARY SCHEDULE REGARDING SUBSTITUTE CLASSIFIED PAY RATES

BACKGROUND INFORMATION:
The San Ysidro School District recommends approval of the revised Substitute Salary Schedule regarding Substitute Classified pay rates. The Classified Salary Schedule has increased by 6.5%, therefore the Substitute Classified positions will now reflect the new Classified salary schedule. The Classified Substitute hourly rates will take effect November 10th, 2023.

RECOMMENDATION:
Approve the revised Substitute Salary Schedule in order to reflect the new Classified pay rates.

LCAP GOAL AND ACTION/SERVICE (please indicate):
Goal #1: Student Achievement – 1.5 Staffing

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	--

(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☒ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT
SUBSTITUTE SALARY SCHEDULE

CLASSIFICATION	HOURLY RATE
AVID Tutors	$18.04 effective Nov 2023
Substitute Campus Aides	$18.04 effective Nov 2023
Substitute Bus Drivers	$22.60 effective Nov 2023
Substitute Campus Security	$19.75 effective Nov 2023
Substitute Clerks	$18.25 effective Nov 2023
Substitute Custodians	$19.75 effective Nov 2023
Substitute Child Nutrition Specialists	$18.14 effective Nov 2023
Substitute Gardeners	$23.64 effective Nov 2023
Substitute Instructional Aides	$18.14 effective Nov 2023
Substitute Maintenance Worker	$24.73 effective Nov 2023
Substitute Publication Technicians	$22.60 effective Nov 2023
Substitute Permit Teachers*	TEMPORARY FOR July 1, 2023 through December 31, 2023 ONLY $25.00
Substitute Counselor*	TEMPORARY FOR July 1, 2023 through December 31, 2023 ONLY $240 $270 after the 11th day in same assignment
Substitute Psychologist*	TEMPORARY FOR July 1, 2023 through December 31, 2023 ONLY $240 $270 after the 11th day in same assignment
Substitute Language, Speech and Hearing Specialist*	TEMPORARY FOR July 1, 2023 through December 31, 2023 ONLY $240 $270 after the 11th day in same assignment
Substitute Adapted PE Teacher*	TEMPORARY FOR July 1, 2023 through December 31, 2023 ONLY $240 $270 after the 11th day in same assignment
Substitute Teacher*	TEMPORARY FOR July 1, 2023 through December 31, 2023ONLY $240 a day $270 after the 11th day in same assignment

Deleted: 16.75
Deleted: Oct 2022
Deleted: 16.93
Deleted: Sep 2022
Deleted: 21.22
Deleted: Sep 2022
Deleted: 18.54
Deleted: Sep 2022
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Deleted: Sep 2022

*Revised 4-17-15; 10-23-15; 11-01-15; 11-10-17; 02-21-19, 12-19-19, 1-21-21, 8-09-21, 9-09-21, 01-19-22, 01-27-22, 07-14-22, 09-08-22, 07-10-23, 11-10-23

*Rates for January 1, 2024 through June 30, 2024 to be determined at a later date.

SAN YSIDRO SCHOOL DISTRICT

GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
Glenn Heath,
Interim Executive Director

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN SAN YSIDRO SCHOOL DISTRICT AND CINDY FRAZEE

BACKGROUND INFORMATION:

Administration recommends approval/ratification for the agreement for professional services between the San Ysidro School District and Cindy Frazee. The District is in need of professional human resources administrative coaching services in support of the Director of Human Resources. Consultant Cindy Frazee will be serving as a Human Resources Administrative Coach in support of the new Director of Human Resources, Manuel Bojorquez, such as responding to questions from the Director on an as-needed basis. The District shall pay for such services at an hourly rate of $150.00. Ms. Frazee will be considered as an independent Consultant and is not an employee of the District. This agreement is made and entered into as of November 9, 2023.

RECOMMENDATION:

Approve/Ratify the agreement for professional services between the San Ysidro School District and Cindy Frazee.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Goal #1: Student Achievement – 1.5 Staffing

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$150/day	General
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☒ Yes ☐ No

AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN SAN YSIDRO SCHOOL DISTRICT AND CINDY FRAZEE

THIS AGREEMENT is made and entered into as of November 9, 2023 by and between SAN YSIDRO SCHOOL DISTRICT (hereinafter referred to as "DISTRICT") and CINDY FRAZEE (hereinafter referred to as "Consultant").

RECITALS

A. District is in need of professional human resources administrative coaching services in support of the Director of Human Resources

B. Consultant has the necessary qualifications to provide these services.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

a. Consultant shall provide District with the following services: Serve as a Human Resources Administrative Coach in support of the new Director of Human Resources, Manual Bojorquez, including responding to questions from the Director on an as-needed basis.

2. Compensation.

a. DISTRICT shall pay for such services at an hourly rate of $150 per hour.

3. Standard of Care / Confidentiality.

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

4. Independent Consultant.

Consultant is retained as an independent Consultant and is not an employee of DISTRICT. No employee or agent of Consultant shall become an employee of DISTRICT.

5. Indemnification.

DISTRICT and Consultant each agree to mutually indemnify, defend at its own expense, including attorneys' fees, and hold each other harmless from and against all claims, costs, penalties, causes of action, demands, losses and liability of any nature whatsoever, including, but not limited to, liability for bodily injury, sickness, disease or death, property damage (including loss of use) or violation of law, caused by or arising out of or related to any negligent act, error or omission or willful misconduct of that party, its officers and employees, or any other agent acting pursuant to its control and performing under this Agreement.

6. Termination.

This Agreement and services to be rendered under it may be terminated at any time upon written notice from either party, with or without cause. In the event of such termination, Consultant shall be paid for all work completed before termination.

7. Severability.

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

SAN YSIDRO SCHOOL DISTRICT	**CINDY FRAZEE**
By: _____	By: _____
Date_____	Date:_____

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board **BOARD MEETING DATE:** November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

☐ Informational
☒ Action

AGENDA ITEM: RESOLUTION NO. 23/24-0017 AUTHORIZING THE ISSUANCE OF SAN YSIDRO SCHOOL DISTRICT (SAN DIEGO COUNTY, CALIFORNIA) 2023 GENERAL OBLIGATION REFUNDING BONDS, SERIES A, IN ONE OR MORE SERIES, IN A PRINCIPAL AMOUNT NOT TO EXCEED $45,000,000 AND APPROVING CERTAIN OTHER MATTERS RELATED THERETO

BACKGROUND INFORMATION:
In June 2015, San Ysidro School District issued is 2015 General Obligation Refunding Bonds (the "2015 Bonds") in order to refinance bonds previously issued under Proposition C, a bond measure approved by District voters in March 1997.

Based on current market interest rates, an opportunity now exists to refinance certain of the 2015 Bonds (the "Refunded 2015 Bonds") by repurchasing such outstanding bonds from current bondholders at a price that is less than the maturity value of such Refunded 2015 Bonds. The repurchase of the Refunded 2015 Bonds will be funded by the issuance of 2023 General Obligation Refunding Bonds (the "2023 Bonds"), and as a result, the District's taxpayers will realize savings roughly equal to the difference between the debt service due on the Refunded 2015 Bonds and the 2023 Bonds. In order to affect this refinancing, the District intends, by resolution, to authorize the issuance of the 2023 Bonds in a not-to-exceed amount of $45 million.

In connection with the refinancing of the Refunded 2015 Bonds and the issuance of the 2023 Bonds, forms of the bond purchase contract, escrow agreement and repurchase agent agreement are also presented to this Board. The resolution authorizes these agreements to be signed by the Superintendent, the CBO or their designee. Also presented to this Board is the form of the Preliminary Official Statement, a public marketing document which will provide information on the 2023 Bonds to prospective investors, and the form of a continuing disclosure certificate, which is attached to the Preliminary Official Statement as Appendix C.

FISCAL IMPACT/FUNDING SOURCE:
Based on preliminary estimates, the 2023 Bonds are estimated to have a true interest cost of 5.20% and an estimated total payment amount (combined principal and interest) of $71,542,385 to be repaid through local property taxes. This would result in an estimated savings to District taxpayers of $43,089,685 compared with the current repayment schedule on the Refunded 2015 Bonds. No payments on the 2023 Bonds will be made from the General Fund. Staff recommends that the District proceed with the issuance of the 2023 Bonds in order to generate savings to District taxpayers.

RECOMMENDATION:
Approve Resolution No. 23/24-0017.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

RESOLUTION NO. 23/24-0017

A RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN YSIDRO SCHOOL DISTRICT AUTHORIZING THE ISSUANCE OF SAN YSIDRO SCHOOL DISTRICT (SAN DIEGO COUNTY, CALIFORNIA) 2023 GENERAL OBLIGATION REFUNDING BONDS, SERIES A, IN ONE OR MORE SERIES, IN A PRINCIPAL AMOUNT NOT TO EXCEED $45,000,000 AND APPROVING CERTAIN OTHER MATTERS RELATED THERETO

WHEREAS, a duly called election was held in the San Ysidro School District, San Diego County, State of California (hereinafter referred to as the "District"), on March 4, 1997 and thereafter canvassed pursuant to law; and

WHEREAS, at such election there was submitted to and approved by the requisite two-thirds of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum principal amount of $250,000,000 payable from the levy of an *ad valorem* tax against the taxable property in the District (the "1997 Authorization"); and

WHEREAS, pursuant to the 1997 Authorization, the County of San Diego (the "County") and the District issued certain general obligation bonds in 2007 and 2011 (the "New Money Bonds") for the purpose of financing certain facilities authorized under the 1997 Authorization; and

WHEREAS, on May 7, 2015, the District issued its $45,643,441.55 San Ysidro School District (San Diego County, California) 2015 General Obligation Refunding Bonds (the "Prior Bonds") for the purpose of refunding a portion of the then outstanding New Money Bonds; and

WHEREAS, pursuant to Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, the District is authorized to issue refunding bonds to refund outstanding bonds by repurchasing such outstanding bonds and thereafter cancelling such bonds, so long as such repurchase and cancellation results in savings for the District; and

WHEREAS**,** the Prior Bonds are not currently subject to redemption, and in order to restructure its outstanding bonded indebtedness, the District may repurchase and cancel all or a portion of the outstanding Prior Bonds (such portion being repurchased, the "Refunded Bonds") using proceeds from the Refunding Bonds (as described below);

WHEREAS**,** the District proposes to enter into a Repurchase Agent Agreement (the "Repurchase Agent Agreement") with Barclays Capital, Inc. (the "Repurchase Agent") to assist in the repurchase of the Refunded Bonds and to effectuate the restructuring;

WHEREAS, in accordance with Government Code Section 5852.1, there has been presented to this Board of Education and disclosed to the public certain good faith estimates provided to the District by its municipal advisor with respect to the Refunding Bonds, as set forth in Exhibit A hereto, and the requirements of Section 5852.1 have been satisfied;

WHEREAS, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation

refunding bonds of the District, and the indebtedness of the District, including the proposed issue of Refunding Bonds and the repurchase of the Refunded Bonds, is within all limits prescribed by law;

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE SAN YSIDRO SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Purpose of Bonds. To refund the Refunded Bonds, including applying the proceeds of the Refunding Bonds to pay the repurchase price of the Refunded Bonds, and to pay all necessary legal, financial, and contingent costs in connection therewith, the District authorizes the issuance of general obligation refunding bonds (the "Refunding Bonds") in an amount not to exceed $45,000,000, which Refunding Bonds may consist of federally tax-exempt bonds (the "Tax-Exempt Bonds"), federally taxable bonds (the "Taxable Bonds") or a combination thereof, with such designations as may be approved by an Authorized Officer (as defined below). The designated costs of issuing the Refunding Bonds authorized to be paid from the proceeds of the Refunding Bonds are all of the authorized costs of issuance set forth in Section 53550(e) and Section 53587 of the Government Code. Pursuant to Government Code Sections 53584 and 53587, the Board hereby determines that it may be reasonably required to fund capitalized interest from proceeds of the Refunding Bonds for the purpose of paying interest on all or a portion of the Refunding Bonds in order to accomplish the refunding of the Refunded Bonds.

Section 2. Paying Agent. The Board hereby appoints the Paying Agent (as defined herein) to act as paying agent, bond registrar, authentication agent and transfer agent for the Refunding Bonds on behalf of the District. The Board hereby authorizes the payment of the reasonable fees and expenses of the Paying Agent, as they shall become due and payable. The fees and expenses of the Paying Agent which are not paid as a cost of issuance of the Refunding Bonds may be paid in each year from *ad valorem* property taxes levied and collected for the payment thereof, insofar as permitted by law, including specifically Section 15232 of the Education Code.

Section 3. Terms and Conditions of Sale. Pursuant to Government Code Section 53583(c)(1) the Refunding Bonds shall be sold at a negotiated sale upon the direction of an Authorized Officer. The Refunding Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

Section 4. Approval of Bond Purchase Contract. The form of the Purchase Contract (the "Purchase Contract") by and between the District and Barclay's Capital, Inc. (the "Underwriter"), substantially in the form on file with the Clerk of the Board is hereby approved, and each of the Superintendent of the District (the "Superintendent"), the Chief Business Official of the District and such other officers or employees of the District as the Superintendent may designate in writing (each an "Authorized Officer" and, collectively, the "Authorized Officers"), acting alone, is hereby authorized and requested to execute and deliver the Purchase Contract, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the Purchase Contract may approve, such approval to be conclusively evidenced by the execution and delivery thereof by an Authorized Officer; provided, however, that the Underwriter's discount, excluding original issue discount or premium on the Refunding Bonds, shall not exceed 1.20% of the aggregate of principal amount of Refunding Bonds issued and the Refunding Bonds shall be issued only if the total net interest cost to maturity on the Refunding Bonds plus the principal amount of the Refunding Bonds does not exceed the total net interest cost to maturity plus the principal amount of the Refunded Bonds and no Refunding Bond shall have a maturity later than the latest maturity date of the Refunded Bonds. Each Authorized Officer is further authorized to determine the specific maturities of the Prior

Bonds to be refunded, the principal amount of the Refunding Bonds to be sold pursuant to the Purchase Contract, up to $45,000,000, and to enter into and execute the Purchase Contract with the Underwriter, if the conditions set forth in this Resolution are satisfied.

The Board hereby approves the sale of the Refunding Bonds at a negotiated sale, which is determined to provide more flexibility in the timing of the sale, an ability to implement the sale in a shorter time period, an increased ability to structure the Refunding Bonds to fit the needs of particular purchasers, and a greater opportunity for the Underwriter to pre-market the Refunding Bonds to potential purchasers prior to the sale, all of which will contribute to the District's goal of achieving the lowest overall cost of funds and the maximum savings from the refunding.

The estimates of the costs associated with the issuance of the Refunding Bonds, excluding compensation to the Underwriter, are expected to equal approximately $380,000, as set forth in Exhibit A. The Authorized Officers, acting alone, are further authorized to determine the principal amount of the Refunding Bonds to be specified in the Purchase Contract, provided that the aggregate principal amount of Refunding Bonds sold under this Resolution shall not exceed $45,000,000. The Purchase Contract with the Underwriter shall be executed by an Authorized Officer only if the conditions set forth in this Resolution are satisfied.

The terms of the Purchase Contract shall recite the aggregate principal amount of the Refunding Bonds being sold thereunder, and shall recite the date thereof, the maturity dates, principal amounts and annual rates of interest of each maturity thereof, the initial and semiannual interest payment dates thereof, and any terms of optional and mandatory sinking fund redemption thereof.

Section 5. Certain Definitions. As used in this Resolution, the terms set forth below shall have the meanings ascribed to them, unless otherwise provided in the Purchase Contract:

(a) *"Act"* means Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code.

(b) *"Board"* means the Board of Education of the District.

(c) *"Bond Insurer"* means any insurance company which issues a municipal bond insurance policy insuring the payment of the Principal Amount of and interest on the Refunding Bonds.

(d) *"Bond Payment Date"* means (i) with respect to interest payments on the Refunding Bonds, the payment dates specified in the Purchase Contract, and (ii) with respect to Principal payments on the Refunding Bonds, the dates provided in the Purchase Contract.

(e) *"Bond Register"* means the listing of names and addresses of the current registered owners of the Refunding Bonds, as maintained by the Paying Agent in accordance with Section 8 hereof.

(f) *"Business Day"* means a day which is not a Saturday, Sunday or a day on which banking institutions in the State or the State of New York and the New York Stock Exchange are authorized or required to be closed.

(g) *"Continuing Disclosure Certificate"* means that certain Continuing Disclosure Certificate executed by the District and dated the date of issuance and delivery of the Refunding Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

(h) *"Costs of Issuance*" means all of the costs of issuing the Refunding Bonds, including, but not limited to, all printing and document preparation expenses in connection with this Resolution, the Refunding Bonds and the Official Statement pertaining to the Refunding Bonds and any and all other agreements, instruments, certificates or other documents prepared in connection therewith; financial advisory fees; rating agency fees; auditor's fees; CUSIP service bureau charges; legal fees and expenses of counsel with respect to the financing; the initial fees and expenses of the Paying Agent; fees for any credit enhancement relating to the Refunding Bonds; and other fees and expenses incurred in connection with the issuance of the Refunding Bonds, to the extent such fees and expenses are approved by the District.

(i) *"County"* means the County of San Diego, California.

(j) *"Date of Issuance"* means the date on which the Refunding Bonds are delivered to the Underwriter.

(k) *"Depository"* means the securities depository acting as Depository pursuant to Section 6(c) hereof.

(l) *"District"* means the San Ysidro School District.

(m) *"DTC"* means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York in its capacity as securities depository for the Refunding Bonds.

(n) *"Escrow Agreement"* means the Escrow Agreement(s) relating to the Refunded Bonds by and between the District and the Escrow Bank, or any successor escrow bank thereunder, and any supplements or amendments thereto.

(o) *"Escrow Bank"* means U.S. Bank Trust Company, National Association, or such other institution appointed by the District as set forth in a certificate of an Authorized Officer.

(p) *"Escrow Fund"* means the Escrow Fund established under the Escrow Agreement.

(q) *"Government Obligations"* shall have the meaning set forth in Section 18 hereof.

(r) *"Information Services"* means the Electronic Municipal Market Access System operated by the Municipal Securities Rulemaking Board; or, in accordance with then-current guidelines of the Securities and Exchange Commission, one or more other services providing information with respect to called bonds as the District or the Paying Agent may select.

(s) *"Nominee"* means the nominee of the Depository, or any Substitute Depository, as determined from time to time pursuant to Section 6(c) hereof.

(t) *"Outstanding,"* when used with reference to the Refunding Bonds, means, as of any date, Refunding Bonds theretofore issued or thereupon being issued under this Resolution except:

(i) Refunding Bonds canceled at or prior to such date;

(ii) Refunding Bonds in lieu of or in substitution for which other refunding bonds shall have been delivered pursuant to this Resolution; or

(iii) Refunding Bonds for the payment or redemption of which funds or Government Obligations in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Refunding Bonds), in accordance with Section 18 of this Resolution.

(u) *"Owner"* means the registered owner of a Refunding Bond as set forth on the Bond Register maintained by the Paying Agent pursuant to Section 8 hereof.

(v) *"Participants"* means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(w) *"Paying Agent"* means U.S. Bank Trust Company, National Association, as authenticating agent, bond registrar, transfer agent and paying agent for the Refunding Bonds on behalf of the District, and any successor thereto appointed by the District.

(x) *"Principal"* or *"Principal Amount"* means, with respect to any Refunding Bond, the principal or principal amount thereof as set forth in the Bond Register maintained by the Paying Agent in accordance with Section 8 hereof or mandatory sinking fund payment due thereon, as applicable.

(y) *"Prior Bonds"* shall have the meaning set forth in the recitals hereto.

(z) *"Purchase Contract"* means the Purchase Contract by and between the District and the Underwriter relating to the Refunding Bonds.

(aa) *"Record Date"* means the fifteenth day of the month preceding each Bond Payment Date, whether or not such day is a business day.

(bb) *"Refunded Bonds"* means the outstanding Prior Bonds designated in the Escrow Agreement as the Prior Bonds to be refunded with proceeds of the Refunding Bonds.

(cc) *"Refunding Bonds"* means the 2023 General Obligation Refunding Bonds, Series A, issued pursuant to the terms of this Resolution.

(dd) "*Repurchase Agent*" means Barclays Capital, Inc., as Repurchase Agent under the Repurchase Agent Agreement.

(ee) "*Repurchase Agent Agreement*" means the Repurchase Agent Agreement by and among the District, the Paying Agent and the Repurchase Agent, to effect the repurchase of the Refunded Bonds.

(ff) *"Securities Depositories"* means The Depository Trust Company, 55 Water Street, New York, New York 10041, Attn: Redemption Area, Call Notification Department, Telephone: (212) 855-3274, Facsimile transmission: (212) 855-7232, (212) 855-7233, or one or more other securities depositories designated by the District from time to time and whose business is to perform the functions of a clearing agency with respect to exempted securities, as defined in

Section 3(a)(12) of the Securities Exchange Act of 1934, and who is registered as a clearing agency under Section 17A of the Act.

(gg) *"Tax Certificate"* means the certificate by that name executed by the District on the date of issuance of the Tax-Exempt Bonds.

(hh) *"Term Bonds"* means those Refunding Bonds for which mandatory sinking fund redemption dates and amounts have been established in the Purchase Contract.

(ii) *"Treasurer"* means the Treasurer and Tax Collector of the County of San Diego.

(jj) *"Underwriter"* shall have the meaning set forth in Section 4 above.

Section 6. Terms of the Refunding Bonds.

(a) Denomination, Interest, Dated Dates. The Refunding Bonds shall be issued in the denominations of $5,000 Principal Amount or any integral multiple thereof.

Each Refunding Bond shall be dated its Date of Issuance (or such other date designated in the Purchase Contract) and shall bear interest from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the first Record Date, in which event it shall bear interest from its Date of Issuance (or such other date designated in the Purchase Contract); provided, however, that, if at the time of registration of any Refunding Bond interest with respect thereto is in default, interest with respect thereto shall be payable from the Bond Payment Date to which interest has previously been paid or made available for payment.

The Refunding Bonds shall be issued in fully registered form and shall mature in the years, be issued in the amounts and bear interest at the rates set forth in the Purchase Contract. Interest on the Refunding Bonds shall be computed on the basis of a 360 day year consisting of twelve 30 day months.

Principal and interest on the Refunding Bonds shall be paid in accordance with Section 9 below.

The last maturity date of the Refunding Bonds shall be not later than the date of the last maturity of the Refunded Bonds.

(b) Redemption.

(i) Terms of Redemption. The Refunding Bonds shall be subject to redemption prior to maturity as provided in the Purchase Contract.

(ii) Selection of Refunding Bonds for Redemption. Whenever provision is made in accordance with this Resolution for the optional redemption of Refunding Bonds and less than all Outstanding Refunding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select one or more maturities of Refunding Bonds for redemption in accordance with such written instructions. Within a maturity, the Paying Agent shall select Refunding Bonds for

redemption by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; provided, however, that the portion of any Bond to be redeemed in part shall be in the Principal Amount of $5,000 or any integral multiple thereof.

In the event that a portion of any Term Bond is optionally redeemed pursuant to Section 6(b)(i) hereof, the remaining sinking fund payments shall be reduced in an amount equal to the principal amount of Term Bonds optionally redeemed as directed by the District or, if no such direction is provided, as nearly as practicable, on a pro rata basis, in integral multiples of $5,000.

(iii) Notice of Redemption. When redemption is authorized or required pursuant to Section 6(b)(i) hereof, the Paying Agent shall give notice (a "Redemption Notice") of the redemption of the Refunding Bonds at least 20 but not more than 60 days prior to the redemption date (a) so long as the Refunding Bonds are registered in the name of the Nominee, in such manner as complies with the requirements of the Depository, and (b) if the Refunding Bonds are no longer held in book-entry form, by first class mail, postage prepaid to each Owner of the Refunding Bonds at the addresses appearing on the Bond Register. In the case of any optional redemption, the Paying Agent shall send a notice of redemption only following receipt of written instructions from the District to send such notice and specifying the maturity or maturities to be redeemed. Each Redemption Notice shall specify: (a) the Refunding Bonds or designated portions thereof (in the case of redemption of the Refunding Bonds in part but not in whole) which are to be redeemed, (b) the date of redemption, (c) the place or places where the redemption will be made, including the name and address of the Paying Agent, (d) the redemption price, (e) the CUSIP numbers (if any) assigned to the Refunding Bonds to be redeemed, (f) the numbers of the Refunding Bonds to be redeemed in whole or in part and, in the case of any Refunding Bond to be redeemed in part only, the Principal Amount of such Refunding Bond to be redeemed, and (g) the original issue date, interest rate and stated maturity date of each Refunding Bond to be redeemed in whole or in part. Each Redemption Notice shall further state that on the specified date there shall become due and payable upon each Refunding Bond or portion thereof being redeemed the redemption price thereof, together with the interest accrued to the redemption date and that from and after such date, interest with respect thereto shall cease to accrue. Redemption Notices (and related notices) may state that no representation is made as to the accuracy or correctness of the CUSIP numbers printed thereon or on the Refunding Bonds.

In case of the redemption as permitted herein of all the Refunding Bonds of any one maturity then Outstanding, notice of redemption shall be given as herein provided, except that the Redemption Notice need not specify the serial numbers of the Refunding Bonds of such maturity.

Any Redemption Notice for an optional redemption of the Refunding Bonds delivered in accordance with this section may be conditional, and, if any condition stated in the Redemption Notice shall not have been satisfied on or prior to the redemption date: (i) the Redemption Notice shall be of no force and effect, (ii) the District shall not be required to redeem such Refunding Bonds, (iii) the redemption shall not be made, and (iv) the Paying Agent shall within a reasonable time thereafter give notice to the Owners in the manner in which the conditional Redemption Notice was given that such condition or conditions were not met and that the redemption was canceled.

Neither the failure to receive a Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the Refunding Bonds selected for redemption.

(iv) Additional Notice. In addition to the Redemption Notice given pursuant to Section 6(b)(iii), further notice shall be given by the Paying Agent as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if a Redemption Notice has been given as above prescribed.

Each further notice of redemption shall be sent at least thirty (30) days before the redemption date by registered or certified mail or overnight delivery service, or in such other manner as is approved by the recipient of such notice, to the Securities Depositories and to the Information Services; provided that, if the Securities Depositories are other than DTC and the Information Services are other than the Municipal Securities Rulemaking Board, the District shall designate the recipients in a written notice to the Paying Agent.

(v) Partial Redemption of Refunding Bonds. Upon the surrender of any Refunding Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Refunding Bond or Refunding Bonds of like tenor and maturity and of authorized denominations equal in Principal Amount to the unredeemed portion of the Refunding Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(vi) Effect of Notice of Redemption. Notice having been given in accordance with Section 6(b)(iii), and the moneys for the redemption (including the interest to the applicable date of redemption) having been set aside in the District's Debt Service Fund (as defined in Section 12 below) or an escrow account as provided in Section 18 hereof, the Refunding Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Refunding Bonds to be redeemed as provided in Section 6(b) hereof, together with interest to such redemption date, shall be held in the Debt Service Fund or in an escrow account as provided in Section 18 hereof so as to be available therefor on such redemption date, and if a Redemption Notice shall have been given as herein provided, then from and after such redemption date, interest with respect to the Refunding Bonds to be redeemed shall cease to accrue and become payable. All money held by or on behalf of the Paying Agent for the redemption of Refunding Bonds shall be held in trust for the account of the Owners of the Refunding Bonds so to be redeemed.

Upon the payment of the redemption price of Refunding Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Refunding Bonds being redeemed with the proceeds of such check or other transfer.

All Refunding Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Refunding Bond purchased by the District shall be cancelled by the Paying Agent.

(vii) Refunding Bonds No Longer Outstanding. When any Refunding Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which irrevocable instructions to call for redemption

prior to maturity at the earliest redemption date have been given to the Paying Agent, in form satisfactory to it, and sufficient moneys shall be held by the Paying Agent or an escrow agent appointed by the District irrevocably in trust for the payment of the redemption price of such Refunding Bonds or portions thereof, and, accrued interest with respect thereto to the date fixed for redemption, all as provided in this Resolution, then such Refunding Bonds shall no longer be deemed Outstanding and shall be surrendered to the Paying Agent for cancellation on the applicable redemption date.

(c) Book-Entry System.

(i) Except as provided below, the registered owner of all of the Refunding Bonds shall be DTC, and the Refunding Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The Refunding Bonds shall be initially executed and delivered in the form of a single, fully registered Refunding Bond (which may be typewritten) for each maturity date of such Refunding Bonds (or in the case of two or more interest rates within a maturity a single fully-registered Refunding Bond in the respective Principal Amount for each interest rate) in an authorized denomination (except for any odd denomination Refunding Bond). Upon initial execution and delivery, as provided for herein, the ownership of such Refunding Bond shall be registered in the Bond Register in the name of the Nominee identified below as nominee of DTC, and its successors and assigns. Except as hereinafter provided, all of the Outstanding Refunding Bonds shall be registered in the Bond Register in the name of the Nominee of the Depository, which may be the Depository, as determined form time to time pursuant to this Section. Each Refunding Bond certificate shall bear a legend substantially to the following effect: "UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO. (OR IN SUCH OTHER NAME AS REQUESTED BY THE AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), HAS AN INTEREST HEREIN."

With respect to the Refunding Bonds registered in the Bond Register in the name of the Nominee, neither the District nor the Paying Agent shall have any responsibility or obligation to any broker-dealers, banks and other financial institutions from time to time for which the Depository holds Refunding Bonds as securities depository (the "Participant") or to any person on behalf of which such a Participant holds an interest in the Refunding Bonds. Without limiting the immediately preceding sentence, neither the District nor the Paying Agent shall have any responsibility or obligation (unless the District is at such time the Depository) with respect to (a) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in the Refunding Bonds, (b) the delivery to any Participant or any other person, other than an Owner of a Refunding Bond as shown in the Bond Register, of any notice with respect to the Refunding Bonds, including any notice of redemption, (c) the selection by the Depository and its Participants of the beneficial interests in the Refunding Bonds to be redeemed in the event the District redeems the Refunding Bonds in part, or (d) the payment to any Participant or any other person, other than an Owner of a Refunding Bond as shown in the Bond Register, of any amount with respect to Principal of or interest on the Refunding Bonds. The District and the Paying Agent may treat and consider the person in whose name each Refunding Bond is registered in the Bond Register as the holder and

absolute owner of such Refunding Bond for the purpose of payment of Principal and interest with respect to such Refunding Bond, for the purpose of giving notices of redemption, if applicable, and other matters with respect to such Refunding Bond, for the purpose of registering transfers with respect to such Refunding Bond, and for all other purposes whatsoever. The Paying Agent shall pay all Principal of and interest on the Refunding Bonds only to or upon the order of the respective Owner of the Refunding Bond, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payment of Principal of and interest on the Refunding Bonds to the extent of the sum or sums so paid. No person other than an Owner of a Refunding Bond, as shown in the Bond Register, shall receive a Refunding Bond evidencing the obligation of the District to make payments of Principal and interest. Upon delivery by the Depository to the Owners of the Refunding Bonds, and the District of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to Record Dates, the word Nominee in this Resolution shall refer to such substitute nominee of the Depository.

(ii) In order to qualify the Refunding Bonds for the Depository's book-entry system, the District has executed and delivered to the Depository a Letter of Representations. The execution and delivery of the Letter of Representations shall not in any way limit the provisions of this Section or in any other way impose upon the District any obligation whatsoever with respect to persons having interests in the Refunding Bonds other than the Owners of the Refunding Bonds, as shown on the Bond Register. In addition, to the execution and delivery of the Letter of Representations, the District shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify the Refunding Bonds for the Depository's book-entry program.

(iii) If at any time the Depository notifies the District that it is unwilling or unable to continue as Depository with respect to the Refunding Bonds or if at any time the Depository shall no longer be registered or in good standing under the Securities Exchange Act or other applicable statute or regulation and a successor Depository is not appointed by the District within 90 days after the District receives notice or becomes aware of such condition, as the case may be, subsection (a) hereof shall no longer be applicable and the District shall deliver new fully-registered book-entry securities with respect to the Refunding Bonds as provided below. In addition, the District may determine at any time that the Refunding Bonds shall no longer be represented by book-entry securities and that the provisions of subsection (a) hereof shall no longer apply to the Refunding Bonds. In any such event, the District shall execute and deliver certificates representing the Refunding Bonds as provided below. Refunding Bonds issued in exchange for book-entry securities pursuant to this subsection (c) shall be registered in such names and delivered in such denominations as the Depository shall instruct the District. The District shall deliver such bonds representing the Refunding Bonds to the persons in whose names such Bonds are so registered.

If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or cause to be prepared new fully-registered book-entry securities for each of the maturities of the Refunding Bonds, registered in the name of such successor or substitute securities depository or its nominee, or make such other arrangements as are acceptable to the District and such securities depository and not inconsistent with the terms of this Resolution.

Notwithstanding any other provisions of this Resolution to the contrary, so long as any Refunding Bond is registered in the name of the Nominee, all payments with respect to Principal of, and interest on such Refunding Bond and all notices with respect to such Refunding Bond, including notices of redemption, shall be made and given, respectively, as provided in the Letter of

Representations or as otherwise instructed by the Depository and agreed to by the District and the Paying Agent.

(iv) Transfer of Refunding Bonds to Substitute Depository. Registered ownership of the Refunding Bonds held in book-entry form, or any portions thereof, may not thereafter be transferred following their registration in the name of the Nominee except:

(A) To any successor of the Depository or its nominee, or of any substitute depository designated pursuant to Section 6(c)(iv)(B) ("Substitute Depository"); provided that any successor of the Depository or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

(B) To any Substitute Depository designated by the District, upon (1) the resignation of the Depository or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that the Depository (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(C) to any person as provided below, upon (1) the resignation of the Depository or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that the Depository or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.

In the case of any transfer pursuant to Section 6(c)(iv)(A) or (B), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent designating the Substitute Depository, a single new Refunding Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Refunding Bonds then Outstanding (or in the case of two or more interest rates within a maturity a single fully-registered Refunding Bond in the respective Principal Amount for each interest rate), registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 6(c)(iv)(C), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, new Refunding Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Paying Agent shall not be required to deliver such new Refunding Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

In the case of a partial redemption or an advance refunding of any Refunding Bonds evidencing a portion of the Principal maturing in a particular year, the Depository or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Refunding Bonds indicating the date and amounts of such reduction in the Principal, in form acceptable to the Paying Agent, all in accordance with the Letter of Representations. The Paying Agent shall not be liable for such Depository's failure to make such notations or errors in making such notations.

The District and the Paying Agent shall be entitled to treat the person in whose name any Refunding Bond is registered as the owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Paying Agent or the

District; and the District and the Paying Agent shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owners of the Refunding Bonds. Neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to any such beneficial owners or to any other party, including the Depository or its successor (or Substitute Depository or its successor), except to the Owner of any Refunding Bonds, and the Paying Agent may rely conclusively on its records as to the identity of the Owners of the Refunding Bonds.

(d) The initial Depository under this Section 6(c) shall be DTC. The initial Nominee shall be Cede & Co., as Nominee of DTC.

Section 7. Execution of Bonds. The Refunding Bonds shall be signed by the President of the Board, or if the President is unavailable, by any other member of the Board who is authorized to sign on behalf of the President, and the Clerk of the Board by their manual or facsimile signatures each in their official capacities. In case any one or more of the officers who shall have signed any of the Refunding Bonds shall cease to be such officer before the Refunding Bonds so signed shall have been issued by the District, such Refunding Bonds may, nevertheless, be issued, as herein provided, as if the persons who signed such Refunding Bonds had not ceased to hold such offices. No Refunding Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Refunding Bond is signed by the Paying Agent as authenticating agent. Authentication by the Paying Agent shall be conclusive evidence that the Refunding Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

Section 8. Paying Agent; Transfer and Exchange. So long as any of the Refunding Bonds remain unpaid, the District will cause the Paying Agent to maintain and keep at its principal office the Bond Register consisting of all books and records necessary for the registration, exchange and transfer of the Refunding Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Refunding Bond is registered on the Bond Register shall be regarded as the absolute owner of that Refunding Bond for all purposes of this Resolution. Payment of or on account of the Principal of and interest on any Refunding Bond shall be made only to or upon the order of that person; neither the District nor the Paying Agent shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District's liability upon the Refunding Bonds, including interest, to the extent of the amount or amounts so paid.

The Paying Agent may at any time resign and be discharged of the duties and obligations created by this Resolution by giving at least 60 days' written notice to the District. Any Paying Agent may be removed by the District at any time by an instrument filed with such Paying Agent and signed by the District. A successor Paying Agent shall be appointed by the District which shall be, if other than the Treasurer-Tax Collector of the County of San Diego, a bank or trust company organized under the laws of any state of the United States, a national banking association or any other financial institution, having capital stock and surplus aggregating at least $50,000,000 and doing business in the State of California and willing and able to accept the office on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by this Resolution. Such Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District a written acceptance thereof. Resignation or removal of the Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

In the event of the resignation or removal of the Paying Agent, such Paying Agent shall pay over, assign and deliver any moneys held by it as Paying Agent to its successor, or, if there is no successor, to the Treasurer and Tax Collector of San Diego County. In the event that for any reason there shall be a vacancy in the office of the Paying Agent, the Treasurer and Tax Collector of San Diego County shall act as such Paying Agent. The District shall cause the new Paying Agent appointed to replace any resigned or removed Paying Agent to mail notice of its appointment and the address of its principal office to all registered Owners; provided, however, that if all Refunding Bonds are registered in the name of the Depository, or its Nominee, notice shall be given in such manner as complies with the requirements of the Depository.

Any Refunding Bond may be exchanged for Refunding Bonds of like tenor, maturity and Principal Amount upon presentation and surrender at the principal office of the Paying Agent designated for such purpose, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. A Refunding Bond may be transferred on the Bond Register only upon presentation and surrender of the Refunding Bond at the principal office of the Paying Agent designated for such purpose together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. Upon exchange or transfer, the Paying Agent shall complete, authenticate and deliver a new Refunding Bond or Refunding Bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Principal Amount of the Refunding Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the District are required in connection with an exchange or transfer, the Paying Agent shall undertake the exchange or transfer of Refunding Bonds only after the new Refunding Bonds are signed by the authorized officers of the District. In all cases of exchanged or transferred Refunding Bonds, the District shall sign and the Paying Agent shall authenticate and deliver Refunding Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Refunding Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Refunding Bonds surrendered upon that exchange or transfer.

Any Refunding Bond surrendered to the Paying Agent for payment, retirement, exchange, replacement or transfer shall be cancelled by the Paying Agent. The District may at any time deliver to the Paying Agent for cancellation any previously authenticated and delivered Refunding Bonds that the District may have acquired in any manner whatsoever, and those Refunding Bonds shall be promptly cancelled by the Paying Agent. Written reports of the surrender and cancellation of Refunding Bonds shall be made to the District by the Paying Agent at least twice each calendar year. The cancelled Refunding Bonds shall be retained for a period of time and then returned to the District or destroyed by the Paying Agent as directed by the District.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any Refunding Bonds during a period beginning with the opening of business on the fifteenth day next preceding any date of selection of Refunding Bonds to be redeemed and ending with the close of business on the day on which the applicable notice of redemption is given, or (b) to transfer any Refunding Bonds which have been selected or called for redemption in whole or in part.

In case any Refunding Bond secured hereby shall become mutilated or destroyed, stolen or lost, the Paying Agent shall cause to be executed and authenticated a new Refunding Bond of like maturity date, interest rate, Principal Amount and tenor in exchange and substitution for and upon the cancellation of such mutilated Refunding Bond or in lieu of and in substitution for such Refunding Bond mutilated, destroyed, stolen or lost, upon the Owner's paying the reasonable expenses and charges in connection therewith, and, in the case of a Refunding Bond destroyed, stolen or lost, such Owner's filing with the Paying Agent and the District of evidence satisfactory to them that such Refunding Bond was destroyed, stolen or lost, and/or such Owner's ownership thereof in furnishing the Paying Agent and District with indemnity satisfactory to each of them.

Any new Refunding Bonds issued pursuant to this Section 8 in substitution for Refunding Bonds alleged to be destroyed, stolen or lost shall constitute original additional contractual obligations on the part of the District, whether or not the Refunding Bonds so alleged to be destroyed, stolen or lost are at any time enforceable by anyone, and shall be equally secured by and entitled to equal and proportionate benefits with all other Refunding Bonds issued under this Resolution in any moneys or securities held by the Paying Agent for the benefit of the Owners of the Refunding Bonds.

Section 9. Payment. Payment of interest on each Bond Payment Date shall be made to the person appearing on the Bond Register as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date. The interest, Principal, and redemption premiums, if any, on the Refunding Bonds shall be payable in lawful money of the United States of America. With respect to all Refunding Bonds registered in the name of the Depository or its Nominee, all payments of interest, Principal and redemption premiums, if any, shall be made in accordance with the Letter of Representations or as otherwise instructed by the Depository and agreed to by the District and the Paying Agent. With respect to all Refunding Bonds not held in book-entry form by the Depository or its Nominee, interest shall be paid by check mailed to each Owner on the Bond Payment Date at such Owner's address as it appears on the registration books of the Paying Agent, or at such other address as such Owner may have filed with the Paying Agent for that purpose on or before the Record Date; provided, however, the Owner of an aggregate Principal Amount of $1,000,000 or more may request in writing to the Paying Agent that such Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date. The Principal of and redemption premiums, if any, on Refunding Bonds not held in book-entry form by the Depository or its Nominee shall be payable upon maturity or redemption upon surrender at the principal office or other designated office of the Paying Agent. The Paying Agent is hereby authorized to pay the Refunding Bonds when duly presented for payment at maturity or redemption, and to cancel each Refunding Bond upon payment thereof.

The Refunding Bonds are general obligation bonds of the District, payable solely from the proceeds of *ad valorem* taxes levied on all property subject to such taxes within the District for the purpose of repaying the Refunding Bonds and from other amounts on deposit in the Debt Service Fund.

Section 10. Form of Refunding Bonds. The Refunding Bonds shall be in substantially the following form, allowing those officials executing the Refunding Bonds to make the insertions and deletions necessary to conform the Refunding Bonds to this Resolution, the Purchase Contract and the Official Statement for the Refunding Bonds, as applicable, and to correct any defect or inconsistent provision therein or to cure any ambiguity or omission therein.

(Form of Refunding Bond)

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO. (OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), HAS AN INTEREST HEREIN.

REGISTERED NO. REGISTERED $

SAN YSIDRO SCHOOL DISTRICT
(SAN DIEGO COUNTY, CALIFORNIA)
2023 GENERAL OBLIGATION REFUNDING BONDS, SERIES A

[(TAX-EXEMPT/FEDERALLY TAXABLE)]

INTEREST RATE:	MATURITY DATE:	DATE OF ISSUANCE:	CUSIP:
_____%	August 1, 20__	_____ __, 2023	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The San Ysidro School District (the "District") in San Diego County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, or upon prior redemption hereof, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing [February 1, 2024]. This bond is a bond of the District and will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before [January 15, 2024], in which event it shall bear interest from the Date of Issuance. Interest on this bond shall be computed on the basis of a 360-day year of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the register (the "Register") maintained by U.S. Bank Trust Company, National Association (the "Paying Agent"). Interest is payable by the Paying Agent in the manner set forth in the Bond Resolution (defined below) on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the Register at the close of business on the fifteenth day of the calendar

month next preceding that Bond Payment Date (the "Record Date"). The principal of, interest and redemption premium, if any, shall be paid to the Registered Owner in the manner set forth in the Bond Resolution

This bond is one of an authorization of bonds issued by the San Ysidro School District pursuant to Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Act") for the purpose of refunding certain outstanding bonds of the District, and to pay all necessary legal, financial, and contingent costs in connection therewith. The bonds are being issued under authority of and pursuant to the Act, the laws of the State of California, and the resolution of the Board of Education of the District adopted on November 9, 2023 (the "Bond Resolution"). Any capitalized terms not defined herein shall have the meaning set forth in the Bond Resolution. This bond and the issue of which this bond is a part are general obligation bonds of the District payable as to both Principal and interest solely from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount. The bonds are secured by such *ad valorem* taxes on a parity with certain other general obligation bonds of the District that remain outstanding.

The bonds of this issue are being issued in the Principal Amount of $_____.

This bond is exchangeable and transferable for bonds of like tenor, maturity and Principal Amount and in authorized denominations at the designated office of the Paying Agent, by the Registered Owner or by a person legally empowered to do so, upon presentation and surrender hereof to the Paying Agent, together with a request for exchange or an assignment signed by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of Principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

Neither the District nor the Paying Agent will be required (a) to exchange or transfer any bond during a period beginning with the opening of business on the fifteenth day next preceding any date of selection of bonds to be redeemed and ending with the close of business on the day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The bonds maturing on or before August 1, 20__ are not subject to optional redemption prior to their fixed maturity dates. The bonds maturing on and after August 1, 20__ are subject to optional redemption at the option of the District, as a whole or in part, on any date on and after August 1, 20__ at a redemption price equal to the principal amount of the bonds called for redemption plus interest accrued thereon to the date fixed for redemption, without premium.

The bonds maturing on August 1, 20__ are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20__ at a redemption price equal to the principal amount thereof, together with accrued interest to the date fixed

for redemption, without premium. The principal amount of such bonds to be so redeemed and the dates therefor and the final principal payment date are as indicated in the following table:

Redemption Date (August 1)	***Principal Amount***
	$

The rights and obligations of the District and of the Owners of the bonds may be modified or amended at any time by a supplemental resolution adopted by the District in certain cases with the written consent of Owners of at least 60% in aggregate Principal Amount of the outstanding bonds issued under the Bond Resolution, exclusive of bonds, if any, owned by the District and in certain cases without the consent of the Owners as further specified in the Bond Resolution.

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligation bonds of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay Principal and interest on the bonds when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

IN WITNESS WHEREOF, the San Ysidro School District, San Diego County, California, has caused this bond to be executed by the manual or facsimile signature of the President of the Board of

Education of the District and to be countersigned by manual or facsimile signature of the Clerk of the Board of Education of the District, all as of the date stated above.

SAN YSIDRO SCHOOL DISTRICT

By: _____
President of the Board of Education

COUNTERSIGNED:

_____
Clerk of the Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on _____.

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, as Paying Agent

By: _____
Its: Authorized Signatory

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): _____ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: _____ _____

Signature Guaranteed:

_____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: _____.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

(Facsimile)
Clerk of the Board of Education

Section 11. Delivery of Refunding Bonds. The proper officials of the District shall cause the Refunding Bonds to be prepared and, following their sale, shall have the Refunding Bonds signed and delivered to the Repository for the account of the Underwriter upon payment of the purchase price therefor in immediately available funds.

Section 12. Application of Proceeds of Refunding Bonds. Proceeds from the sale of the Refunding Bonds received by the District shall be transferred to the Escrow Bank for deposit in the Escrow Fund established under the Escrow Agreement in an amount sufficient to pay the repurchase price of the Refunded Bonds, all as set forth in a certificate of an Authorized Officer. Proceeds from the sale of the Refunding Bonds in an amount sufficient to pay all costs of issuing the Refunding Bonds shall be deposited in the fund of the District known as the "San Ysidro School District 2023 General Obligation Refunding Bond, Series A, Cost of Issuance Fund" (the "Cost of Issuance Fund") and shall be kept separate and distinct from all other District funds, and those proceeds shall be used solely for the purpose of paying costs of issuance of the Refunding Bonds. The Cost of Issuance Fund may at the discretion of the District be held by the Paying Agent or the County or at a bank selected by an Authorized Officer of the District for such purpose, and each Authorized Officer, acting alone, is authorized to enter into an agreement with the entity designated to hold the Cost of Issuance Fund.

Any accrued interest received by the District from the sale of each series of the Refunding Bonds shall be kept separate and apart in separate accounts within the interest and sinking fund of the District created and established in the County treasury in accordance with Education Code Section 15251, with such accounts being designated as the "San Ysidro School District 2023 General Obligation Refunding Bond, Series A, Debt Service Fund (the "Debt Service Fund") and used only for payment of the Principal of and interest on the Refunding Bonds

The Debt Service Fund may, at the discretion of the District, be held by the County or the Paying Agent. Any excess proceeds of Refunding Bonds not needed for the authorized purposes set forth herein for which the Refunding Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of the Principal of and interest on the Refunding Bonds. If, after payment in full of a series of Refunding Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the General Fund of the District.

Money on deposit in the debt service fund established for the Refunded Bonds collected to make the debt service payments on the Refunded Bonds may either be used to pay the interest or principal due on the Refunded Bonds, may be transferred to one or more of the Escrow Fund and applied as set forth in the Escrow Agreement or may be used to pay principal and interest due on the Refunding Bonds as directed, in writing, by an Authorized Officer.

Notwithstanding any of the foregoing, the provisions of this Section 12 as they relate to the dispersal and allocation of moneys on deposit in the debt service fund established for the Refunded Bonds and the provisions of this Section 12 as they relate to the application of any proceeds from the sale of the Refunding Bonds may be amended by the Purchase Contract so long as the transactions contemplated by such amendment are in compliance with the provisions of the Act.

Interest earnings on moneys held in the Debt Service Fund shall be retained and used to pay Principal and interest on the applicable series of Refunding Bonds when due.

Section 13. Rebate Fund.

(a) The District shall create and establish a special fund designated the "San Ysidro School District 2023 General Obligation Refunding Bonds, Series A, Rebate Fund" (the "Rebate Fund"). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the "Rebate Requirement") pursuant to Section 148 of the Code, and the Treasury Regulations promulgated thereunder (the "Treasury Regulations"). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and by the Tax Certificate to be executed by the District.

(b) (i) Within forty-five (45) days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Tax-Exempt Bonds the amount that would be considered the "rebate amount" within the meaning of Section 1.148-3 of the Treasury Regulations, using as the "computation date" for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the "rebate amount" so calculated.

(ii) The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the "rebate amount" calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section.

(iii) The District shall not be required to calculate the "rebate amount" and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Tax-Exempt Bonds (including amounts treated as proceeds of the Tax-Exempt Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a "bona fide debt service fund." In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(c) Any funds remaining in the Rebate Fund after the redemption or payment at maturity of all the Tax-Exempt Bonds and the payment of any amounts described in paragraph (2) of subsection (d) of this Section, or provision made therefor satisfactory to the District, shall be remitted to the District.

(d) Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the "rebate amount" and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund.

(A) not later than sixty (60) days after the end of (i) the fifth (5th) Bond Year, and (ii) each fifth (5th) Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the "rebate amount" calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Treasury Regulations; and

(B) not later than sixty (60) days after the payment of all Tax-Exempt Bonds, an amount equal to one hundred percent (100%) of the "rebate amount" calculated as of the date of such payment (and any income attributable to the "rebate amount" determined to be due and payable) in accordance with Section 1.148-3 of the Treasury Regulations.

(e) In the event that, prior to the time any payment is required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate (or have calculated) the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(f) Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service Center, Ogden, Utah 84201, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by the District.

(g) In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the "rebate amount" calculated in accordance with said subsection, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(h) The District shall retain records of all determinations made hereunder until six years after the complete retirement of the Tax-Exempt Bonds.

(i) Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Tax-Exempt Bonds.

(j) The provisions of this Section 13 may be modified in the Tax Certificate and in any supplement thereto issued from time to time.

Section 14. Security for the Refunding Bonds. There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* tax annually during the period the Refunding Bonds are Outstanding in an amount sufficient, together with moneys on deposit in the Debt Service Fund available for such purpose, to pay the Principal of and interest on the Refunding Bonds when due. When collected the *ad valorem* taxes will be placed in the Debt Service Fund, which *ad valorem* taxes, together with the amounts on deposit in the Debt Service Fund, are irrevocably pledged pursuant to Government Code Sections 5450 and 5451 to the payment of the Principal of and interest on the Refunding Bonds when and as the same fall due. Pursuant to Government Code Section 53515, the Refunding Bonds shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of *ad valorem* taxes for the payment thereof. The District covenants to cause the County to take all actions necessary to levy such *ad valorem* tax in accordance with Education Code Section 15250 *et seq*. and to cause the proceeds from such levy to be deposited to the Debt Service Fund to pay the Principal of and interest on the Refunding Bonds when due.

The moneys in the Debt Service Fund, to the extent necessary to pay the Principal of and interest on the Refunding Bonds as the same become due and payable, shall be transferred to the Paying Agent which, in turn, shall pay such moneys to the Owners to pay the Principal of and interest on the Refunding Bonds. Any moneys remaining in the Debt Service Fund after the Refunding Bonds and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the General Fund of the District, pursuant to the Education Code Section 15234.

Section 15. Good Faith Estimates and Legislative Determinations. In accordance with Government Code section 5852.1, good faith estimates of the following have been obtained from the Municipal Advisor (as defined in Section 22 below) and are set forth on Exhibit A attached hereto: (a) the true interest cost of the Refunding Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Refunding Bonds, including an estimate of the costs of issuance, (c) the amount of proceeds of the Refunding Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Refunding Bonds, and (d) the sum total of all debt service payments on the Refunding Bonds calculated to the final maturity of the Refunding Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Refunding Bonds. The Board finds and determines that the provisions of Government Code section 5852.1 have been satisfied with respect to the authorization of the Refunding Bonds.

This Board further finds and determines that all acts and conditions necessary to be performed by he Board or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding general obligation bonds of the District have been performed and have been met, or will at the time of delivery of the Refunding Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Refunding Bonds. Furthermore, the Board finds and determines pursuant to Section 53552 of the Act that the prudent management of the fiscal affairs of the District requires that it issue the Refunding Bonds under the provisions of the Act without submitting the question of the issuance of the Refunding Bonds to a vote of the qualified electors of the District.

Pursuant Government Code Section 53555, the Board hereby further determines pursuant to Government Code Section 53555 that it is in the District's benefit to purchase the Refunded Bonds with a portion of the proceeds of the Refunding Bonds, in order to restructure its outstanding bonded indebtedness.

Section 16. Official Statement. The form of the Preliminary Official Statement (the "Preliminary Official Statement"), substantially in the form on file with the Clerk of the Board, is hereby approved. Each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the District, to make such changes therein as are necessary to make the Preliminary Official Statement accurate as of its date, including revising the Preliminary Official Statement to account for the issuance of the Refunding Bonds, to deem the Preliminary Official Statement "final" pursuant to Rule 15c2-12 of the Securities Exchange Act of 1934 prior to its distribution, and to make it available to the Underwriter. Each of the Authorized Officers, acting alone, is hereby authorized and directed to execute and deliver to the Underwriter a final Official Statement (the "Official Statement"), substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve. The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Refunding Bonds and is directed to deliver copies of the Official Statement to the purchasers of the Refunding Bonds.

Execution of the Official Statement by an Authorized Officer shall conclusively evidence the District's approval of such Official Statement.

Section 17. Insurance. Each of the Authorized Officers, acting alone, is hereby authorized to enter into negotiations to procure bond insurance for the Refunding Bonds and to purchase bond insurance if it will result in net debt service savings to the District. In the event the District purchases bond insurance for any or all of the Refunding Bonds, or in the event that the Underwriter elects to purchase bond insurance at its option, and to the extent that the Bond Insurer makes payment of the Principal of or interest on any Refunding Bonds, it shall be fully subrogated to all of the registered Owners' rights with respect to such Refunding Bonds, including the Owners' rights to payment of any of the Principal of or interest paid by the Bond Insurer. To evidence such subrogation: (i) in the case of subrogation as to claims that were past due interest payments, the Paying Agent shall note the Bond Insurer's rights as subrogee on the Bond Register maintained by the Paying Agent upon receipt of evidence satisfactory to the Paying Agent that the Bond Insurer has made the payment of such interest to the Owners of the Refunding Bonds, and (ii) in the case of subrogation as to claims for past due Principal, the Paying Agent shall note the Bond Insurer as subrogee on the registration books for the Refunding Bonds maintained by the Paying Agent upon surrender of the Refunding Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

Section 18. Defeasance. All or any portion of the Refunding Bonds may be defeased prior to maturity in the following ways:

(a) Cash: by irrevocably depositing with the Paying Agent, or an independent escrow agent selected by the District, an amount of cash which together with amounts then on deposit in the Debt Service Fund, is sufficient to pay all Refunding Bonds designated for defeasance, including all Principal and interest and premium, if any, at or before their maturity date; or

(b) Government Obligations: by irrevocably depositing with the Paying Agent, or an independent escrow agent selected by the District, noncallable Government Obligations together with cash, if required, in such amount as will, in the opinion of an independent certified public accountant, together with interest to accrue thereon, and moneys then on deposit in the Debt Service Fund together with the interest to accrue thereon, be fully sufficient to pay and discharge all Refunding Bonds designated for defeasance (including all Principal and interest represented thereby and redemption premium, if any) at or before their maturity date.

If either of the foregoing provisions have been satisfied with respect to all or a portion of the Refunding Bonds then, whether or not the Refunding Bonds so defeased shall have been surrendered for payment, such Refunding Bonds shall no longer be Outstanding hereunder and all obligations of the District with respect to the Refunding Bonds so defeased shall cease and terminate, except only the obligation of the District and the Paying Agent to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the Owners of such Refunding Bonds all sums due with respect thereto.

For purposes of this Section, Government Obligations shall mean:

Direct and general obligations of the United States of America (which may consist of obligations of the Resolution Funding Corporation that constitute interest strips), or obligations that are unconditionally guaranteed as to principal and interest by the United States of America. In the case of direct and general obligations of the United States of America, Government Obligations shall

include evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (i) a bank or trust company acts as custodian and holds the underlying direct and general obligations of the United States of America; (ii) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying direct and general obligations of the United States of America; and (iii) the underlying direct and general obligations of the United States of America are held in a special account, segregated from the custodian's general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated by S&P Global Ratings and Moody's Investors Service in the same rating category as the underlying direct and general obligations of the United States of America.

Section 19. Other Actions, Determinations and Approvals.

(a) Officers of the Board and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Refunding Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution, including any and all actions necessary to cause the issuance of the Refunding Bonds. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The Board hereby finds and determines that the total net interest cost to maturity on the Refunding Bonds plus the Principal amount of the Refunding Bonds will be less than the total net interest cost to maturity on the Refunded Bonds plus the principal amount of the Refunded Bonds.

(c) The Board anticipates that the Refunded Bonds will be purchase on the date that the Refunding Bonds are issued and such Refunded Bonds shall thereafter be cancelled and the District's obligations with respect thereto shall be discharged.

(d) The Board hereby appoints U.S. Bank Trust Company, National Association, as escrow bank for the Refunded Bonds.

(e) Each of the Authorized Officers, acting alone, is hereby authorized to take any and all actions necessary or desirable to allow the Underwriter to comply with Rule 15c2-12 promulgated under the Securities and Exchange Act of 1934, as amended.

(f) The provisions of this Resolution may be amended by the Purchase Contract.

Section 20. Transmittal of Resolution to County Auditor and Treasurer and Tax Collector. The Clerk of this Board is hereby directed to provide a certified copy of this Resolution and the debt service schedule for the Refunding Bonds and the Refunded Bonds to the County Auditor and the Treasurer and Tax Collector of San Diego County in accordance with Education Code Section 15140(c).

Section 21. Continuing Disclosure. The form of Continuing Disclosure Certificate on file with the Clerk of the Board is hereby approved, and each Authorized Officer, acting alone, is hereby authorized to execute and deliver a Continuing Disclosure Certificate, but with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same may

approve, including revising the Continuing Disclosure Certificate to account for the issuance of the Refunding Bonds, such approval to be conclusively evidenced by his or her execution and delivery thereof. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Noncompliance with this Section shall not constitute a default hereunder, result in acceleration of the Refunding Bonds or create any monetary liability of the District to any Owner or Beneficial Owner (defined below). In the event of a failure by the District to comply with the Continuing Disclosure Certificate, the sole remedy available to any Owner or Beneficial Owner shall be an action to mandate or compel specific performance of the terms of the Continuing Disclosure Certificate. For purposes of this Section, "Beneficial Owner" means any person which has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Refunding Bonds (including persons holding Refunding Bonds through nominees, depositories or other intermediaries).

Section 22. Engagement of Professional Services. The Board hereby approves the engagement of the firm of Dale Scott & Company, Inc. (the "Municipal Advisor") to act as municipal advisor to the District in connection with the issuance of the Refunding Bonds. Stradling, Yocca, Carlson & Rauth, a Professional Corporation, is hereby retained by the District as bond counsel and disclosure counsel ("Bond Counsel") in connection with the issuance of the Refunding Bonds. Barclay's Capital, Inc., is hereby retained to act as Repurchase Agent for the Refunded Bonds. Each of the Superintendent or the Chief Business Official of the District is hereby authorized to enter into contracts, or to amend existing contracts, with each of said firms in order to provide services with respect to the Refunding Bonds. All fees and expenses payable to such firms shall be contingent upon and be payable only from proceeds of the Refunding Bonds. In addition, each of the Authorized Officers is authorized to provide for all additional services necessary to effect the issuance of the Refunding Bonds. Such services shall include any other services deemed by an Authorized Officer to be appropriate and necessary to effect the issuance of the Refunding Bonds. Any one of the Authorized Officers is authorized to pay for the cost of such services, together with other costs of issuance for the Refunding Bonds, from the proceeds of the Refunding Bonds, and to execute and any all agreements required to obtain such services.

Section 23. Escrow Agreement. The form of the Escrow Agreement on file with the Clerk of the Board is hereby approved, and each of the Authorized Officers, acting alone, is authorized and directed, for and in the name and on behalf of the District, to execute and deliver an Escrow Agreement for the Refunded Bonds in substantially the form approved, with such changes therein as the Authorized Officer executing the Escrow Agreement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof by an Authorized Officer.

Section 24. Supplemental Resolutions.

(a) This Resolution, and the rights and obligations of the District and of the Owners of the Refunding Bonds issued hereunder, may be modified or amended at any time by a supplemental resolution adopted by the District with the written consent of the Owners owning at least 60% in aggregate Principal Amount of the Outstanding Refunding Bonds, exclusive of Refunding Bonds, if any, owned by the District; provided, however, that no such modification or amendment shall, without the express consent of the Owner of each Refunding Bond affected, reduce the Principal Amount of any Refunding Bond, reduce the interest rate payable thereon, advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which Principal and interest is payable, nor shall any modification or amendment reduce the percentage

of consents required for amendment or modification. No such supplemental resolution shall change or modify any of the rights or obligations of any Paying Agent without its written assent thereto.

(b) This Resolution, and the rights and obligations of the District and of the Owners of the Refunding Bonds issued hereunder, may be modified or amended at any time by a supplemental resolution adopted by the District without the written consent of the Owners:

(i) To add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(ii) To add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(iii) To confirm or provide further assurance of any pledge hereunder, and to subject to any lien or pledge created or to be created by this Resolution any moneys, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(iv) To cure any ambiguity, supply any omission, or to cure or correct any defect or inconsistent provision in this Resolution; or

(v) To amend or supplement this Resolution in any other respect, provided such supplemental resolution does not adversely affect the interests of the Owners.

(c) Any act done pursuant to a modification or amendment consented to as provided in (a) above shall be binding upon the Owners of all the Refunding Bonds and shall not be deemed an infringement of any of the provisions of this Resolution, whatever the character of such act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent relating to such specified matters has been given, no Owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the District or any officer or agent of either from taking any action pursuant thereto.

Section 25. Request to County to Levy Tax. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of *ad valorem* property taxes in each year sufficient to pay all Principal and interest coming due on the Refunding Bonds in such year, and to pay from such taxes all amounts due on the Refunding Bonds. The District hereby requests the Board of Supervisors to levy annually a tax upon all taxable property in the District sufficient to pay the Principal of and interest on the Refunding Bonds as and when the same become due.

Section 26. Resolution to Constitute Contract. In consideration of the purchase and acceptance of any and all of the Refunding Bonds authorized to be issued hereunder by those who shall own the same from time to time, this Resolution shall be deemed to be and shall constitute a contract among the District and the Owners from time to time of the Refunding Bonds; and the pledge and covenants made in this Resolution shall be for the equal benefit, protection and security of the Owners of any and all of the Refunding Bonds, all of which, regardless of the time or times of their issuance or maturity, shall be of equal rank without preference, priority or distinction of any of the Refunding Bonds over any other thereof.

Section 27. Unclaimed Moneys. Anything in this Resolution to the contrary notwithstanding, any moneys held by the Paying Agent in trust for the payment and discharge of any of the Refunding Bonds which remain unclaimed for one (1) year after the date when such Refunding Bonds have become due and payable, either at their stated maturity dates or by call for earlier redemption, if such moneys were held by the Paying Agent at such date, or for one (1) year after the date of deposit of such moneys if deposited with the Paying Agent after said date when such Refunding Bonds become due and payable, shall be repaid by the Paying Agent to the District, as its absolute property and free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Owners of such Refunding Bonds shall look only to the District for the payment of such Refunding Bonds; provided, however, that before being required to make such payment to the District, the Paying Agent shall, at the expense of District, cause to be mailed to the Owners of all such Refunding Bonds, at their respective addresses appearing on the registration books, a notice that said moneys remain unclaimed and that, after a date in said notice, which date shall not be less than thirty (30) days after the date of mailing such notice, the balance of such moneys then unclaimed will be returned to the District.

Section 28. Permitted Investments.

(a) All amounts held in the funds and accounts established hereunder and held by the Treasurer and Tax Collector of San Diego County shall be invested by the Treasurer and Tax Collector of San Diego County in any instrument which is a lawful investment for funds of the District, including the Treasurer's Pooled Investment Fund, the Local Agency Investment Fund of the State of California, any investment authorized pursuant to Sections 53601 and 53635 of the Government Code, or in investment agreements, including guaranteed investment contracts, float contracts or other investment products; provided that such agreements comply with the requirements of each rating agency then rating the Refunding Bonds necessary in order to maintain the then-current rating on the Refunding Bonds. Unless otherwise instructed by the District in writing, amounts held hereunder shall be invested in the County of San Diego Treasurer's Pooled Investment Fund. If invested in other than the Pooled Investment Fund or the Local Agency Investment Fund of the State of California, amounts in the Debt Service Fund shall be invested in investments maturing not later than the date on which such amounts will be needed to pay the Principal of and interest on the Refunding Bonds. Nothing in this Resolution shall prevent any investment securities acquired as investments of funds held hereunder from being issued or held in book-entry form on the books of the Department of the Treasury of the United States.

(b) Obligations purchased as an investment of moneys in any fund or account shall be deemed at all times to be a part of such fund or account. Profits or losses attributable to any fund or account shall be credited or charged to such fund or account. In computing the amount in any fund or account created under the provisions of this Resolution for any purpose provided in this Resolution, obligations purchased as an investment of moneys therein shall be valued at cost, plus, where applicable, accrued interest.

Section 29. Tax Covenants. The District hereby covenants for the benefit of the Owners of the Tax-Exempt Bonds that it shall not take any action, or fail to take any action, if such action or failure to take such action would adversely affect the exclusion from gross income for federal income tax purposes of interest on the Tax-Exempt Bonds and will restrict the use of the proceeds of the Tax -Exempt Bonds in such manner and to such extent, if any, as may be necessary, so that the Tax-Exempt Bonds will not constitute arbitrage bonds under Section 148 of the Code, and the applicable regulations prescribed under that section or any predecessor section.

Section 30. Creation of Additional Funds. If at any time it is deemed necessary or desirable by the District, upon the written direction of an Authorized Officer of the District, the Treasurer may establish additional funds under this Resolution and/or accounts within any of the funds or accounts established hereunder.

Section 31. Repurchase of Refunded Bonds. The Repurchase Agent Agreement, substantially in the form on file with the Clerk of the Board, is hereby approved, and each of the Authorized Officers, acting alone, is authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Repurchase Agent Agreement in substantially the form approved, with such changes therein as the Authorized Officer executing such agreement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof by an Authorized Officer; provided, however, that (i) each negotiated purchase price of any Refunded Bonds shall be approved by an Authorized Officer upon consultation with the District's Municipal Advisor, (ii) the fees of the Repurchase Agent shall not exceed the amount set forth in the form of Repurchase Agent Agreement, and (iii) the aggregate purchase price for the Refunded Bonds from the Repurchase Agent by the District shall not exceed the sum of the purchase prices paid to the beneficial holders thereof by the Repurchase Agent plus an agreed upon carrying cost approved by an Authorized Official upon consultation with the District's Municipal Advisor corresponding to the number of days such Refunded Bonds are held by the Repurchase Agent (which cost of funds shall not exceed the accretion rate applicable to the Refunded Bonds so repurchased).

In connection with the issuance of the Refunding Bonds, the Board hereby authorizes District staff to take any and all actions necessary to effect the repurchase and cancellation of the Refunded Bonds. The Board hereby further authorizes the offer and exchange of any Refunding Bonds for any Refunded Bonds if necessary to effect the refunding of any or all of the Refunded Bonds so long as any such offer and exchange is done in compliance with, and results in the savings required under, the Act.

Section 32. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 9th day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

BOARD OF EDUCATION OF THE
SAN YSIDRO SCHOOL DISTRICT

By: _____
President

Attest:

_____
Clerk

CLERK'S CERTIFICATE

I, _____, Clerk of the Board of Education of the San Ysidro School District, hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of said District duly and regularly and legally held at the regular meeting place thereof on November 9, 2023, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

An Agenda of said meeting was posted at least 72 hours before said meeting at a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: _____, 2023

_____
Clerk of the Board of Education

EXHIBIT A

GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Refunding Bonds in accordance with California Government Code Section 5852.1. Such good faith estimates have been provided to the District by the Municipal Advisor.

Principal Amount. The Municipal Advisor has informed the District that, based on the District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Refunding Bonds to be sold is $45,000,000 (the "Estimated Principal Amount"). Based on the Estimated Principal Amount, the following good faith estimates are provided:

- True Interest Cost of the Refunding Bonds. The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Refunding Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Refunding Bonds, is 5.20%.

- Finance Charge of the Refunding Bonds. The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Refunding Bonds, which means the sum of all fees and charges paid to third parties, is $555,000, of which $380,000 is for costs of issuance to be paid from Refunding Bond proceeds and $175,000 is Underwriter's discount.

- Amount of Proceeds to be Received. The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the District for sale of the Refunding Bonds, less the finance charge of the Refunding Bonds paid from Refunding Bond proceeds, which amount is estimated to be $32,332,184.

- Total Payment Amount. The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the District will make to pay debt service on the Refunding Bonds, plus the finance charge for the Refunding Bonds as described in (b) above not paid with the proceeds of the Refunding Bonds, if any, calculated to the final maturity of the Refunding Bonds, is $71,542,385.

The foregoing estimates constitute good faith estimates only. The actual principal amount of the Refunding Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Refunding Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Refunding Bonds sold being different from the Estimated Principal Amount, (c) the actual amortization of the Refunding Bonds being

different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Refunding Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the District's financing plan, including the amount of Refunding Bonds issued as Tax-Exempt Bonds and Taxable Bonds, or a combination of such factors. The actual date of sale of the Refunding Bonds and the actual principal amount of Refunding Bonds sold, and whether the Refunding Bonds will be sold as Tax-Exempt Bonds, Taxable Bonds or a combination thereof, will be determined by the District based on the timing of the need for proceeds of the Refunding Bonds and other factors. The actual interest rates borne by the Refunding Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Refunding Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the District.

CURRICULUM & INSTRUCTION

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Smythe Elementary
Dr. Rebecca Bravo, Principal

☐ Informational
☒ Action

AGENDA ITEM: LICENSE SUBSCRIPTION WITH RENAISSANCE LEARNING, INC. FOR THE FRECKLE MATH STUDENT PROGRAM

BACKGROUND INFORMATION:
The Freckle Math program provides teachers with the best differentiation platform, so they can teach all their students at the level that is best for them. It offers 50,000 math questions covering K-9 standards. Students start off with a diagnostic, and after that they work with problems at their own skill level.

In addition, students build math fact fluency by evaluating their ability to recall the basic facts in all four operations, accurately and quickly.

The Principal at Smythe Elementary School is requesting approval to renew the Freckle Math Student subscription from Renaissance Learning, Inc. The term of this subscription is one year from December 1, 2023, to November 30, 2024.

RECOMMENDATION:
Approve the renewal of the Freckle Math license subscription from Renaissance Learning, Inc. for Smythe Elementary at the total cost of $8,505.00 from the Title I Fund.

LCAP GOAL AND ACTION/SERVICE:
Goal 1: Student Achievement – Action 1.19: Continue to provide supplemental programs and resources (i.e., Reading Renaissance, math manipulatives, etc.) to support student achievement in core content areas.

☒ **Renewal** ☐ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	9976

$8,505.00	Title I Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Renaissance

Subscription Renewal

2911 Peach Street, Wisconsin Rapids, WI 54494-1905
Phone: (800) 338-4204 | Fax: (877) 280-7642
Federal I.D. 39-1559474
www.renaissance.com

Quote #: RPRNQ2892236
Reference ID: 634394
Subscription Ends: 11/30/2023

Smythe Elementary School - 270700
1880 Smythe Ave
San Ysidro, CA 92173-1518
Contact: Russell Little - (619) 428-4476
Email: russell.little@sysdschools.org

Quote Summary School Count: 1	
Renaissance Products & Services Total	$8,505.00
Shipping and Processing	$0.00
Sales Tax	$0.00
Grand Total	**USD $8,505.00**

This quote includes: Renaissance Freckle.

By signing below, Customer:

- acknowledges that the Person signing this Quote is authorized to do so;
- agrees that this Quote, any other quotes issued to Customer during the Subscription Period and Customer and its Authorized Users access to and use of the Products and Services are subject to the Renaissance Terms of Service and License located at https://doc.renlearn.com/KMNet/R62416.pdf which are incorporated herein by reference;
- acknowledges receipt of the Notice of Renaissance's Practices Relating to Children's Online Privacy https://docs.renaissance.com/R63870 directed to you as the school official responsible for authorizing the use of the Renaissance Products and Services in the educational context; and,
- consents on behalf of parents/legal guardians to the collection, use, and disclosure of the personal information of children under the age of 13 with respect to use of the Renaissance Products and Services, as described in Renaissance's Children's Online Privacy Notice https://docs.renaissance.com/R63871

To accept this offer and place an order, please sign and return this Quote.
Renaissance will issue an invoice for this Quote on the earlier of (a) the date You specify below or (b) the day before Your Subscription Period starts (Invoice Date). If You require a purchase order, You agree to provide one to Renaissance at least 15 days before the Invoice Date. You also agree to pay the invoice within 30 days of the Invoice Date.

Please check here if your organization requires a purchase order prior to invoicing: [ ]

Renaissance Learning, Inc.	Smythe Elementary School - 270700
Ted Wolf	By:
Name: Ted Wolf	Name:
Title: VP - Corporate Controller	Title:
Date: 10/25/2023	Date:
	Invoice Date:

Email: electronicorders@renaissance.com

If your billing address is different from the address at the top of this Quote, please add that billing address below.
Bill To:

If changes are necessary, or additional information is required, please contact your account executive at (800) 338-4204, Thank You.

Use your Prop 98 funding to lock in multi-year discounts on the solutions you need.

Renaissance

2911 Peach Street, Wisconsin Rapids, WI 54494-1905
Phone: (800) 338-4204 | Fax: (877) 280-7642
Federal I.D. 39-1559474
www.renaissance.com

Subscription Renewal

Quote #: RPRNQ2892236

All quotes and orders are subject to availability of merchandise. This Quote is valid for 60 days from the date under Renaissance's signature. Professional development expires one year from purchase date. Alterations to this quote will not be honored without Renaissance approval. Please note: Any pricing or discount indicated is subject to change with alterations to the quote. Tax has been estimated and is subject to change without notice. Unless you provide Renaissance with a valid and correct tax exemption certificate applicable to your purchase of product and the product ship-to location, you are responsible for sales and other taxes associated with this order.

United States government and agency transactions into Arizona: The Tax or AZ-TPT item(s) listed on this quote and subsequent invoice(s) is a charge to recover the cost of the Arizona Transaction Privilege Tax ('TPT'). The incidence of the TPT is on Renaissance Learning for the privilege of conducting business in the State of Arizona. Since the tax is not directly imposed on the United States, the constitutional immunity of the United States does not apply.

Hawaii residents only: Orders shipped to Hawaii residents will be subject to the 4.166% (4.712% O'ahu Is.) Hawaii General Excise tax. United States government and agency transactions into Hawaii: The Tax or General Excise Tax item(s) listed on this quote and subsequent invoice(s) is a charge to recover the cost of the Hawaii General Excise Tax. The incidence of the General Excise Tax is on Renaissance Learning for the privilege of conducting business in the State of Hawaii. Since the tax is not directly imposed on the United States, the constitutional immunity of the United States does not apply.

New Mexico residents only: Orders shipped to New Mexico residents will be subject to the 5.125% (Location Code: 88-888) Gross Receipts tax. United States government and agency transactions into New Mexico: The Tax or Gross Receipts Tax item(s) listed on this quote and subsequent invoice(s) is a charge to recover the cost of the New Mexico Gross Receipts Tax. The incidence of the Gross Receipts Tax is on Renaissance Learning for the privilege of conducting business in the State of New Mexico. Since the tax is not directly imposed on the United States, the constitutional immunity of the United States does not apply. Starting July 1, 2021 New Mexico requires sellers to collect tax on the state and local rate. This varies depending on the city and county.

Students can become their most amazing selves — only when teachers truly shine. Renaissance amplifies teachers' effectiveness in the classroom — transforming data into actionable insights to improve learning outcomes. Remember, we're here to ensure your successful implementation. Please allow 30-90 days for installation and set-up.

Renaissance

2911 Peach Street, Wisconsin Rapids, WI 54494-1905
Phone: (800) 338-4204 | Fax: (877) 280-7642
Federal I.D. 39-1559474
www.renaissance.com

Subscription Renewal

Quote #: RPRNQ2892236

Quote Details				
Smythe Elementary School - 270700				
Products & Services	**Subscription Period**	**Quantity**	**Unit Price**	**Total**
Applications				
Freckle Math Student Subscription	12/01/2023 - 11/30/2024	540	$15.75	$8,505.00
Professional Services				
Renaissance Smart Start Product Training (included with purchase)		1	$0.00	$0.00
		Smythe Elementary School Total		**USD $8,505.00**

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SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Russell Little, Assistant Superintendent

☐ Informational
☒ Action

AGENDA ITEM: SCHOOLS' PARTICIPATION IN THE SAN DIEGO COUNTY SCRIPPS REGIONAL SPELLING BEE PROGRAM

BACKGROUND INFORMATION:

The Scripps Regional Spelling Bee program is open to students in 6th, 7th, and 8th grades in public or private schools during the 2023-24 school year. Enrolling in this program is a new way for students to connect and engage with their school and their learning.

By participating in the Spelling Bee students will:

- Develop language skills and increase their vocabulary.
- Practice poise under pressure.
- Strengthen life skills including work ethic.
- Build confidence and have fun!

The overall winner of the countywide Spelling Bee will be awarded the title of Spelling Bee Champion and go on to compete in the Scripps National Spelling Bee.

Cost implications for this program is the enrollment fee of $199.00 per school, which will provide everything schools need to organize classroom and school Spelling Bees.

RECOMMENDATION:

Approve the schools' participation in the San Diego County Scripps Regional Spelling Bee Program during the 2023-24 school year at the total cost of $1,393.00 from the General fund.

LCAP GOAL AND ACTION/SERVICE:

Goal 1: Student Achievement, Action 1.14: Continue to provide supplemental programs and resources (i.e., educational software, math manipulatives, dual language materials, etc.) to support student achievement in core content areas and to support language acquisition for all students including unduplicated students.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$1,393.00	General Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Special Education Department
Oscar Madera, Director

☐ Informational
☒ Action

AGENDA ITEM: EXTENDED SCHOOL YEAR 2024 WAIVER

BACKGROUND INFORMATION:

Ed Code or *CCR* to Waive: 3043 Extended School Year (ESY) services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have disabilities which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible, or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disability condition. The lack of clear evidence of such factors may not be used to deny an individual an Extended School Year program if the Individualized Education Program (IEP) team determines the need for such a program and includes ESY in the IEP pursuant to subsection (f).

The Special Education Department recommends that the Governing Board approves the request to provide ESY services for fewer than 20 days with the condition that 60 instructional hours or more be provided to the preschool program, and 80 instructional hours or more be provided to the K-Adult program. A minimum of 76 hours of instruction may be provided to K-Adult if a holiday is included. In addition, special education and related services offered during the extended year period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations,* Title 5, (5 *CCR*), Section 3043(d).

RECOMMENDATION:

Approve the Waiver for Extended School Year 2024 to reduce the number of instructional days provided to special education students.

LCAP GOAL AND ACTION/SERVICE:

Goal 1, Item 1.20: Implement Intersession Program for an expanded learning opportunity to provide enrichment programs to improve student achievement and close the achievement gap for unduplicated students and students with disabilities.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Russell Little, Assistant Superintendent

☐ Informational
☒ Action

AGENDA ITEM: EDUCATIONAL FIELD TRIPS FOR STUDENTS ATTENDING THE EXPANDED LEARNING INTERSESSION PROGRAM

BACKGROUND INFORMATION:

As part of the ESSER III Summer Grant program, Educational Services is requesting approval for students from Ocean View Hills, San Ysidro Middle and Willow Schools to participate in educational field trips during intersession. In order to participate, students need to be enrolled in the Expanded Learning Opportunities Program (ELO-P).

The intersession dates are:

- November break – 11/20/23 – 11/23/23
- Winter break – 12/18/23 - 01/04/24
- Summer Break – 06/06/24 – 06/14/24

The goal of these field trips is that the recreational venues (TBD) will offer a unique environment outside of the classroom where students can form deeper relationships with their classmates. These interactions will help students create positive social connections that will contribute to a sense of belonging, emotional support, and overall well-being.

Cost implications will include student fees, transportation, and compensation for the district's chaperone.

RECOMMENDATION:

Approve the educational field trips (TBD) for students attending the expanded learning intersession program at Ocean View Hills, San Ysidro Middle and Willow schools at a cost not to exceed $245,000.00 from the ESSER III Summer Grant fund.

LCAP GOAL AND ACTION/SERVICE:

Goal 3: Student Engagement and School Climate, Action 3.8: Provide enrichment opportunities & programs for students to improve the academic environment, including extended school year. Increase the instructional day to expand opportunities for students to accelerate learning through targeted intervention and enrichment opportunities to support student engagement and school connectedness for all students including unduplicated students.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

Not to exceed:	
$245,000.00	ESSER III Summer Grant Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services,
Russell Little, Assistant Superintendent

☐ Informational
☒ Action

AGENDA ITEM: PROFESSIONAL DEVELOPMENTS

BACKGROUND INFORMATION:
In order to stay in compliance with State, Federal and local laws, our staff at the different sites and/or departments will participate in diverse professional developments throughout the year. These trainings/conferences and/or workshops will give our staff the opportunity to be better prepared and will reflect in the academic success of our students.

The following is a list of professional developments up for the November 9, 2023, Board meeting:

- Anaheim Landscape Expo
- Building a Better Future for California Students Experiencing Homelessness Summit
- Educator's IEP Academy: Writing a Strong and Compliant IEP
- LCFF Required Goals for Equity
- Math Wars Method Workshop
- Robert Bittner Workshop
- School Services of California - Effective Supervision and Evaluation

Cost implications might include registration fees, lodging, parking, meals, mileage, and substitute teacher compensation, as needed.

RECOMMENDATION:
Approve/Ratify the attendance and participation of District staff to the different professional developments, as attached.

LCAP GOAL AND ACTION/SERVICE:
Goal 1: Student Achievement – Actions: 1.15, 1.16 and 1.25 ~ Goal 2: English Language and Academic Language Development – Action: 2.4 ~ Goal 4: Social Emotional Well-being and Mental Health – Action 4.7

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

APPROXIMATE COST	
$963.00	General & Title I PD Funds
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Professional Development Backup Information – November 9, 2023

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
Ernesto Marquez, Ricardo Alvarez, Angel Alvarez	Anaheim Landscape Expo	Anaheim, CA	September 20, 2023	$80.00	General Fund
Veronica Medina	Building a Better Future for California Students Experiencing Homelessness Summit	Online	November 9, 2023	$0	N/A
Maria Fortuna	Educator's IEP Academy: Writing a Strong and Compliant IEP	Online	November 3 & 17, 2023 December 1 & 8, 2023	$0	N/A
Marilyn Adrianzen, Amber Elliott	LCFF Required Goals for Equity	Online	December 12, 2023	$0	N/A
Carmen Blanco, Ana Garcia, Alicia Luna, Mei Ling Murray	Math Wars Method Workshop	Online	TBD	$388.00	Title I Fund
Marci Begins	Robert Bittner Workshop	SDCOE	January 17, 2024	$180.00 (Registration & Mileage)	General Fund
Manuel Bojorquez	School Services of California – Effective Supervision and Evaluation	Online	November 14, 2023	$315.00	General Fund

BUSINESS

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

☐ Informational
☒ Action

AGENDA ITEM: PURCHASING REPORT

BACKGROUND INFORMATION:
In order for the District to conduct the educational programs, expenditures are necessary. The function of a purchase order is to receive pre-approval for expenditures and set aside funds before services are performed and goods are received. When possible, purchase orders are made estimating the amount to be used over the course of the school year. Purchase orders are created and approved in the Business Services Department in addition to requisitions created by sites and other departments.

Report #4 (October 1, 2023 through October 31, 2023): ▪ General Fund: 0000010663-0000010676, 0000010679-0000010709, 0000010711-0000010729, 0000010733-0000010737, 0000010739, 0000010741-0000010743, 0000010745-0000010757, 0000010760-0000010762, 0000010767-0000010771, 0000010773-0000010783, 0000010785-0000010790 ▪ Child Development Fund: 0000010678, 0000010763-0000010766, 0000010784 Child Nutrition Fund: 0000010677, 0000010710, 0000010730-0000010732, 0000010740, 0000010744.

RECOMMENDATION:
Approve/Ratify the following purchase orders incurred by the District during the period October 1, 2023 through October 31, 2023. This includes all agreements along with those with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications? ☒ Yes ☐ No

Are funds for this item available in the 2023-2024 Budget? ☒ Yes ☐ No

Requisition #

$592,712.70	As listed above
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

PO Date	PO No.	Supplier	Supplier	PO Ref	Fund	Resource	Object	Site	Total by Account
10/2/2023	0000010663	003993	IMAGINE LEARNING INC	CONTRACTED SERVICES	0100	3010000	5800006	018	39,000.00
10/2/2023	0000010664	004678	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	0100	0000000	4300001	018	136.80
10/2/2023	0000010665	001238	GOPHER SPORT	INSTRUCTIONAL MATERIALS	0100	9010101	4300001	061	9,531.15
10/2/2023	0000010666	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	9010101	4300001	061	1,482.40
10/2/2023	0000010667	000535	SCHOOL SPECIALTY	INSTRUCTIONAL MATERIALS	0100	9010101	4300001	061	1,932.19
10/2/2023	0000010668	002187	APPLE INC	TECHNOLOGY EQUIPMENT	0100	0000000	4400000	064	5,035.15
10/2/2023	0000010669	001012	CDW GOVERNMENT LLC	OFFICE MATERIALS	0100	0000000	5800006	064	792.84
10/3/2023	0000010670	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	3010000	4300001	024	2,087.33
10/3/2023	0000010671	004678	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	0100	0000000	4300001	024	1,837.03
10/3/2023	0000010672	003722	PEARSON	INSTRUCTIONAL MATERIALS	0100	0490000	4300003	054	1,607.33
10/3/2023	0000010673	004678	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	0100	0000000	4300011	062	348.38
10/3/2023	0000010674	004645	IMAGE ONE CORPORATION	CONTRACTED SERVICES	0100	0000000	5800006	067	5,579.57
10/3/2023	0000010675	003313	BEST BUY	TECHNOLOGY EQUIPMENT	0100	0000000	4400000	067	1,583.82
10/3/2023	0000010676	004678	AMAZON CAPITAL SERVICES	TECHNOLOGY EQUIPMENT	0100	0000000	4400000	067	4,633.23
10/3/2023	0000010679	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	0000000	4300011	062	156.55
10/4/2023	0000010680	0000000051	FINALSITE	CONTRACTED SERVICES	0100	0000000	5800006	067	19,943.91
10/4/2023	0000010681	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	0490000	4300001	054	302.47
10/4/2023	0000010682	004645	IMAGE ONE CORPORATION	OFFICE SUPPLIES	0100	0000000	5800006	067	367.70
10/4/2023	0000010683	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	022	2,490.53
10/4/2023	0000010684	002990	ULINE	OFFICE MATERIALS	0100	0000000	4300011	020	567.14
10/4/2023	0000010685	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIAL	0100	0000000	4300001	020	1,234.83
10/4/2023	0000010686	0000000747	NAEHCY	REGISTRATION FEES	0100	5630000	5200003	050	1,048.00
10/4/2023	0000010687	0000000759	EMPIRICAL RESOLUTION, INC.	INSTRUCTIONAL MATERIALS	0100	3010000	5800006	022	1,800.00
10/4/2023	0000010688	000809	OFFICE DEPOT	MAINTENANCE SUPPLIES	0100	8150000	4300011	070	375.28
10/4/2023	0000010689	001012	CDW GOVERNMENT LLC	TECHNOLOGY SUPPLIES	0100	0000000	4300002	067	2,696.17
10/4/2023	0000010690	0000000078	VECTOR USA	TECHNOLOGY LICENSING	0100	0000000	5800006	067	26,999.99
10/4/2023	0000010691	004792	FUN AND FUNCTION, LLC	INSTRUCTIONAL MATERIALS	0100	0490000	4300001	054	749.68
10/4/2023	0000010692	000535	SCHOOL SPECIALTY	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	025	786.45
10/4/2023	0000010693	001755	WILLIAM V. MAC GILL & CO.	MEDICAL SUPPLIES	0100	0000000	4300010	016	430.96
10/5/2023	0000010694	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	025	2,146.15
10/5/2023	0000010695	0000000772	ACADEMIC SUPPLIER	OFFICE SUPPLIES	0100	0000000	4300001	025	656.20
10/5/2023	0000010696	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	3010000	4300001	022	707.36
10/5/2023	0000010697	003377	SOUTHWEST SCHOOL & OFFICE	OFFICE SUPPLIES	0100	0000000	4300011	022	128.37
10/5/2023	0000010698	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0490000	4300000	054	158.79
10/5/2023	0000010699	001012	CDW GOVERNMENT LLC	TECHNOLOGY SUPPLIES	0100	0000000	4300002	067	2,728.33
10/5/2023	0000010700	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0490000	4300001	054	614.06

PO Date	PO No.	Supplier	Supplier	PO Ref	Fund	Resource	Object	Site	Total by Account
10/5/2023	0000010701	003313	BEST BUY	INSTRUCTIONAL MATERIAL	0100	6500200	4300001	054	7,197.48
10/5/2023	0000010702	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	2600000	4300001	061	294.97
10/5/2023	0000010703	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	351.79
10/5/2023	0000010704	0000000935	SHERMAN GARNETT & ASSOCIATES	OFFICE SUPPLIES	0100	0000000	4300000	050	69.64
10/5/2023	0000010705	0000000905	BLUUM USA, INC.	TECHNOLOGY SUPPLIES	0100	0000000	4300002	067	9,995.22
10/5/2023	0000010706	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0490000	4300001	054	388.85
10/5/2023	0000010707	003722	PEARSON	INSTRUCTIONAL MATERIALS	0100	6500000	4300003	054	582.02
10/5/2023	0000010708	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	405.84
10/5/2023	0000010709	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	0000000	4300011	061	1,043.67
10/5/2023	0000010711	000588	SCHOOL SERVICES OF CALIFORNIA	REGISTRATION FEES	0100	0000000	5200003	071	650.00
10/5/2023	0000010712	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0000000	4300001	022	174.05
10/5/2023	0000010713	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	8150000	4300007	070	79.54
10/5/2023	0000010714	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	80.76
10/9/2023	0000010715	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0490000	4300001	054	1,295.60
10/9/2023	0000010716	0000001029	BLOOKET LLC	INSTRUCTIONAL MATERIALS	0100	3010000	4300001	022	250.00
10/9/2023	0000010717	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0000000	4300001	022	105.52
10/9/2023	0000010718	0000000491	PANERA BREAD COMPANY	REFRESHMENTS	0100	0982000	4300015	074	1,000.00
10/10/2023	0000010719	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIAL	0100	0000000	4300001	022	636.61
10/10/2023	0000010720	004628	FOLLETT SCHOOL SOLUTIONS,INC	CONTRACTED SERVICES	0100	0000000	5800006	067	18,422.55
10/10/2023	0000010721	0000000854	SUN DIEGO CHARTER	CONTRACTED SERVICES	0100	2600000	5800018	061	7,500.00
10/10/2023	0000010722	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	6500000	4300011	054	642.72
10/11/2023	0000010723	003377	SOUTHWEST SCHOOL & OFFICE	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	020	317.86
10/11/2023	0000010724	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0000000	4300001	020	1,038.32
10/12/2023	0000010725	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	0000000	4300001	018	2,087.33
10/12/2023	0000010726	004129	CARRIE A. KOURI	MEDICAL MATERIAL	0100	6500000	4400000	054	1,271.57
10/12/2023	0000010727	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0300212	4300000	012	960.87
10/12/2023	0000010728	002711	ROCHESTER 100 INC.	INSTRUCTIONAL MATERIALS	0100	0000000	4300000	012	624.95
10/12/2023	0000010729	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	0490000	4300001	054	23.64
10/12/2023	0000010729	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	6500000	4300011	054	42.94
10/13/2023	0000010733	000548	NEXT DAY PRINTED TEES	OFFICE MATERIALS	0100	0000000	4300011	064	1,045.88
10/16/2023	0000010734	004678	AMAZON CAPITAL SERVICES	TECHNOLOGY SUPPLIES	0100	0000000	4300002	067	194.38
10/17/2023	0000010735	0000000862	EINSTEIN BROS BAGELS	REFRESHMENTS	0100	0000000	4300015	064	2,000.00
10/18/2023	0000010736	003313	BEST BUY	TECHNOLOGY SUPPLIES	0100	6500000	4300001	054	500.00
10/18/2023	0000010737	001643	ATKINSON, ANDELSON, LOYA, RUUD	LEGAL FEES	0100	0000000	5800002	063	735.87
10/18/2023	0000010739	0000000910	SMASH MY TRASH	CONTRACTED SERVICES	0100	8150000	5600005	070	500.00
10/19/2023	0000010741	003377	SOUTHWEST SCHOOL & OFFICE	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	020	1,433.51

PO Date	PO No.	Supplier	Supplier	PO Ref	Fund	Resource	Object	Site	Total by Account
10/19/2023	0000010742	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	0000000	4300001	020	315.82
10/19/2023	0000010743	0000000315	FOUNDATION FOR EDUCATIONAL	REGISTRATION FEES	0100	6500000	5200003	054	2,347.00
10/19/2023	0000010745	001178	SAN DIEGO COUNTY	OFFICE SUPPLIES	0100	0000000	4300001	018	357.08
10/19/2023	0000010745	001178	SAN DIEGO COUNTY	OFFICE SUPPLIES	0100	0000000	4300001	020	357.08
10/24/2023	0000010746	004678	AMAZON CAPITAL SERVICES	MAINTENANCE SUPPLIES	0100	8150000	4300007	070	135.60
10/24/2023	0000010747	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	124.90
10/24/2023	0000010748	000809	OFFICE DEPOT	OFFICE SUPPLIES	0100	0000000	4300001	012	753.84
10/24/2023	0000010749	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	022	3,414.40
10/24/2023	0000010750	004678	AMAZON CAPITAL SERVICES	MEDICAL SUPPLIES	0100	6500000	4300001	054	228.46
10/24/2023	0000010751	004420	UNITED PLUMBING HEATING AIR	CONTRACTED SERVICES	0100	8150000	5600005	070	5,800.00
10/24/2023	0000010752	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	617.13
10/24/2023	0000010753	000535	SCHOOL SPECIALTY	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	329.15
10/24/2023	0000010754	000588	SCHOOL SERVICES OF CALIFORNIA	PROFESSIONAL SERVICES	0100	0000000	5800010	071	5,300.00
10/24/2023	0000010755	0000000292	WINET PATRICK GAYER CREIGHTON	LEGAL SERVICES	0100	0000000	5450000	071	30,000.00
10/24/2023	0000010756	000258	PARADIGM HEALTHCARE SERVICES	PROFESSIONAL SERVICES	0100	0490000	5800010	054	6,390.00
10/24/2023	0000010757	0000000911	KYO AUTISM THERAPY, LLC	PROFESSIONAL SERVICES	0100	6500000	5800010	054	150,000.00
10/24/2023	0000010760	000336	MCGRAW-HILL	INSTRUCTIONAL MATERIALS	0100	6300000	4100000	061	21,227.17
10/24/2023	0000010761	004678	AMAZON CAPITAL SERVICES	TECHNOLOGY SUPPLIES	0100	0000000	4300002	067	2,773.34
10/25/2023	0000010762	0000000574	ACCO ENGINEERED SYSTEMS, INC.	CONTRACTED SERVICES	0100	8150000	5600005	070	11,975.55
10/26/2023	0000010767	004309	BEST BEST & KRIEGER LLP	LEGAL SERVICES	0100	0000000	5800002	063	24,176.30
10/26/2023	0000010767	004309	BEST BEST & KRIEGER LLP	LEGAL SERVICES	0100	0000000	5800002	071	6,031.20
10/27/2023	0000010768	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300000	061	814.72
10/27/2023	0000010769	0000000284	NELSON ADAMS NACO CORPORATION	CONTRACTED SERVICES	0100	8150000	5600005	070	1,350.00
10/27/2023	0000010770	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	339.23
10/27/2023	0000010771	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0000000	4300001	022	562.35
10/27/2023	0000010773	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	0000000	4300001	025	1,877.32
10/27/2023	0000010774	0000000806	GIMKIT, INC	INSTRUCTIONAL MATERIALS	0100	3010000	5800006	025	1,000.00
10/27/2023	0000010775	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	651.45
10/27/2023	0000010776	001178	SAN DIEGO COUNTY	REGISTRATION FEES	0100	3010003	5200003	061	250.00
10/27/2023	0000010777	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	418.76
10/30/2023	0000010778	0000000574	ACCO ENGINEERED SYSTEMS, INC.	CONTRACTED SERVICES	0100	8150000	5600005	070	5,671.90
10/30/2023	0000010779	003993	IMAGINE LEARNING INC	CONTRACTED SERVICES	0100	3010000	5800006	020	20,000.00
10/30/2023	0000010780	000379	HAWTHORNE MACHINERY	CONTRACTED SERVICES	0100	0982000	5600005	074	4,377.58
10/30/2023	0000010781	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL SUPPLIES	0100	2600000	4300001	061	73.69
10/30/2023	0000010782	000379	HAWTHORNE MACHINERY	CONTRACTED SERVICES	0100	0982000	5600005	074	2,684.96
10/30/2023	0000010783	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	236.52

PO Date	PO No.	Supplier	Supplier	PO Ref	Fund	Resource	Object	Site	Total by Account
10/30/2023	0000010785	002386	RENAISSANCE LEARNING INC.	CONTRACTED SERVICES	0100	3010000	5800006	016	8,505.00
10/30/2023	0000010786	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	205.42
10/30/2023	0000010787	004678	AMAZON CAPITAL SERVICES	INSTRUCTIONAL MATERIALS	0100	2600000	4300001	061	618.95
10/31/2023	0000010788	004678	AMAZON CAPITAL SERVICES	MAINTENANCE SUPPLIES	0100	8150000	4300007	070	415.37
10/31/2023	0000010789	002539	ZONAR SYSTEMS	MAINTENANCE AGREEMENT	0100	0982000	5800006	074	10,586.08
10/31/2023	0000010790	0000000644	TRANSFINDER CORPORATION	MAINTENANCE AGREEMENT	0100	0982000	5800006	074	5,500.00
							Total for 0100		**545,413.41**
10/3/2023	0000010678	004678	AMAZON CAPITAL SERVICES	CUSTODIAL SUPPLIES	1200	5210000	4300020	076	825.37
10/26/2023	0000010763	004678	AMAZON CAPITAL SERVICES	CUSTODIAL SUPPLIES	1200	5210000	4300020	076	910.47
10/26/2023	0000010764	000809	OFFICE DEPOT	OFFICE SUPPLIES	1200	6105000	4300001	076	565.00
10/26/2023	0000010765	000136	WAXIE SANITARY SUPPLY	CUSTODIAL SUPPLIES	1200	6105000	4300020	076	2,060.07
10/26/2023	0000010766	000136	WAXIE SANITARY SUPPLY	CUSTODIAL SUPPLIES	1200	6105000	4300020	076	2,847.47
10/30/2023	0000010784	000146	LAKESHORE	INSTRUCTIONAL MATERIALS	1200	5210000	4300001	076	825.05
							Total for 1200		**8,033.43**
10/3/2023	0000010677	002754	EL TAPATIO CATERING	CAFETERIA CATERINGS	1300	5310000	4700991	085	10,000.00
10/5/2023	0000010710	0000000088	TECH-24	CONTRACTED SERVICES	1300	5310000	4700006	085	10,000.00
10/13/2023	0000010730	000967	ECONOMY RESTAURANT EQUIPMENT	CAFETERIA EQUIPMENT	1300	7032000	4300026	085	10,093.28
10/13/2023	0000010731	0000000088	TECH-24	CONTRACTED SERVICES	1300	5310000	5800006	085	3,337.50
10/13/2023	0000010732	0000000544	HEARTLAND SCHOOL SOLUTIONS	CONTRACTED SERVICES	1300	7032000	4300070	085	750.00
10/19/2023	0000010740	004678	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	1300	5310000	4300011	085	85.08
10/19/2023	0000010744	004203	MEXAM ENTERPRISES, INC.	CAFETERIA SUPPLIES	1300	5310000	4700011	085	5,000.00
							Total for 1300		**39,265.86**
							Grand Total		**592,712.70**

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

☐ Informational
☒ Action

AGENDA ITEM: EXPENDITURE REPORT

BACKGROUND INFORMATION:
The District is required to pay for goods and services it uses to conduct the educational and support programs. Prior to payment, supporting documents such as contracts with the appropriate approvals and proof of receipt for the goods or services are collected. Invoices to be paid are submitted to the Business Services Department for payment processing. Warrants are printed at San Diego County Office of Education then returned to the Business Services Department for signature.

The following are expenditures incurred by the District during the period of October 1, 2023 through October 31, 2023 with checks #14-067881 through #14-078738 for a total expenditure of $1,909,253.30 from the following sources:

General Fund - $1,695,487.25
Child Nutrition Fund -$160,646.65
Building Fund Prop -$53,119.40

RECOMMENDATION:
Approve/Ratify the expenditures incurred by the District during the period of October 1, 2023 through October 31, 2023 for a total expenditure of $1,909,253.30. This includes all agreements along with those with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources.

LCAP GOAL AND ACTION/SERVICE (please indicate):
Goal No.: Base Services and Safety
2.1 Maintain basic operating services of the district including MOT personnel, transportation, contracted services, and utilities.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$1,909,253.30	Various (see above)
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Expenditure Report
10/1/23-10/31/23

Warrant ID	Payee	Date	Warrant Amount	Fund	Description
14067881	P.I.P.S.	10/2/2023	367.70	0100	PROFESSIONAL SERVICES
14067882	SUNBELT RENTALS, INC.	10/2/2023	190.99	0100	LEASE EQUIPMENT
14067883	FOUNDATION FOR EDUCATIONAL	10/2/2023	6077.00	0100	REGISTRATION FEES
14067884	PARKHOUSE TIRE INC	10/2/2023	2139.39	0100	MECHANIC SUPPLIES
14067885	ACADEMIC SUPPLIER	10/2/2023	7769.85	0100	OFFICE SUPPLIES
14067886	CROWN LIFT TRUCKS	10/2/2023	1389.36	0100	COTRACTED SERVICES
14067887	NORA AROCHO	10/2/2023	776.80	0100	REIMBURSEMENT
14067888	SAN DIEGO GAS & ELECTRIC	10/2/2023	160172.46	0100	UTILITIES
14067889	GRAINGER	10/2/2023	1570.15	0100	MAINTENANCE SUPPLIES
14067890	CURRICULUM ASSOC. INC.	10/2/2023	2933.50	0100	INSTRUCTIONAL MATERIALS
14067891	SCHOOL SPECIALTY	10/2/2023	7732.85	0100	INSTRUCTIONAL MATERIALS
14067892	OFFICE DEPOT	10/2/2023	9609.99	0100	INSTRUCTIONAL SUPPLIES
14067893	REPUBLIC SERVICES	10/2/2023	25167.91	0100	UTILITIES
14067894	LEARNING A-Z	10/2/2023	264.00	0100	INSTRUCTIONAL MATERIALS
14067895	PERMA BOUND PUB.	10/2/2023	792.00	0100	INSTRUCTIONAL SUPPLIES
14067896	HARBOR FREIGHT TOOLS	10/2/2023	306.48	0100	MAINTENANCE SUPPLIES
14067897	BENCHMARK EDUCATION COMPANY	10/2/2023	166.67	0100	INSTRUCTIONAL MATERIALS
14067898	SOUTHWEST SCHOOL & OFFICE	10/2/2023	9186.60	0100	OFFICE SUPPLIES
14067899	SIR SPEEDY PRINTING 02890	10/2/2023	377.13	0100	OFFICE MATERIALS
14067900	SPARKLETTS	10/2/2023	834.34	0100	CONTRACTED SERVICES
14069042	FINALSITE	10/5/2023	19943.91	0100	CONTRACTED SERVICES
14069043	MRC SMART TECHNOLOGY SOLUTIONS	10/5/2023	11551.69	0100	CONTRACTED SERVCIES
14069044	WESTERN PUMP INC.	10/5/2023	750.66	0100	CONTRACTED SERVICES
14069045	PABLO J. SAINZ	10/5/2023	237.72	0100	REIMBURSEMENT
14069046	AARDVARK ANT & PEST CONTROL INC.	10/5/2023	2217.00	0100	CONTRACTED SERVICES
14069047	FRANK VILLALVA JR.	10/5/2023	1080.00	0100	PROFESSIONAL SERVICES
14069048	BUILDING RESOURCES	10/5/2023	97685.45	0100	PROFESSIONAL SERVICES
14069049	THE BIRCH AGENCY INC	10/5/2023	7280.00	0100	PROFESSDIONAL SERVICES
14069050	CALIFORNIA ELECTRIC SUPPLY	10/5/2023	26.95	0100	MAINTENANCE SUPPLIES
14070619	CORODATA RECORDS MANAGEMENT, INC.	10/9/2023	280.55	0100	CONTRACTED SERVICES
14070621	PROJECT LEAD THE WAY INC	10/9/2023	344.80	0100	INSTRUCTIONAL SUPPLIES
14070622	DAILY JOURNAL CORPORATION	10/9/2023	15.75	0100	CONTRACTED SERVICES
14070623	RIVERSIDE ASSESSMENTS, LLC	10/9/2023	10576.23	0100	INSTRUCITIONAL MATERIALS

Warrant ID	Payee	Date	Warrant Amount	Fund	Description
14070624	NAEHCY	10/9/2023	1048.00	0100	REGISTRATION FEES
14070625	THE STEPPING STONE GROUP	10/9/2023	12000.00	0100	PROFESSIONAL SERVICES
14070626	TANYA KELLER	10/9/2023	1350.00	0100	PROFESSIONAL SERVICES
14070627	BUILDING RESOURCES	10/9/2023	37004.13	0100	CONTRACTED SERVICES
14070629	SPEECH TREE THERAPY CENTER	10/9/2023	900.00	0100	PROFESSIONAL SERVICES
14070630	CONNECT4KIDS PSYCHOLOGICAL SERVICES INC	10/9/2023	4250.00	0100	PROFESSIONAL SERVICES
14070631	RICHARD C. OWEN PUBLISHERS, INC	10/9/2023	850.08	0100	INSTRUCTIONAL MATERIALS
14070632	WIRELESS PRO'S	10/9/2023	52.20	0100	TECHNOLOGY SUPPLIES
14070633	GOPHER SPORT	10/9/2023	3094.02	0100	INSTRUCTIONAL MATERIAL
14070634	BENCHMARK EDUCATION COMPANY	10/9/2023	84045.00	0100	INSTRUCTIONAL MATERIAL
14070635	YMCA OF SAN DIEGO COUNTY	10/9/2023	153418.76	0100	PROFESSIONAL SERVICES
14070636	VALLEY INDUSTRIAL SPECIALTIES	10/9/2023	2514.41	0100	MAINTENANCE SUPPLIES
14070637	ALPHA SMOG STATION	10/9/2023	625.00	0100	CONTRACTED SERVICES
14070638	ACE COOLERS INC	10/9/2023	1824.65	0100	CONTRACTED SERVICES
14070639	EDUPOINT EDUCATIONAL SYSTEMS	10/9/2023	1500.00	0100	CONTRACTED SERVICES
14070640	OPTIMUM FLOORCARE	10/9/2023	20.00	0100	CUSTODIAL SUPPLIES
14070642	UNITED PLUMBING HEATING AIR	10/9/2023	3245.00	0100	CONTRACTED SERVICES
14070643	AMAZON CAPITAL SERVICES	10/9/2023	263.70	0100	INSTRUCTIONAL MATERIALS
14070644	SOUTH BAY COMMUNITY SERVICES	10/9/2023	71610.00	0100	PROFESSIONAL SERVICES
14071829	RIFTON EQUIPMENT	10/12/2023	6091.66	0100	INSTRUCTIONAL EQUIPMENT
14071830	DANNIS WOLIVER KELLEY	10/12/2023	3782.00	0100	LEGAL FEES
14071831	WALSH & ASSOCIATES, APC	10/12/2023	30596.90	0100	LEGAL SERVICES
14071832	SCHOOL SPECIALTY	10/12/2023	6423.89	0100	INSTRUCTIONAL MATERIALS
14071833	SAFEWAY INC. -VONS DIVISION	10/12/2023	145.12	0100	REFRESHMENTS
14071834	KONE INC	10/12/2023	11475.18	0100	CONTRACTED SERVICES
14071836	LAURA ENGLISH	10/12/2023	77.00	0100	REIMBURSEMENT
14071837	FOLLETT SCHOOL SOLUTIONS,INC	10/12/2023	44054.97	0100	INSTRUCTIONAL SUPPLIES
14071838	IMAGE ONE CORPORATION	10/12/2023	5579.57	0100	CONTRACTED SERVICES
14071839	AMAZON CAPITAL SERVICES	10/12/2023	5139.29	0100	INSTRUCTIONAL MATERIALS
14071840	BrainPOP LLC	10/12/2023	3376.51	0100	INSTRUCTIONAL MATERIAL
14071841	XEROX CORPORATION	10/12/2023	6821.25	0100	CONTRACTED SERVICES
14073236	P.I.P.S.	10/16/2023	73540.42	0100	PROFESSIONAL SERVICES
14073241	ACCO ENGINEERED SYSTEMS, INC.	10/16/2023	2651.93	0100	CONTRACTED SERVICES

Warrant ID	Payee	Date	Warrant Amount	Fund	Description
14073244	DELTAMATH SOLUTIONS INC	10/16/2023	1000.00	0100	INSTRUCTIONAL MATERIALS
14073245	T-MOBILE	10/16/2023	3346.55	0100	CONTRACTED SERVICES
14073247	PARADIGM HEALTHCARE SERVICES	10/16/2023	500.00	0100	PROFESSIONAL SERVICES
14073248	SCHOLASTIC , INC	10/16/2023	2932.11	0100	INSTRUCTIONAL MATERIALS
14073250	REFRIGERATION SUPPLIES	10/16/2023	249.97	0100	MAINTENANCE SUPPLY
14073254	BUS WEST	10/16/2023	655.87	0100	MECHANIC SUPPLIES
14073255	REPUBLIC SERVICES	10/16/2023	100.00	0100	UTILITIES
14073256	EWING IRRIGATION	10/16/2023	1842.90	0100	GROUND SUPPLIES
14073257	WILLY'S ELECTRONIC SUPPLY CO.	10/16/2023	56.14	0100	TECHNOLOGY SUPPLIES
14073259	IMPERIAL SPRINKLER SUPPLY	10/16/2023	320.00	0100	GROUNDS SUPPLIES
14073262	IMAGINE LEARNING INC	10/16/2023	39000.00	0100	CONTRACTED SERVICES
14073263	RUSSELL SIGLER, INC	10/16/2023	2727.63	0100	MAINTENANCE SUPPLIES
14073266	FOLLETT SCHOOL SOLUTIONS,INC	10/16/2023	385.00	0100	REGISTRATION FEES
14074525	BMR HEALTH SERVICES, INC	10/19/2023	56640.00	0100	PROFESSIONAL SERVICES
14074526	MAXIM HEALTHCARE SERVICES, INC	10/19/2023	20931.50	0100	PROFESSIONAL SERVICES
14074527	CAPITOL ADVISORS GROUP, LLC	10/19/2023	2000.00	0100	PROFESSIONAL SERVICES
14074528	SDSU RESEARCH FOUNDATION/NCUST	10/19/2023	8750.00	0100	PROFESSIONAL SERVICES
14074529	CAL PACIFIC TRUCK CENTER ,LLC	10/19/2023	8261.86	0100	CONTRACTED SERVICES
14074530	EDTHEORY LLC	10/19/2023	13511.91	0100	PROFESSIONAL SERVICES
14074531	PROCARE THERAPY	10/19/2023	10640.00	0100	PROFESSIONAL SERVICES
14074532	SAM & ROSE STEIN EDUCATION	10/19/2023	16690.89	0100	PROFESSIONAL SERVICES
14074533	MICHELLE PATTERSON	10/19/2023	104.29	0100	REIMBURSEMENT
14074534	THE INSTITUTE FOR EFFECTIVE	10/19/2023	22209.20	0100	PROFESSIONAL SERVICES
14074535	NAPA AUTO PARTS	10/19/2023	34.21	0100	MECHANIC SUPPLIES
14074536	CALIFORNIA ELECTRIC SUPPLY	10/19/2023	672.73	0100	MAINTENANCE SUPPLIES
14074537	FEDEX	10/19/2023	24.97	0100	CONTRACTED SERVICES
14074538	ZENAIDA R. ROSARIO	10/19/2023	60.22	0100	REIMBURSEMENT
14074539	DOVETAIL HOUSE PUBLISHING	10/19/2023	886.59	0100	INSTRUCTIONAL MATERIALS
14074540	ACE COOLERS INC	10/19/2023	10259.11	0100	CONTRACTED SERVICES
14074541	AMAZON CAPITAL SERVICES	10/19/2023	7562.05	0100	INSTRUCTIONAL MATERIALS
14074542	CALIFORNIA FINANCIAL SERVICES	10/19/2023	10000.00	0100	PROFESSIONAL SERVICES
14076042	ELMY FLORES	10/23/2023	257.31	0100	REIMBURSEMENT
14076043	CRISTINA D'OLEIRE	10/23/2023	13.89	0100	MILEAGE

Warrant ID	Payee	Date	Warrant Amount	Fund	Description
14076044	DANNIS WOLIVER KELLEY	10/23/2023	608.00	0100	LEGAL FEES
14076045	MARIANNA ROCHIN	10/23/2023	30.13	0100	MILEAGE
14076046	ACADEMIC SUPPLIER	10/23/2023	656.20	0100	OFFICE SUPPLIES
14076047	THE SPEECH PATHOLOGY GROUP, INC	10/23/2023	29185.60	0100	PROFESSIONAL SERVICES
14076048	EINSTEIN BROS BAGELS	10/23/2023	244.42	0100	REFRESHMENTS
14076049	EMILY N STEWART CONSULTING	10/23/2023	7750.00	0100	PROFESSIONAL SERVICES
14076050	SMASH MY TRASH	10/23/2023	500.00	0100	CONTRACTED SERVICES
14076051	CULTURA	10/23/2023	2562.33	0100	OFFICE MATERIALS
14076052	CHELSEA HOULDIN	10/23/2023	89.51	0100	REIMBURSEMENT
14076053	ILIANA CORNEJO	10/23/2023	76.55	0100	REIMBURSEMENT
14076054	MCGRAW-HILL	10/23/2023	4943.40	0100	INSTRUCTIONAL MATERIALS
14076055	CAROLINA HERNANDEZ	10/23/2023	20.96	0100	MILEAGE
14076056	CALIFORNIA DEPT. OF JUSTICE	10/23/2023	735.00	0100	CONTRACTED SERVICES
14076057	ATKINSON, ANDELSON, LOYA, RUUD	10/23/2023	735.87	0100	LEGAL FEES
14076058	RCP BLOCK & BRICK	10/23/2023	502.87	0100	GROUNDS SUPPLIES
14076059	BENCHMARK EDUCATION COMPANY	10/23/2023	602.88	0100	INSTRUCTIONAL SUPPLIES
14076061	TEAMTALK NETWORK	10/23/2023	437.58	0100	CONTRACTED SERVICES
14076062	ANYTIME SIGN SOLUTION, INC	10/23/2023	2077.54	0100	MAINTENANCE SUPPLIES
14076063	FUN AND FUNCTION, LLC	10/23/2023	741.30	0100	INSTRUCTIONAL MATERIALS
14077294	SUNBELT RENTALS, INC.	10/26/2023	2791.38	0100	LEASE EQUIPMENT
14077295	WINET PATRICK GAYER CREIGHTON	10/26/2023	58.00	0100	LEGAL SERVICES
14077296	MAXIM HEALTHCARE SERVICES, INC	10/26/2023	54555.50	0100	PROFESSIONAL SERVICES
14077298	DANNIS WOLIVER KELLEY	10/26/2023	341.00	0100	LEGAL FEES
14077299	HORIZON DISTRIBUTORS	10/26/2023	132.37	0100	GROUNDS SUPPLIES
14077300	PANERA BREAD COMPANY	10/26/2023	1435.65	0100	REFRESHMENTS
14077301	WEX BANK	10/26/2023	5440.35	0100	CONTRACTED SERVICES
14077302	SUN DIEGO CHARTER	10/26/2023	7500.00	0100	CONTRACTED SERVICES
14077303	KYO AUTISM THERAPY, LLC	10/26/2023	2445.64	0100	PROFESSIONAL SERVICES
14077304	SHERMAN GARNETT & ASSOCIATES	10/26/2023	69.64	0100	OFFICE SUPPLIES
14077305	SAN DIEGO GAS & ELECTRIC	10/26/2023	140190.31	0100	UTILITIES
14077306	CITY TREASURER	10/26/2023	18253.83	0100	UTILITIES
14077307	WAXIE SANITARY SUPPLY	10/26/2023	49001.48	0100	CUSTODIAL SUPPLIES
14077308	ACE COOLERS INC	10/26/2023	1466.94	0100	CONTRACTED SERVICES

Warrant ID	Payee	Date	Warrant Amount	Fund	Description
14077309	PRO POWER	10/26/2023	419.41	0100	MAINTENANCE SUPPLIES
14077310	AMAZON CAPITAL SERVICES	10/26/2023	16406.67	0100	INSTRUCTIONAL MATERIALS
14077312	ALBERTO CARLOS HERRERA	10/26/2023	2273.63	0100	CONTRACTED SERVICES
14077313	SOUTH BAY COMMUNITY SERVICES	10/26/2023	68200.00	0100	PROFESSIONAL SERVICES
14078719	XEROX FINANCIAL SERVICES	10/30/2023	9274.25	0100	CONTRACTED SERVICES
14078720	NAUMANN HOBBS MATERIAL	10/30/2023	800.06	0100	CONTRACTED SERVICES
14078721	EINSTEIN BROS BAGELS	10/30/2023	99.97	0100	REFRESHMENTS
14078722	PACIFIC PURE WATER SYSTEMS LLC	10/30/2023	129.30	0100	CONTRACTED SERVICES
14078723	OPTIMIZON	10/30/2023	8750.00	0100	PROFESSIONAL SERVICES
14078724	PARADIGM HEALTHCARE SERVICES	10/30/2023	2130.00	0100	PROFESSIONAL SERVICES
14078725	SCHOOL SPECIALTY	10/30/2023	786.45	0100	INSTRUCTIONAL SUPPLIES
14078726	SCHOOL SERVICES OF CALIFORNIA	10/30/2023	4500.00	0100	PROFESSIONAL SERVICES
14078727	SOUTH BAY FENCE, INC.	10/30/2023	3175.00	0100	CONTRACTED SERVICES
14078728	SAFEWAY INC. -VONS DIVISION	10/30/2023	198.48	0100	REFRESHMENTS
14078729	OFFICE DEPOT	10/30/2023	11193.44	0100	OFFICE SUPPLIES
14078730	FIREHAWK	10/30/2023	8948.95	0100	CONTRACTED SERVICES
14078731	WILLIAM V. MAC GILL & CO.	10/30/2023	1501.97	0100	MEDICAL SUPPLIES
14078732	WILLY'S ELECTRONIC SUPPLY CO.	10/30/2023	22.39	0100	TECHNOLOGY SUPPLIES
14078733	UNITED RENTALS	10/30/2023	3226.59	0100	CONTRACTED SERVICES
14078734	COOLE SCHOOL	10/30/2023	359.00	0100	INSTRUCTIONAL MATERIALS
14078735	SMART & FINAL	10/30/2023	613.22	0100	REFRESHMENTS
14078736	R&R CONTROLS INC	10/30/2023	1139.00	0100	CONTRACTED SERVICES
14078737	SPARKLETTS	10/30/2023	374.44	0100	CONTRACTED SERVICES
14078738	STOTZ EQUIPMENT	10/30/2023	2969.38	0100	GROUNDS SUPPLIES
Total Fund 01			**$ 1,695,487.25**		
14076060	WALMART	10/23/2023	858.65	1200	INSTRUCTIONAL MATERIALS
14071835	HOME DEPOT	10/12/2023	4322.22	1300	CAFETERIA SUPPLIES
14073237	TECH-24	10/16/2023	3337.50	1300	CONTRACTED SERVICES
14073238	GOLD STAR FOODS	10/16/2023	70927.16	1300	CAFETERIA FOOD
14073239	PANERA BREAD COMPANY	10/16/2023	1181.19	1300	REFRESHMENTS
14073240	HEARTLAND SCHOOL SOLUTIONS	10/16/2023	750.00	1300	CONTRACTED SERVICES
14073242	SYSCO SAN DIEGO INC.	10/16/2023	3585.06	1300	CAFETERIA FOODS
14073249	HOLLANDIA DAIRY INC.	10/16/2023	25327.16	1300	CAFETERIA FOODS

Expenditure Report
10/1/23-10/31/23

Warrant ID	Payee	Date	Warrant Amount	Fund	Description
14073251	SAFEWAY INC. -VONS DIVISION	10/16/2023	189.81	1300	REFRESHMENTS
14073252	P&R PAPER SUPPLY COMPANY, INC.	10/16/2023	3901.68	1300	CAFETERIA PAPER GOODS
14073253	ECONOMY RESTAURANT EQUIPMENT	10/16/2023	10093.28	1300	CAFETERIA EQUIPMENT
14073258	LLOYD PEST CONTROL CO.	10/16/2023	195.00	1300	CONTRACTED SERVICES
14073260	EL TAPATIO CATERING	10/16/2023	2127.18	1300	CAFETERIA CATERINGS
14073261	CALIFORNIA DEPARTMENT OF	10/16/2023	72.15	1300	CONTRACTED SERVICES
14073265	AMERICAN PRODUCE DISTRIBUTORS	10/16/2023	13012.21	1300	CAFETERIA FOODS
14073267	DOMINO'S PIZZA	10/16/2023	19292.54	1300	CAFETERIA FOODS
14074524	TECH-24	10/19/2023	1365.00	1300	CONTRACTED SERVICES
14077297	SADEER SAHIB	10/26/2023	108.86	1300	MILEAGE
Total Fund 13			**$ 160,646.65**		
14070620	COLBI TECHNOLOGIES, INC	10/9/2023	44192.50	2133	CONTRACTED SERVICES
14070628	CHRISTINA M BECKER	10/9/2023	1063.75	2133	PROFESSIONAL SERVICES
14070641	BEST BEST & KRIEGER LLP	10/9/2023	125.60	2133	LEGAL FEES
14073243	TOM SILVA CONSULTING	10/16/2023	4418.75	2133	PROFESSIONAL SERVICES
14073246	PBK ARCHITECTS INC	10/16/2023	2000.00	2133	CONTRACTED SERVICES
14073264	BEST BEST & KRIEGER LLP	10/16/2023	1318.80	2133	LEGAL FEES
otal Fund 2133			**$ 53,119.40**		
Grand total			$ 1,909,253.30		

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

☐ Informational
☒ Action

AGENDA ITEM: APPROVE/RATIFY AGREEMENTS WITHIN DELEGATION OF AUTHORITY LIMITS

BACKGROUND INFORMATION:
Pursuant to Education Code Section 17604 and No. 23/24-0006, the power to contract on behalf of the Governing Board of the San Ysidro School District was delegated to the Superintendent and the Chief Business Official during the 2023-24 fiscal year, in the maximum amounts of $15,000 for public project contracts and $30,000 for all other contracts, respectively; provided that no contract made pursuant to such delegation and authorization shall be valid or constitute an enforceable obligation against the District unless and until same shall have been approved or ratified by the Governing Board, said approval or ratification to be evidenced by a motion duly passed and adopted.

The various departments of the district submitted the agreements on the attached list for Governing Board approval and/or ratification.

RECOMMENDATION:
Approve/Ratify the agreements on the attached list with cost implications that fall within the authorized delegation of authority limits of up to $15,000 for public project contracts and up to $30,000 for all other contracts from the various funding sources or at no cost to the district.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

See attached	Various Funding Sources
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

AGREEMENTS UNDER $30,000 FOR APPROVAL / RATIFICATION

November 9, 2023

	Vendor	Description	Estimated Amount	Funding Source	Administrator
1	Daniel Green	Guest Speaker for optional musical and educational presentations district-wide. (2023-24)	N/A	N/A	Little
2	Heartland School Solutions	Annual subscription (upto 5 years) for use by CNS department. (2023-28)	$11,026.00	Child Nutrition KIT funds	Iniguez
3	Our Lady of Mt. Carmel School	Title II funds and Services for 2023-24 FY	$9,321.94	Title II	Little/Ramos
4	Our Lady of Mt. Carmel School	Title IV funds and Services for 2023-24 FY	$6,426.12	Title IV	Little/Ramos
5	Music Therapy Center of California	Amendment No. 1 - Provide music therapy to students with special needs per individualized educational plan. (2023-24)	$8,000.00	Special Education	Little/Madera
6	Nutrislice	Provide web-based menu software for CNS Department. (2023-24)	$5,880.00	Child Nutrition KIT funds	Iniguez
7	Pitney Bowes	Updated/amended terms & conditions for mailing equipment, supplies and maintenance. (2023-27)	TBD	General	Adrianzen/Potter
8	PowerSchool Services	Renewal of subscription, maintenance and support services for the TalentEd license used by HR for onboarding services. (2023-24)	$11,837.92	General	Heath
9	WestEd	Provide professional learning sessions for management team and PBIS team. (2022-2024)	N/A	N/A	Little
10	Hazard, Young, Attea & Associates	Provide consulting services for the seach of one middle school principal and one elementary school principal. (2023-24)	$20,000.00	General	Heath

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Russell Little, Assistant Superintendent
Educational Lead & Pupil Services

☐ Informational
☒ Action

AGENDA ITEM: GUEST SPEAKER AGREEMENT WITH DANIEL L. GREEN

BACKGROUND INFORMATION:
Daniel L. Green provides free educational presentations on music, the visual arts and art practice to K-12 students throughout San Diego County. He currently offers distinct but complementary programs: Journey Through Music, Journey Through Art History and Journey Through Art Practice. Each presentation adheres to the Visual and Performing Arts standards, intertwining music and the visual arts with math, geography, science, social studies, and history.

This agreement would authorize the Guest Speaker to perform in-person school assembly-presentations for students at the school sites district-wide during the remainder of the school year. This is optional and only with the approval of the School Principals.

RECOMMENDATION:
Approve the agreement with Daniel L. Green to provide educational presentations during 2023-24, at no cost to the District.

LCAP GOAL AND ACTION/SERVICE:
Goal 3: Student Engagement and School Climate ~ Ensure that all students are educated in positive academic environments that are safe, welcoming, and drug free.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	
N/A (Amount)	N/A (Name of funding source and/or location)	

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT SERVICE AGREEMENT FOR GUEST SPEAKER

Between Daniel L. Green (SPEAKER) and
San Ysidro School District (DISTRICT)

1. Purpose:
To provide a motivational presentation to students on Art Education Music Series. The presentation will adhere to the visual and performing arts standards, intertwining music and the visual arts with math, geography, science, social studies and history.

2. Scope of Services:
The SPEAKER shall provide the services described below for the compensation stated in Section 3.

The Keynote speaker will provide a speaking engagement for students in the K-8th grades in an in-person assembly presentations at the District-wide school sites only if approved by the School Principal. (Optional). The dates and locations to be determined.

3. Compensation:
Presentations are being offered at no cost to the District. The District is not responsible for any expenses.

4. Indemnification and Hold Harmless:
SPEAKER shall defend, indemnify, and hold harmless the DISTRICT, its Board of Trustees, officers, and employees from and against any and all loss, expense, damage, claim, demand, judgment, fine, charge, lien, liability, action, cause of action or proceedings of any kind whatsoever (whether arising on account of damage to or loss of property, or personal injury, emotional distress, or death) arising directly or indirectly in connection with the performance or activities of the SPEAKER hereunder, whether the same arises before or after completion of or expiration of this Agreement, except for damage, loss, or injury resulting from the DISTRICT's sole negligence or willful misconduct.

5. School Safety Certification Forms – Refer to Exhibit A

6. Release of Liability Waiver – Refer to Exhibit B

7. Insurance – Refer to Exhibit C for insurance coverage information.

8. Termination:

This contract may be terminated at no cost to either party upon 10 days advance written notice prior to the date of event stated in Section 2, above.

9. Other:

SPEAKER is an independent contractor and will pay all applicable state, local and federal taxes associated with this agreement. This Agreement is the complete and exclusive understanding of the parties and may only be modified in writing with the agreement of both parties.

This Agreement shall be governed by the laws of the State of California. Any dispute arising hereunder shall be resolved exclusively in the courts of the State of California located in San Diego, California.

Each of the parties signing this Agreement warrants to the other that he or she has the full authority to enter into agreement on behalf of the Party for which his or her signature is made.

DANIEL L. GREEN
GUEST SPEAKER

Signature: _____Date: _____

8558 Butte Street
La Mesa, CA 91941
(858) 945-5157
danny@dannygreen.net

SAN YSIDRO SCHOOL DISTRICT – Authorized Representative

Signature: _____ Date: _____
Gina A. Potter, Ed.D., Superintendent
4350 Otay Mesa Road, San Ysidro, CA 92173
(619) 428-4476 Board approved: _____

EXHIBIT A

SCHOOL SAFETY CERTIFICATION FORM

CERTIFICATION PURSUANT TO EDUCATION CODE ECTION 45125.1 and
Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c)
Fingerprinting and Criminal Background Investigation Requirements

The San Ysidro School District (District) has determined under Education Code Section 45125.1, subdivision (c) that in performing services under this contract, **SPEAKER and/or SPEAKER's representatives may have contact with pupils**.

_____(*Initial*) As required under Education Code Section 45125.1, subdivision (a), SPEAKER shall require their employees and/or agents and students, who will provide services pursuant to this contract to submit their fingerprints in a manner authorized by the Department of Justice in order to conduct a criminal background check to determine whether such SPEAKER employees, agents or other have been convicted of or have charges pending for a felony as defined under Education Code Section 45122.1.

_____(*Initial*) SPEAKER shall not permit any employee, agent or other to perform services that may come in contact with pupils under this contract until the Department of Justice has determined that the employee has not been convicted of a felony or has no criminal charges pending for a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____(*Initial*) SPEAKER certifies that all of its employees who may come in contact with pupils have not been convicted of or have no criminal charges pending for a felony, as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____(*Initial*) SPEAKER shall defend, indemnify, protect and hold the District and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property which arise from or are connected with or are caused or claimed to be caused by SPEAKER's failure to comply with all of the requirements contained in Education Code Section 45125.1, including, but not limited to, the requirements prohibiting SPEAKER from using employees, agents or other who may have contact with pupils who have been convicted or have charges pending for a felony in Education Code Section 45122.1.

_____(*Initial*) Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils.

_____(*Initial*) SPEAKER's individuals/employees and/or others who may come in contact with pupils in the performance of services in this contract agree to provide fingerprint (DOJ/FBI) and TB Clearances (at their own expense) to be in compliance with the above-mentioned Ed Codes before commencement of any services under this contract. The District will provide LiveScan form if necessary.

- I certify to the District's Governing Board that I have read and understand the above terms and conditions and will report any changes that may affect the performance services of this contract.
- I certify to the District's Governing Board that none of the SPEAKER's employees/individuals and/or others performing services under this agreement have been convicted of a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).
- I certify to the District's Governing Board that all of the SPEAKER's employees-individuals and/or others performing services under this agreement are clear of tuberculosis (TB) as defined on Education Code Section 49406 and Assembly Bill 1667.

Company/Organization Name: _____

Name/Title of Authorized Representative (Print): _____

Signature: _____ Date: _____

EXHIBIT B

SAN YSIDRO SCHOOL DISTRICT
INDIVIDUAL RELEASE, WAIVER OF LIABILITY
AND
INDEMNITY AGREEMENT

In consideration of being permitted to use the San Ysidro School District's facilities (collectively referred to herein as "District Facilities"), other than during the normal duty day, I,_____(Print - Name of participant) the undersigned, agree to the following:

_____*(initials)* 1. The undersigned hereby releases, waives, discharges and covenants not to sue the San Ysidro School District, its officers, agents, employees, volunteers and representatives (collectively "District"), for any and all claims for loss or damage, including, without limitation, any claims or demands on account of personal injury, loss, theft or damage of personal property, presence during or participation in the use of the District Facilities, even though that injury or damage may arise out of negligence of the District or out of a dangerous or defective condition of property or equipment of the District. However, this release will not apply where it is determined by a court of competent jurisdiction that such claim was caused by the gross negligence or willful misconduct of District.

_____*(initials)* 2. The undersigned hereby agrees to indemnify, save and hold harmless the District, and each of its officers, agents, employees, volunteers and representatives from any loss, liability, damage or cost they may incur, including attorneys' fees, whether caused by the negligence of the District or otherwise, relating to the presence of the Participant during or participation by the Participant in the use of the District Facilities. Participant shall have no obligation, however, to defend or indemnify District if it is determined by a court of competent jurisdiction that such claim was caused by the gross negligence or willful misconduct of District.

_____*(initials)* 3. The undersigned hereby assumes full responsibility for and risk of bodily injury, death or property damage while the Participant is present during or participating in the use of the District Facilities. The undersigned expressly acknowledges and understands that accidents and injuries can occur while present during or participating in the in the use of the District Facilities, including serious and permanent personal injuries or death, and that the undersigned hereby expressly assumes any and all of the risks of participating in the above-mentioned activity, whether or not a particular risk is known or unknown, and regardless of whether any such risks are due to the ordinary negligence of the District or due to a dangerous or defective condition of public property.

_____*(initials)* 4. The undersigned expressly agrees and hereby gives permission for, and expressly assumes the risk of, any emergency medical treatment that may be rendered to the Participant if the Participant is injured while present at or participating in the in the use of the District Facilities. The undersigned agrees to expressly release and indemnify the District against any liability for providing, or failing to provide, any emergency medical treatment as set forth herein. The undersigned further agrees to pay all costs incurred because of said treatment.

_____*(initials)* 5. The undersigned expressly agrees that the foregoing Release and Waiver of Liability and Indemnity Agreement is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

The undersigned has read and voluntarily signs this Release, Waiver of Liability and Indemnity Agreement, and further agrees that no representations, statements, or inducements of any kind, apart from the foregoing written Agreement, have been made.

I Have Read And Understand This Release: (*All sections must be completed.)*

Participant:

_____ _____

Signature Date

_____ _____

Print Name Phone

Organization:

_____

Note: Please include Business Card if available.

Participant's Address: _____

_____

Telephone/Mobile: _(_____)_____

Event Description/Purpose: _____

Date of Event: _____ Time: From_____To: _____

Location of Event: _____

IF A PARTICIPANT IS UNDER AGE 18,
A PARENT (OR LEGAL GUARDIAN) MUST SIGN BELOW.

I am the parent or legal guardian of the above stated Participant. I have read and agree to the terms stated above and hereby give permission for my child to participate at the event indicated above.

_____ _____

Signature Date

_____ _____

Parent/Guardian Name Phone

Please return completed forms to the Business Services Office at least one week before the event. ~ Thank you

EXHIBIT C

INSURANCE:

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to District that it has secured all insurance required under this Section. In addition, Consultant shall not allow any subConsultant or employee to commence work until it has provided evidence satisfactory to the District.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law.

(3) Verification of Coverage

Consultant shall furnish the District with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the District before work/services commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The District reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability** (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **$2,000,000** the required occurrence limit.

   ☒ **Additional Insured Endorsement**

2. **Automobile Liability: (If driving is required for this agreement.)** ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than **$1,000,000** per accident for bodily injury and property damage.

3. **Workers' Compensation (Employer's Insurance): (If applicable)** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease. Coverage shall include

   ☒ **WC waiver of subrogation endorsement in favor of San Ysidro School District.**

4. **Sexual Abuse/Molestation Insurance**: (If students are present.): $1,000,000 per occurrence and $2,000,000 general aggregate. Must be on certificate of liability.

If the Consultant maintains higher limits than the minimums shown above, the District requires and shall be entitled to coverage for the higher limits maintained by the Consultant.

Additional Insured Status

The District, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an **endorsement** to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

The Provider shall file, with the District, Certificates of Insurance indicating a thirty-day (30) cancellation notice.

Waiver of Subrogation

Consultant hereby grants to District a waiver of any right to subrogation which any insurer of said Consultant may acquire against the District by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the District has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the District. The District may require the Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to the District.

Claims Made Policies (note – should be applicable only to professional liability, see below)

If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided ***for at least five (5) years after completion of the contract of work.***
3. If coverage is canceled or non-renewed, and not replaced ***with another claims-made policy form with a Retroactive Date prior to*** the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of ***five (5)*** years after completion of work.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
Glenn Heath, Interim Executive Director

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH HAZARD, YOUNG, ATTEA & ASSOCIATES

BACKGROUND INFORMATION:
The purpose of this Letter of Agreement is to document the working arrangement between Hazard, Young, Attea & Associates ("HYA"), and San Ysidro School District (the "District") to support the Superintendent in an effort to recruit and employ a middle school principal position and an elementary principal position.

HYA shall provide the following services and deliverables: Engage Phose, Recruit Phase, Select Phase and Transition Phase.

Term: November 10, 2023 to completion of services.

RECOMMENDATION:
Approve the Letter of Agreement with Hazard Young Attea & Associates for consulting services for the search of one middle school principal and one elementary school principal at an estimated cost of $20,000.00 from the General Fund.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

Approx. $20,000.00	General Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

LETTER OF AGREEMENT

HYA Signature Search

Purpose

The purpose of this Letter of Agreement (the "Agreement") is to document the working arrangement between Hazard, Young, Attea & Associates ("HYA"), and San Ysidro School District (the "District") to support the Superintendent in their effort to recruit and employ a middle school principal position and an elementary principal position. All schedules hereto are an integral part of this agreement and are deemed incorporated by reference herein. Dr. Carmella S. Franco will serve as the lead consultant for this search.

Section I: HYA Responsibilities

HYA shall provide the following services and deliverables:

Engage Phase:

A. Conduct a planning meeting with the Superintendent and provide a summary of said meeting which will detail the timeline and steps of the search process;
B. Coordinate the survey of community constituents electronically and provide a report of findings, as selected and paid for by the District. The surveys are provided in English and Spanish.
C. Provide up to 15 -20 one hour engagement sessions (a session is defined as an interview, focus group, or town hall meeting). Additional sessions can be added per the daily rate in the pricing section.
D. Prepare and present *Desired Characteristics t*o the Superintendent, based on the data from the survey, interviews with district and community representatives and other material made available to the Associates;

Recruit Phase:

E. Coordinate and place advertisements, as selected and paid for by the District;
F. Recruit and contact bilingual required candidates utilizing state networks;
G. Correspond with candidates regarding the search process, timeline, and Desired Characteristics;
H. Interview candidates;
I. Conduct reference checks;
J. Identify best qualified candidates;
K. Prepare application materials of selected candidates for the Superintendent's consideration;

Select Phase:

L. Present a slate of candidates, the number of candidates to be determined by the Superintendent, with a recommendation from HYA;
M. Conduct the Interview Overview for the panels and provide materials and protocols to ensure informative effective interviews;
N. Assist as needed with scheduling interviews with selected semi-finalists and finalists.
O. Facilitate discussion to narrow candidate pool after each round of interviews;
P. Coordinate and provide investigative background check(s) of candidates as selected and paid for by the district;

Transition Phase:

Q. Communicate with all unsuccessful candidates at the close of the search and the appointment of the two new Principals

R. Offer transitional services (Executive Coaching/Mentoring, Evaluation Facilitation) to be considered and if desired, paid for by the District.

Section II: District Responsibilities

To effectuate the search and selection of the middle school and elementary school principals, the District has the following responsibilities:

A. Approve the search process at the Planning Meeting;
B. Select survey, advertising and executive due diligence services to be paid for by the District;
C. The administration will have its attorney approve the job posting, any process that includes the Board in interviewing candidates, and the requirements for transparency of finalist(s) to comply with open meeting laws and public employment laws in their state.
D. Conduct interviews of semi-finalists and finalists shortly after a slate is presented.
E. Decide whether to reimburse candidates for expenses and will reimburse candidates directly.
F. Write and execute the employment contract with the selected candidate, with the assistance of its attorney. The HYA Associates will support the District and its attorney, if requested.
G. Communicate with local media regarding the search process and appointment of said new principal with its community relations/public relations designee. The HYA Associates will support the District and its designee, if requested.

Section III: Guarantees

A. Throughout the search process the HYA Associates will be available to counsel with the Superintendent about the search. The HYA Associates will assist the Superintendent until the District determines it has found the appropriate candidate for each of the two positions.
B. If a Principal departs from the position during the first year under any circumstances or within two (2) years if the Superintendent is still in place and departure is due to Superintendent dissatisfaNction and not personal or familial reasons, HYA will recruit new candidates for the District at no additional cost barring travel, advertising and due diligence expenses. This applies to HYA slated candidates.
C. Should the District choose to end the search before a Principal is selected, the District is responsible for the search fee, advertisement, background checks and all expenses incurred prior to their decision based on the fee and payment schedule outlined herein.

Section IV: Fees and Payment Schedule

In consideration for Services, the District will pay to Hazard, Young, Attea & Associates for the search for one middle school principal and one elementary school principal:

A. Consulting Fee for the search in the amount of $20,000. This fee is due in two installments:
   50% will be invoiced upon completion of the Planning Meeting and advertisements.
   50% will be invoiced after the two slates of Principal candidates are presented.
B. Optional additional on-site consulting days billed at $2,500/day as selected and paid for by the District.
C. Survey services, customization and world languages, pursuant to the Survey Services Schedule attached to this agreement.
D. Advertisement pursuant to the Advertising Services Schedule attached to this agreement.
E. Background checks pursuant to the Executive Due Diligence Services Schedule attached to this agreement.
F. Materials, Printing and Postage; If the District requests hard copies of the materials, the district will be invoiced to cover the costs of printing, binding and shipping materials.

Section V: Reimbursement Costs

A. Mileage reimbursement will be reimbursed by the District and is based on current IRS guidelines. No other travel will be reimbursed.

Section VI: Additional Services

A. If the District wishes to secure additional services beyond those described in this agreement or to design customized workshops and services, these services can be discussed and defined with the consultants and added to the contract as an addendum.

Section VII: Business Relationship

A. The District and HYA agree that HYA does not have the status of employee, shall not be entitled to any employee fringe benefits, and shall function as an independent contractor.
B. The District agrees that any and all Intellectual Property and technology designed, made or conceived by HYA (solely or jointly with others) arising from HYA's work for the District, is the sole property of HYA, without royalty or other consideration to the District.
C. All information, notes, interview sheets, lists, and other documents developed by HYA consultants shall remain the property of HYA.
D. The District and the Board understands that it is unlawful for it to either disclose to any person outside of the District's employment or make any unauthorized use of HYA trade secrets or confidential information unless it can be shown that such information has become public knowledge through no act of the District or Board.
E. The District's decision to hire or not hire a particular candidate is at the sole discretion of the Superintendent as recommended to the Board; and the District takes responsibility for that decision.

Section VIII: Insurance

Consultant shall comply with the following insurance provisions, unless one or more paragraphs are specifically waived by the District in writing.

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to District that it has secured all insurance required under this Section. In addition, Consultant shall not allow any sub consultant or employee to commence work until it has provided evidence satisfactory to the District.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law.

MINIMUM SCOPE OF INSURANCE - Coverage shall be at least as broad as:

1. **Commercial General Liability** (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, sexual misconduct and personal & advertising injury with limits no less than **$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **$2,000,000** the required occurrence limit.

2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than **$1,000,000** per accident for bodily injury and property damage.

3. **Workers' Compensation (Employer's Insurance if applicable):** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease. Coverage shall include waiver of subrogation endorsement in favor of San Ysidro School District.

4. **Professional Liability (Errors and Omissions):** Insurance appropriates to the Consultant's profession, with a limit no less than $1,000,000 per occurrence or claim, $2,000,000 aggregate.

Section IX: Governing Law

This Agreement shall be governed by the laws of the State of California. Any action brought to enforce the terms of this Agreement shall be brought in a state or federal court located in the County of San Diego, State of California, but only after dispute resolution as provided herein.

Section X: Indemnification

To the fullest extent permitted by law, Consultant shall defend (with counsel of District's choosing), indemnify and hold the District, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the District, its officials, officers, employees, agents, or volunteers. Notwithstanding the foregoing, the District's decision to hire or not hire a particular candidate is at the sole discretion of the Superintendent as recommended to the Board; and the District takes responsibility for that decision.

Section XI: Term and Termination

This Agreement shall become effective on the date the Agreement is signed by the District and will continue in effect until the search is completed and mutually terminated by both parties.

Hazard, Young, Attea & Associates:

11.9.2023

_____

Signature Date

Nanci Perez, COO

_____

Name and Title

San Ysidro School District:

_____

Signature Date

_____

Name and Title

SAN YSIDRO SCHOOL DISTRICT

GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Child Nutrition Department
Dr. Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH HEARTLAND SCHOOL SOLUTIONS

BACKGROUND INFORMATION:
The Child Nutrition Department proposes to buy services provided by Heartland School Solutions to manage menu planning, food and supplies ordering, and student meal information. The total cost for these services for one (1) year is $11,026.00, covering the purchase, the implementation of the software, and customer service. Child Nutrition plans to utilize the KIT funds to pay for these services.

Term: 2023-2028 (July – June)

RECOMMENDATION:
Approve/Ratify the agreement with Heartland School Solutions for annual subscriptions for use by the Child Nutrition Services department at an annual cost of $11,026.00 from the Child Nutrition KIT funds.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$11,026.00	Child Nutrition KIT Funds
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Heartland

Heartland School Solutions Quote

Account:	San Ysidro School District	Heartland School Solutions	
HSS ID:	7260974-020627	765 Jefferson Road Suite #400	
Date:	10/13/2023	Rochester, NY 14623	
Contact:	Sally Spero	Phone: (800) 724-9853	
Sales Rep:	Julie Dorman	Email: julie.dorman@e-hps.com	

First Year Costs Summary

For detailed listing of the items contained within the grand total below, please review the detail starting on page 2.

Software as a Service Total - $7,001.00

Professional Services Total - $2,399.00

Total : $9,400.00

Grand Total : $9,400.00

Annual Subscription Costs (year 2 and beyond) 2023-2028 (Term can not exceed 5 years)

The effective start date of your Subscription begins on the first day of delivery of service which will be considered the anniversary date for the subsequent year. Annual Subscription includes all subscription enhancements and technical phone support to customers who are in good financial standing with Heartland School Solutions.

Support, Subscription, Warranty Total: $11,026.00

Heartland

Heartland School Solutions
765 Jefferson Road Suite #400
Rochester, NY 14623
Phone: (800) 724-9853
Email: julie.dorman@e-hps.com

Account: San Ysidro School District
HSS ID: 7260974-020627
Date: 10/13/2023
Contact: Sally Spero
Sales Rep: Julie Dorman
Quote: Q-18437

Valid for 30 days from the date of this quote. It is provided for informational and/or budgetary purposes only.

Product Code	SAAS Products	Quantity	Price	Total
HSS1015	SAAS: Mosaic Cloud Front of the House	7	$ 1,150.00	$ 8,050.00
HSS1018	SAAS: Discount Mosaic Cloud Front of the House	7	$ (575.00)	$ (4,025.00)
HSS1016B	SAAS: Mosaic Multi Site Back of the House Standard	8	$ 750.00	$ 6,000.00
HSS1019	SAAS: Discount Mosaic Cloud Back of the House	8	$ (378.00)	$ (3,024.00)
			SAAS Total	$7,001.00

Product Code	Professional Services	Quantity	Price	Total
HSS0970C	PSV: Mosaic FOH Group Remote Implementation	1	$ 2,399.00	$ 2,399.00
			Professional Services Total	$2,399.00

Total: $9,400.00
Grand Total: $9,400.00

Annual Subscription
The effective start date of your Subscription begins on the first day of delivery of service which will be considered the anniversary date for the subsequent year. Annual Subscription includes all subscription enhancements and technical phone support to customers who are in good financial standing with Heartland School Solutions.

Product Code	Subscription Products	Quantity	Price	Total
HSS1080	SUB: Mosaic Cloud Front of the House	7	$ 1,150.00	$ 8,050.00
HSS1083	SUB: Discount Mosaic Cloud Front of the House	7	$ 0.00	$ 0.00
HSS1081B	SUB: Mosaic Multi Site Back of the House Standard	8	$ 750.00	$ 6,000.00
HSS1084	SUB: Discount Mosaic Cloud Back of the House	8	$ (378.00)	$ (3,024.00)
			Subscription Total	$11,026.00

Support, Subscription, Warranty Total: $11,026.00

Agreement between said Account and Heartland School Solutions

1. Upon agreement to proceed, Heartland School Solutions requests said Account provide an original Purchase Order and signed proposal for the purchase of the products and/or services described in this proposal.
2. The Purchase Order must include both a Bill to and Ship to address. When a valid Purchase Order is provided, there is no requirement to fill out the Address and Contact information below.
3. In lieu of a Purchase Order, this signed document may serve as the confirmation that said Account has committed the necessary funds for the purchase of the products and/or services described in this proposal.
4. In lieu of a Purchase Order, Address and Contact information must be provided below.
5. When applicable, provide a current Tax Exempt Certificate for our files, otherwise sales tax will be included on your invoice.
6. When applicable, implementation dates will be confirmed by the Heartland School Solutions Implementation Coordinator.
7. When applicable, travel expenses (air, lodging, rental car, meals, mileage, other related charges) incurred while conducting onsite services will be included on your invoice.
8. Annual Subscription: The effective start date of your Annual Subscription begins on the first day of service upon the completion of your project implementation.
9. Unless otherwise indicated, the ongoing Annual Subscription fee will be invoiced to said Account that signed this agreement.***
10. Your signature on this proposal confirms you understand the agreement.

This Proposal is subject to written acceptance by an authorized Purchaser and Heartland School Solutions. By signing this proposal you are agreeing to the terms and conditions set forth in this Proposal and the agreement(s) included with this Proposal or attached hereto and made a part hereof.

Signature _____ **Date** _____

Print Name Gina A. Potter, Ed.D. **Title** Superintendent

Board approved/ratified: 11-09-23

*** Annual Subscription: If Annual Subscription fee is invoiced to an Account other than said Account that signed this Agreement, list the Account here.

Account Name N/A

Billing Contact Sadeer Sahib

Email sadeer.sahib@sysdschools.org

If no valid Purchase Order is provided, the following Address and Contact Information are Required.

Bill to Address and Contact Information

Name _____

Phone _____

Email _____

Address _____

City _____

State _____

Zip Code _____
If possible please include +4 digits

Ship to Address and Contact Information (Ship to Address must not be a PO Box)

Name _____

Phone _____

Email _____

Address _____

City _____

State _____

Zip Code _____
If possible please include +4 digits

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Russell Little, Assistant Superintendent

☐ Informational
☒ Action

AGENDA ITEM: MEMORANDUM OF UNDERSTANDING WITH OUR LADY OF MT. CARMEL SCHOOL FOR TITLE II FUNDING AND SERVICES

BACKGROUND INFORMATION:
As part of the Elementary and Secondary Education Act (ESEA) Memorandum of Understanding between the San Ysidro School District and Our Lady of Mt. Carmel School and the Private School Provisions as amended by Every Student Succeeds Act: Districts receiving Federal financial assistance are required to provide services to eligible private schools children, teachers and other personnel consistent with the number of eligible children enrolled in private elementary and secondary schools in the District or in the geographic area serviced by the entity receiving Federal financial assistance. These services and other benefits must be comparable to the services and other benefits provided to public schools' children and teachers participating in the program.

The total allocation of Title II funds for Our Lady of Mt. Carmel School is $9,321.94.

Our Lady of Mt. Carmel School selected FACTS Education Solutions, LCC as a third-party source who will provide professional development opportunities to Our Lady of Mt. Carmel staff.

RECOMMENDATION:
Approve/Ratify the Memorandum of Understanding with Our Lady of Mount Carmel School for Title II funds and services during the 2023-24 school year at a cost not to exceed $9,321.94.

LCAP GOAL AND ACTION/SERVICE:
Goal 1: Student Achievement, Action 1.15: Provide professional learning opportunities to improve teaching and learning in the areas of English Language Arts (ELA), English Language Development (ELD), Mathematics (including Standards of Mathematical Practice (SMPs), Science, and Social Studies. Professional learning includes training specifically designed to address the achievement gap for unduplicated students and students with disabilities.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications? ☒ Yes ☐ No

Are funds for this item available in the 2023-2024 Budget? ☒ Yes ☐ No

Requisition #

Total Allocation:	Title II Funds
$9,321.94	
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Memorandum of Understanding ESEA Title II

Provision of Title II
Professional Development to Private Schools

2023-2024

Section 1: General

The San Ysidro School District (SYSD) has been notified by Our Lady of Mt Carmel, a private school located within the geographic jurisdiction of this school district, of a request to participate in Title II funded under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, Title II, Part A for the 2023-2024 school year.

This Memorandum of Understanding (MOU) contains a description of the nature and scope of services and products to be provided by SYSD to Our Lady of Mt Carmel

Section 2: How will the teachers' professional development needs be identified?

Teachers' professional development needs are identified through the accreditation process. For the 2023-2024 school year, Our Lady of Mt Carmel continues its ongoing training sessions from FACTS Education Solutions.

Term: October 20, 2023 – June 30, 2024

Section 3: What services and products will be provided?

After a meeting on October 28, 2023, Our Lady of Mt Carmel (OLMC) selected FACTS Education Solutions, LCC as a third-party provider who will provide professional development opportunities to Our Lady of Mt Carmel staff. The amount for these professional development sessions for the school year 2023-24 shall not exceed $9,321.94.

Professional Developments:

- Universal Design for Learning Framework (UDL)

SYSD will provide the following:

- District shall pay FACTS Education Solutions, LCC for the selected services as described above during this contract term. The amount shall not exceed $9,321.94 for the 2023-24 school year.

- FACTS Education Solutions, LCC shall submit to the District an itemized invoice which indicates work completed by them. District shall review each invoice submitted to determine that the work was performed, and expenses incurred are in compliance with the provisions of this Memorandum of Understanding (MOU). District shall pay FACTS Education Solutions, LCC within a reasonable time and in accordance with this MOU.

Section 4: How, when, where, and by whom will the services be provided?

Professional development workshops will be provided from October 20, 2023, thru June 30, 2024, to all teachers and administrators from Our Lady of Mt. Carmel School. Professional development activities will take place at various locations and be provided by FACTS Education Solutions, LCC.

Section 5: How will the services be assessed and how will this information be used to improve the program?

Representatives of SYSD and Our Lady of Mt Carmel shall meet before the end of the year in which services have been offered to discuss the delivery and effectiveness of professional development services provided to teachers. Effectiveness of professional development will be determined through an evaluation by FACTS Education Solutions, LCC, and numerous walk-throughs and 2 informal classroom visitations by the principal of Our Lady of Mt Carmel. The representatives shall determine if any changes are needed in the services during the current or next school year.

Section 6: Other provisions including contract services through potential third-party providers and reversion of funds stipulations

Any Service Agreement entered between Our Lady of Mt Carmel and FACTS Education Solutions, LCC (hereinafter referred to "Parties") is not the responsibility of SYSD. The Parties are independent and are not agents or employees of SYSD. The work to be performed shall be in accordance with the work agreed between the Parties and shall have no authority, express or implied, pursuant to this MOU to bind SYSD to any obligation whatsoever, except as specifically provided in this MOU. Any additional personnel performing the Services under this MOU on behalf of the Parties shall at all times be under their exclusive direction and control. Parties shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services as required by law.

SYSD and Our Lady of Mt Carmel shall fulfill the conditions listed herein.

Section 7: Signatures of authorized representatives

For Our Lady of Mt Carmel:

Name: _____Phone No: _____

Signature: _____ Date: _____

Title: _____

For San Ysidro School District

Name: ____Gina A. Potter, Ed.D._____Phone No: __(619) 428-4476_____

Signature: _____ Date: _____

Title: _Superintendent_____ Board Approval:

Our Lady of Mt. Carmel School
4141 BEYER BOULEVARD, SAN YSIDRO, CA 92173 (619) 428-2091

Blessed Be God!

October 30, 2023

To Whom it May Concern,

Our Lady of Mount Carmel School is requesting allotted Title II fund allocations to be used towards professional development. The following professional development needs have been identified by informal teacher assessments or surveys and the school's goal toward enhancing student academic achievement:

Services to be provided by FACTS Education Solutions, LLC as a third party provider to deliver evidence-based professional development to teachers, staff, and principals.These services will include Universal Design for Learning framework. All services not to exceed to **$9,321.94**

FACTS Education Solutions, LLC will consult with the private school principal and/ or school leaders to identify the outcome goals of the training sessions, evaluate the delivery and implementation of learned practices, and work cooperatively with the principal to evaluate the impact of the professional development to student academic achievement.

Blessings,

Sister Eva Lujano SJS, Principal
Our Lady of Mount Carmel School

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Russell Little, Assistant Superintendent

☐ Informational
☒ Action

AGENDA ITEM: MEMORANDUM OF UNDERSTANDING WITH OUR LADY OF MT. CARMEL SCHOOL FOR TITLE IV FUNDING AND SERVICES

BACKGROUND INFORMATION:
As part of the Elementary and Secondary Education Act (ESEA) Memorandum of Understanding between the San Ysidro School District, Our Lady of Mt. Carmel School, and the Private School Provisions as amended by the Every Student Succeeds Act: Funds are intended to increase the capacity of local education agenda (LEAs) and schools to meet the goals of the ESEA by 1) providing all students with the access to a well-rounded education, 2) improving school conditions for student learning, and 3) improving the use of technology in order to improve the academic achievement and digital literacy of all students.

Our Lady of Mt. Carmel School has requested to participate in Title IV, Part A, Student Support and Academic Enrichment program for the 2023-24 school year. The total allocation for Title IV, Part A funds for Our Lady of Mt. Carmel School should not exceed $6,426.12.

Our Lady of Mt. Carmel is requesting $6,296.00 to be used in the purchase and integration of VEX Robotics Kits from VEX Robotics, Inc. The remaining balance will be used for copy paper.

RECOMMENDATION:
Approve the Memorandum of Understanding with Our Lady of Mount Carmel School for the 2023-24 Academic Enrichment Program Spending Plan for Title IV, Part A funds and services in the total amount of $6,426.12.

LCAP GOAL AND ACTION/SERVICE:
Goal 1: Student Achievement - Improve student achievement for all students and accelerate student learning increases for English Learners and students with disabilities.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

Total Allocation:	
$6,426.12	Title IV, Part A Funds
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Memorandum of Understanding Title IV

Provision of
Programs and Services to Private Schools

2023-2024

Section 1: General

The San Ysidro School District has been notified by Our Lady of Mount Carmel, a private school located within the geographic jurisdiction of this school district, of a request to participate in the *Student Support and Academic Enrichment Program* for the 2023-2024 school year. Under Title IV, Part A of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act (ESSA) is a federal categorical program contained in the Consolidated Application. These funds are intended to increase the capacity of local education agencies (LEAS) to meet the goals of the ESSA by providing all students with access to a well-rounded education, improving school conditions for student teaming, and improving use of technology in order to improve the academic achievement and digital literacy of all students.

This Memorandum of Understanding (MOU) contains a sample description of the nature and scope of services and products to be provided by the San Ysidro School District to the Our Lady of Mount Camel School in order to serve its students.

Section 2: How will the students' needs be identified?

Based on the most recent data. Teacher observations and needs of students was determined.
Each LEA, or consortium of such agencies, that receives a Title IV, Part A allocation pursuant to ESSA Section 4109 shall use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of such agency or consortium that are identified in the needs assessment conducted (if applicable), which may include—

1. providing educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—
    1. personalize teaming to improve student academic achievement;
    2. discover, adapt, and share relevant high-quality educational resources;
    3. use technology effectively in the classroom, including by administering computer-based assessments and blended teaming strategies; and
    4. implement and support school and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;
2. building technological capacity and infrastructure, which may include—
    1. procuring content and ensuring content quality; and
    2. purchasing devices, equipment, and software applications in order to address readiness shortfalls;

3. developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology;
4. carrying out blended learning projects, which shall include—
    1. planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or
    2. ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;
5. providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering, and mathematics, including computer science; and
6. providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital teaming experiences, digital resources, and access to online courses taught by effective educators.

Section 3: What services and products will be provided?

- Purchase and integration of VEX IQ Robotics Kits in the amount of $6,296.00.
- Copy paper in the amount of $130.12

Amount not to exceed: $6,426.12

Section 4: How, when, where, and by whom will the services be provided?

The purchases will be made by SYSD immediately following the approval of this MOU by the SYSD Governing Board. The items listed in section 3 will be provided for the use of Title IV to serve the needs of students enrolled at Our Lady of Mt. Carmel.

Section 5: How will the services be assessed to improve the program?

Representatives of the San Ysidro School District and the Our Lady of Mount Carmel School shall meet before the end of the year in which services have been offered to discuss the delivery and effectiveness of services provided to students. The representatives shall determine if any changes are needed in the program during the current or next school year. The representatives shall determine if any changes are needed in the services during the current or next school year.

Section 6: Other provisions

Both parties of this MOU shall fulfill the conditions listed herein.

Section 7: Signatures of authorized representatives

For Our Lady of Mt Carmel:

Name: _____Phone No: _____

Signature: _____ Date: _____

Title: _____

For San Ysidro School District

Name: ____Gina A. Potter, Ed.D._____Phone No: _____(619)428-4476_____

Signature: _____ Date: _____

Title: _Superintendent____ Board Approval: 11-09-23

Our Lady of Mt. Carmel School
4141 BEYER BOULEVARD, SAN YSIDRO, CA 92173 (619) 428-2091

Blessed Be God!

October 30, 2023

Needs Assessment Title IV :

Our Lady of Mount Carmel School requests Title IV allocations to be used for the purchase and integration of VexIQ robotic kits. ($6296.00) Any remaining funds will be used for copy paper.

Needs Identification:

Enhanced Learning Experiences:

- The traditional classroom setting, while foundational, could greatly benefit from the hands-on, engaging learning experiences that VexIQ robotic kits offer. These kits would provide a practical understanding of complex scientific and mathematical concepts.

Fostering Creativity and Innovation:

- The VexIQ robotic kits foster creativity, critical thinking, and problem-solving skills among students. By engaging with these kits, students can explore, experiment, and innovate, which are essential skills for their future endeavors. *Interdisciplinary Learning:*
- Robotics inherently is an interdisciplinary field, intertwining elements of science, engineering, mathematics, and technology. The VexIQ robotic kits will promote interdisciplinary learning and enable students to make connections between different subjects.

Community Engagement and Collaboration:

- The collaborative nature of robotics learning will foster a culture of teamwork, communication, and community engagement. It will also provide an avenue for parental and community involvement in school activities.

Blessings,

Sister Eva Lujano SJS, Principal
Our Lady of Mount Carmel School

QUOTE

Quote #: 111040561
Creation Date: Oct 27, 2023
Expiration Date: Dec 26, 2023

Bill to:
Eva Lujano
OUR LADY OF MT. CARMEL
4141 Beyer Blvd
San Ysidro, California, 92173
United States
T: 6194282091

Ship to:
Eva Lujano
OUR LADY OF MT. CARMEL
4141 BEYER BLVD
SAN YSIDRO, California, 92173-2133
United States
T: 6194282091

Payment Method
Generate Quote

Shipping Method
FedEx - Ground

Sku	Product	Price	Qty	Subtotal
228-8203	VEX IQ Classroom Bundle	$4,998.00	1	$4,998.00
228-7980	IQ Competition Kit (2nd Generation)	$649.00	**2**	$1,298.00

Subtotal:	$6,296.00
Grand Total:	**$6,296.00**

Please note our new remittance address below:

VEX Robotics, Inc.
Dept 140
P O Box 650444
Dallas, TX 75265

Three ways to proceed once you are ready to purchase:

1. With an account you can order from your quote.
   Purchase Orders and Credit cards are accepted.
2. Email your Purchase Order to sales@vexrobotics.com. Include your quote and your tax exemption certificate (if applicable).
3. Call (833) 297-6268 Monday-Friday, 7am-5pm CT

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Special Education Department
Oscar Madera, Director

☐ Informational
☒ Action

AGENDA ITEM: AMENDMENT NO. 1 TO THE MUSIC THERAPY CENTER OF CALIFORNIA AGREEMENT FOR 2023-2024 SCHOOL YEAR

BACKGROUND INFORMATION:
Federal law section 34 C.F.R. 300.503 defines an Independent Educational Evaluation (IEE) as "an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question."

The Music Therapy Center of CA will be providing music therapy to a student with special needs per Individualized Education Program (IEP).

This Amendment is to include services for an additional student. The compensation will increase from $4,000.00 to $8,000.00.

RECOMMENDATION:
Approve/Ratify Amendment No. 1 to The Music Therapy Center of California agreement to provide music therapy to students with special needs per Individualized Education Program (IEP) in the amount of $8,000.00 from the Special Education fund.

LCAP GOAL AND ACTION/SERVICE:
Goal 1: Student Achievement, Action 1.18: Continue to provide site and/or district based academic intervention programs to serve the districts unduplicated student groups (i.e., English Learners, Socio-Economically Disadvantaged, Students with Disabilities, etc.) and educationally disadvantaged students in Comprehensive Support and Improvements Schools. Personnel (e.g., instructional aides) may be hired to support in-class interventions for all student groups including unduplicated students at all school sites.

☐ **Renewal** ☐ **New** ☒ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

NEW CONTRACT TOTAL	
$8,000.00	Special Education Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

AMENDMENT NO. 1

The Professional Services Agreement between San Ysidro School District (District) and The Music Therapy Center of California was entered on July 13, 2023, to provide music therapy to a student with special needs per Individualized Education Program (IEP)

Amendment No. 1 - The following sections are being amended.

- EXHIBIT A: Add the following to the Scope of Work.
    - Adding services for a new students at . ($4,000.00)

- SECTION 2.1 FEES: The cost implication for the additional services described above will increase from $4,800.00 to $8,000.00. The new not-to-exceed contract total is $8,000.00.

All other Terms and Conditions of the Agreement dated July 13, 2023, remain the same.

The District and Consultant, each of the parties signing this Amendment warrants to the other that he or she has the full authority to sign on behalf of the Party which his or her signature is made.

The Music Therapy Center of CA	**San Ysidro School District**
Firm Name	Firm Name
Signature of Authorized Agent	Signature
Julie Guy, M.M., MT-BC	Gina A. Potter, Ed.D., Superintendent
Print Name, Title	Print Name, Title
11/1/23	
Date:	Date
	Board Approved/Ratified

SAN YSIDRO SCHOOL DISTRICT

GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Child Nutrition Department
Dr. Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH NUTRISLICE

BACKGROUND INFORMATION:
Nutrislice, a recognized leader in the field of school nutrition software, has proposed the purchase of their software to enhance our school's menu management and communication with parents and students. The cost breakdown for the Nutrislice software is as follows:

- One-time Payment: $2,520.00
- Annual Subscription: $3,360.00
- First-Year Total: $5,880.00 (including one-time payment and annual subscription)
- Subsequent Years: $3,360.00 annually (If approved on a year-to-year basis.)

Term: November 1, 2023 to October 31, 2024.

RECOMMENDATION:
Approve the agreement with Nutrislice to provide the Child Nutrition department a web-based menu software for 2023-24 at a cost of $5,880.00 to be paid from the Child Nutrition KIT funds.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$5,880.00	Child Nutrition KIT Funds
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

☐ Informational
☒ Action

AGENDA ITEM: AMENDMENT TO PITNEY BOWES AGREEMENT

BACKGROUND INFORMATION:
On April 14, 2022, the Governing Board approved the agreement with Pitney Bowes to provide the mailing equipment, supplies and maintenance.

This Amendment updates the Terms and Conditions of the agreement. This update will reflect changes to the calculation of late fees and the inclusion of postage account refills in the calculation of Postage Overage Fees or Transaction Fees, as applicable and in the Account Charges/Other Fees section and the Postage Overage Fee or Transaction Fee section, as applicable.

Term: November 19, 2023 to June 30, 2027

RECOMMENDATION:
Approve/Ratify the amended terms & conditions to the Pitney Bowes agreement for mailing equipment, supplies and maintenance. Costs will be paid from the General fund.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

TBD	General Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

PITNEY BOWES PURCHASE POWER® TERMS AND CONDITIONS

As an existing customer of Pitney Bowes Inc. (Pitney Bowes Inc. and its subsidiaries are herein collectively called "Pitney Bowes"), you are enrolled in the Pitney Bowes Purchase Power program (the "Purchase Power Program"). Under the Purchase Power Program, you have the option of paying the amounts owed to The Pitney Bowes Bank, Inc. ("the Bank") for meter refills, office supplies, and other products and services which are made subject to the Purchase Power Program upon receipt of your bill or you may defer payment on amounts you owe. You are also eligible for enrollment in the Purchase Power Visa® Program, as described below. The following sets forth the terms and conditions of the agreement between you and the Bank relating to your use of the Purchase Power Program and the Purchase Power Visa Program (collectively, the "Programs"). Your use of any or all of the Programs will signify your acceptance of this Agreement.

1. Definitions. In this Agreement, the words "you," "your" and "yours" means the corporation, partnership, sole proprietorship, or other business entity which participates in the Programs. The Programs are not available to individuals for personal, family or household purposes. "Account" means your Purchase Power Account, including charges under any of the Programs. "Agreement" means the terms and conditions stated below, or as amended by the Bank from time to time. "Purchase Power Visa Account" means the Visa account established under the Purchase Power Visa Program. "Card" means a Purchase Power Visa card which is issued under your Purchase Power Visa Account. "Purchase Power Visa Program" means the program under which you may use a Card to defer payment of goods and services you receive from participating third party merchants for shipping, overnight delivery services and retail postage, as determined by Pitney Bowes.

2. The Purchase Power Program. (A) Except as provided below, each time a meter or postage account refill, office supply, or other product or service is ordered through the Purchase Power Program by you or by an employee or agent of yours with express, implied or apparent authority to do so (an "Authorized User"), the Account automatically will be charged for the amount of postage, products and services requested, and any applicable fees or interest. You authorize the Bank to honor requests by Authorized Users to use the Account, including a Card, and you agree to be liable for all amounts payable on the Account as a result of transactions made by Authorized Users until the Bank receives written notice revoking such authority, and, if applicable, the return of all Cards provided to such Authorized Users. (B) When you order a meter or postage account refill, if you have funds on account with the United States Postal Service ("USPS") and/or the account established relating to the Postage By Phone® Reserve Account, those funds automatically will be withdrawn to pay for postage. Funds will be withdrawn first from USPS funds and thereafter from Reserve Account funds. If you do not have funds on account with the USPS or the Reserve Account, the amounts due for postage and related fees will be billed through the Purchase Power Program under the terms and conditions of this Agreement. Charges for office supplies, other products and services ordered through the Purchase Power Program and any fees you owe under this Agreement will be charged against the Account.

3. The Purchase Power Visa Program. Your Purchase Power Visa Account and Cards may be used at participating merchants for certain qualifying purchases. Currently, qualifying purchases include shipping, overnight delivery services and retail postage. The participating merchants and qualifying categories of goods and services may change from time to time. The Bank will inform you of those changes. The Cards and your Purchase Power Visa Account may not be used to make non-qualifying purchases, purchases from non-participating merchants, or to obtain cash or cash advances. The Bank is not liable if any merchant refuses to accept any Card or if authorization is denied for any transaction. Upon your request, the Bank will place monthly dollar spending limits and/or limits on the categories of charges which can be made with Cards to individual authorized users, to the extent operationally feasible. In the absence of such a request, the Bank may establish limits on the amount of the credit line which can be used for Card purchases. The Bank may refuse to extend further credit if the amount of a requested transaction, plus the existing balance on the Account, will exceed the credit line or the individual Card limits, as the case may be. Cards are the property of the Bank. You agree to surrender all Cards to the Bank upon request.

4. Rewards Program. Pitney Bowes offers a rewards program tied to the Account (the "Rewards Program"). You have been automatically enrolled in the Basic Rewards Program. If you have enrolled in one of the annual fee rewards programs, you agree to pay a fee of up to $49.99 annually. The Rewards Program will be subject to terms and conditions which are available online. For more information on the program in which you participate, please refer to your Purchase Power statement for the rewards program website. You may also request a copy of the Rewards Program Terms and Conditions by calling 1-800-243-7800 or writing to the Bank at PO Box 571677, Salt Lake City, UT 84157-1677. The Rewards Program Terms and Conditions may be changed at any time, in the sole discretion of Pitney Bowes.

5. Billing. You will receive a billing statement for each billing cycle in which there are amounts due in respect of the Account. The Bank reserves the right to deliver any statement by mail at the address which you provided to the Bank or electronically to your email address that is then on file with the Bank. You agree to review each statement and to notify the Bank within thirty (30) days of the statement date of any errors on the statement or it will be deemed correct. You promise to pay the total amount of all meter refills, office supplies and other products and services, and applicable fees due under this Agreement by the due date shown on your billing statement. You may pay the entire balance due by the due date shown on your statement. If you choose not to pay the total amount due, you may pay a portion of the balance, provided that you pay at least the minimum payment shown on the statement. In the event of a partial payment, you will be responsible for the unpaid balance of the Account under the terms of this Agreement.

6. Postage Overage Fee. In the event that the aggregate meter or postage account refills in any billing cycle exceed $500, a postage overage fee equal to the greater of $1 or 1% of the amount by which the aggregate meter or postage account refills in the billing cycle exceed $500 will be assessed.

7. Deferred Payment Terms. Whenever there is an unpaid balance outstanding on the Account (including your Purchase Power Visa Account) which is not paid in full by the due date shown on your billing statement, the Bank will charge you, and you agree to pay, interest on the unpaid balance of the Account from time to time, for each day from the date the transaction is posted to the Account until the date the unpaid balance is paid in full, at a variable rate equal to the Annual Percentage Rate applicable to the Account from time to time. The Annual Percentage Rate applicable to the Account will be the greater of (i) 22.00% and (ii) the sum of (a) the highest "Prime Rate" published in the "Money Rates" section of *The Wall Street Journal* on the last business day of the month and (b) the margin set forth below (the sum of the margin and the Prime Rate is herein called the "Floating Rate"). The Annual Percentage Rate will be adjusted on a monthly basis based on any fluctuation in the Floating Rate. Any change in the Annual Percentage Rate based on the calculation described in this section will become effective on the first day of your next billing cycle, if applicable. The margin which will be added to the Prime Rate to determine the Floating Rate will be 14.75% (using the Prime Rate in effect as of July 31, 2023, the Floating Rate would be 23.25% and the corresponding daily periodic rate would be .06369%). The Account balance that is subject to a finance charge each day will include (i) outstanding balances, minus any payments and credits received by the Bank on the Account that day, and (ii) unpaid interest, fees, and other charges on the Account. The Bank will charge a minimum finance charge of one dollar in any billing cycle if the finance charge calculated above is less than one dollar. Each payment that you make will be applied to reduce the outstanding balance of the Account and replenish your available credit line. The Bank will apply payments first to the portion of the balance subject to the lowest finance charge and thereafter to the portion of the balance subject to the next highest finance charge until the payments have been applied in full. The Bank may refuse to extend further credit if the amount of a requested charge plus your existing balance exceeds your credit line.

8. Account Charges. Unless prohibited by applicable law, if you do not pay at least the minimum amount payable under this Agreement by the due date shown on your billing statement, you agree to pay a late charge of $9.99 if your outstanding balance is less than $30, $ 41.00 if your outstanding balance is greater than or equal to $30 but is less than $ 2,100 and 1.99% of the outstanding balance if your outstanding balance is greater than or equal to $2,100. If you exceed your credit limit, you agree to pay an over limit charge of $39. If any check you give in payment of your Account is returned unpaid, for any reason, you agree to pay a fee of $39. If the Account has no transaction activity for a year or longer, you agree to pay an annual account maintenance fee of up to $180. Unless prohibited by applicable law, the Bank may charge you and you agree to pay the Bank's fees then in effect for copies of statements, personalized business checks and other fee-based services provided by the Bank. The Bank may change the fees under the Agreement from time to time, as provided below.

9. Financial and Other Information. Upon the request of the Bank, you agree to furnish it with current financial information about you. Upon the request of the Bank, you agree to provide your tax identification number, social security number, and other information. You understand the Bank may obtain credit reports in connection with your Account. IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT: To help the government fight the funding of terrorism and money laundering activities, Federal law requires financial institutions to obtain, verify and record information that identifies each person who opens an account. Accordingly, in order to activate the Account, the Bank asks that you provide identifying information, including your address and taxpayer identification number. The Bank may also ask for additional identifying information, where appropriate, including asking that your representative who is opening the Account to provide his/her name, address, date of birth, driver's license and/or other documents and information that will allow the Bank to identify him/her. You agree to provide all such requested identifying information. In order to participate in the Program, you must provide the information described in this paragraph.

10. Unauthorized Use of Account. You agree to notify the Bank immediately of any loss, theft or unauthorized use your Purchase Power Visa Account or any Card by calling the Bank at 1-888-339-7228.

11. Billing Inquiries. If you think a billing statement is wrong, or need more information about a charge on a billing statement, call the Bank at: 1-800-243-7800. You can also notify the Bank in writing at: PO BOX 571677, Salt Lake City, UT 84157-1677. In either case, you must notify the Bank within 30 days of the receipt of the billing statement on which the error or problem first appears. Please provide to the Bank the following information: Your name and the Purchase Power Visa Account number; the dollar amount of the suspected error; and describe the error and explain why you believe there is an error. You may be liable if your Purchase Power Visa Account or any Card is being used without your consent, but you will not be liable for unauthorized use that occurs after you notify the Bank orally or in writing of the loss, theft or possible unauthorized use. In any event, your liability for unauthorized transactions will not exceed $50 or the amount of unauthorized transactions made before you notified the Bank.

12. Account Cancellation and Suspension. The Bank may at any time close or suspend the Account, and may refuse to allow further charges to the Account. You can cancel the Account by notifying the Bank in writing. No cancellation or suspension will affect your obligation to pay any amounts you owe under this Agreement.

13. Events of Default. If you fail to meet any of the obligations due under this Agreement or any other agreement with the Bank or its affiliates, the Bank may declare all loans, leases, or other agreements you have with the Bank due and payable at once without notice or demand, and the Bank may exercise any other rights it has. The Bank may also do this if you (a) have made any misrepresentations to the Bank, or (b) at any time, have done or allowed anything that indicates to the Bank that you may be unable or unwilling to repay the balance made under this Agreement. If you are in default of this Agreement or upon cancellation of the Account, whether such cancellation was made by you or by the Bank, the Bank shall not be obligated to continue to provide the Purchase Power service or extend further credit under this Agreement. If the Bank is required to take collection action or any other legal action under this Agreement or any other agreement you have with the Bank or any affiliate, you agree to pay all court and collection costs and reasonable attorney's fees. You also agree that, subject to applicable law, the Bank and its affiliates have a lien and security interest in and right of setoff in your Account. This means that if you owe money to the Bank, Pitney Bowes or their affiliates for any reason, the Bank may take the funds owed to us from your Account to the extent allowed by law, even without giving you prior notice.

14. Amendments to this Agreement; Notices; Termination. The Bank can amend this Agreement or any of its provisions. You are consenting to the delivery of any amendments to this Agreement by mail at the address which you provided to the Bank or electronically to your email address that is then on file with the Bank. In addition, the Bank may deliver all other notices to you at any time by mail at the address which you provided to the Bank or electronically to your email address that is then on file with the Bank. Any amendment will become effective on the date stated in the notice and will apply to any outstanding balance on the Account. The Bank may terminate any or all of the Programs at any time. The Bank will notify you in the event of any termination. Any outstanding obligation will survive termination of any or all of the Programs.

15. Miscellaneous. The Bank may accept late payments, partial payments, or checks and money orders marked "payment in full," without compromising any rights under this Agreement. The Bank can choose not to exercise or to delay enforcement of any rights under this Agreement without compromising them. The Bank may assign the Account and this Agreement and any rights under this Agreement to a third party without notice. You may not assign this Agreement. If any provision of this Agreement is held invalid or unenforceable, all other provisions will remain in full force and effect. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah and applicable federal law.

pitney bowes

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Purchase Power and Reserve Account are for commercial use only.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
Glenn Heath, Interim Executive Director

☐ Informational
☒ Action

AGENDA ITEM: POWERSCHOOL SERVICES FOR SCHOOL YEAR 2023-24

BACKGROUND INFORMATION:
The Human Resources Department would like to renew the TalentEd license and subscription services with PowerSchool Services for school year 2023-24. The Human Resources Department uses this system for onboarding services. This agreement has an automatic renewal clause which can be terminated with a 30-day written notice to vendor. Term is from December 18, 2023 to December 17, 2024.

RECOMMENDATION:
Approve the renewal of the PowerSchool Subscription, Maintenance and Support Services for the TalentEd license and subscription used by Human Resources for onboarding services in the amount of $11,837.92 from the General fund.

LCAP GOAL AND ACTION/SERVICE (please indicate):
Goal #1: Student Achievement – 1.5 Staffing

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$11,837.92	General Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

PowerSchool
Powering Brighter Futures

Remit Email: dawn.strong@powerschool.com
Quote Date: 5-OCT-2023
Quote #: Q-797872-2

Sales Quote - This is Not An Invoice

Prepared By:	Dawn Strong	Customer Contact:	
Customer Name:	San Ysidro School District	Title:	Executive Director of Human Resources
Contract Term:	12 Months	Address:	4350 Otay Mesa Road
Start Date:	18-DEC-2023	City:	San Ysidro
End Date:	17-DEC-2024	State/Province:	California
Billing Frequency:	Annually	Zip Code:	92173
		Phone #:	(619) 428-4476 ext. 3013

Product Description	Quantity	Unit	Unit Price	Extended Price
Initial Term 18-DEC-2023 - 17-DEC-2024 License and Subscription Fees				
Unified Talent (TalentEd) Records		1.00	Students	USD 11,837.92

License and Subscription Totals: **USD 11,837.92**

Quote Total

Initial Term	**18-DEC-2023 - 17-DEC-2024**
Amount To Be Invoiced	**USD 11,837.92**

Fees charged in subsequent periods after the duration of this quote will be subject to an annual uplift. On-Going PowerSchool Subscription/Maintenance and Support Fees are invoiced at the then current rates and enrollment per existing terms of the executed agreement between the parties. Any applicable state sales tax has not been added to this quote. Subscription Start and expiration Dates shall be as set forth above, which may be delayed based upon the date that PowerSchool receives your purchase order. If this quote includes promotional pricing, such promotional pricing may not be valid for the entire duration of this quote.

All invoices shall be paid before or on the due date set forth on invoice. All purchase orders must contain the exact quote number stated within. Customer agrees that purchase orders are for administrative purposes only and do not impact the terms or conditions reflected in this quote and the applicable agreement. Any credit provided by PowerSchool is nonrefundable and must be used within 12 months of issuance. Unused credits will be expired after 12 months.

This renewal quote will continue to be subject to and incorporate the terms and conditions of the main services agreement executed between PowerSchool and Customer that is in effect at the time of this quote, or if no such agreement is in effect, then the terms and conditions found at https://www.powerschool.com/MSA_Feb2022/, as may be amended.

"By either (i) executing this Quote or (ii) accessing the services described herein, you agree that such services will automatically renew for succeeding periods on the same terms and conditions as set forth herein (subject to a standard annual price uplift) unless otherwise terminated in accordance with such terms and conditions."

THE PARTIES BELOW ACKNOWLEDGE THAT THEY HAVE READ THE AGREEMENT, UNDERSTAND IT AND AGREE TO BE BOUND BY ITS TERMS.

POWERSCHOOL GROUP LLC

Signature:

Printed Name: Eric Shander

Title: Chief Financial Officer

Date: 29-MAY-2023

PO Number: _____

San Ysidro School District

Signature:

Printed Name: Gina A. Potter, Ed.D.

Job Title: Superintendent

Date:

Board approved: 11-09-23

MAIN SERVICES AGREEMENT

February 14, 2022 version

The terms and conditions of this Main Services Agreement (with all attached exhibits and referenced documents and links, the "**Main Services Agreement**"), and combined with active Quotes and Statements of Work for Professional Services or any other duly executed documents referencing this Main Services Agreement, will constitute the "**Agreement**," as may be amended from time to time. The Quotes and SOWs may be collectively referred to as the "**Transaction Documents**."

This Agreement is entered into by and between the applicable PowerSchool Contracting Entity (as defined below) ("PowerSchool") and Customer (as defined below) and governs Customer's access and use of PowerSchool Offering(s) (as defined below). This Agreement is effective and accepted on the earliest of the following: (i) the date that the last Party directly signs this Main Services Agreement, (ii) the date that the last Party signs the Quote that references this Main Services Agreement, or (iii) the date on which Customer accesses the PowerSchool Offering (the "Effective Date"). Each PowerSchool and Customer is individually referred to as a "**Party**" and collectively as the "**Parties**."

Any other agreements, proposals, purchase orders, representations or understandings, made verbally or in writing, are superseded in their entirety by this Agreement.

Exhibits: Below is a list of exhibits incorporated into this Agreement.

Exhibit A: PowerSchool Support Policy and Service Level Agreement
https://www.powerschool.com/Exhibit A-Support-Policy-SLA_Feb2022/

Exhibit B: Professional Services Policy
https://www.powerschool.com/Exhibit B-Professional-Services-Policy_Feb2022/

Exhibit C: Data Privacy Agreement
https://www.powerschool.com/Exhibit C-Customer-DPA_Feb2022/

Exhibit D: Product Specific Terms
https://www.powerschool.com/Exhibit D-Product-Specific-Terms_Feb2022/

1. DEFINITIONS.

1.1. "**Account Country**" is the country associated with the Customer account. If Customer has provided a valid tax registration number for Customer's account, then Customer's Account Country is the country associated with such tax registration. If Customer has not provided a valid tax registration, then Customer's Account Country is the country where the Customer billing address is located.

1.2. "**Customer**" means the school, school district, or other entity that purchases one or more of the Services, as identified on the applicable Quote.

1.3. "**Customer Data**" means all data, files, documents and records uploaded to a Subscription Service or transmitted to PowerSchool under this Agreement by or on behalf of the Customer.

1.4. "**De-identified Data**" means information that cannot reasonably be used to infer information about, or otherwise be linked to, a particular individual or User provided that the data processor: (a) takes reasonable measures to ensure that the information cannot be associated with an individual or User; (b) publicly commits to maintain and use the information in de-identified form and not to attempt to re-identify the information, except that the data processor may attempt to re-identify the information solely for the purpose of determining whether its de-identification processes satisfy the requirements of this definition; and (c) contractually obligates any recipients of the information to comply with the terms of this definition.

1.5. "**Documentation**" means user manuals describing the functionality, features and operating characteristics of the applicable PowerSchool Software that are delivered or made available to Customer by PowerSchool or through the Subscription Service, including any updates thereto.

1.6. "**Embedded Applications**" means software applications developed by third parties that resides within PowerSchool's proprietary software as part of the Subscription Services.

1.7. "**Excluded Claims**" means claims or liability arising out of: (a) Customer's Breach of Section 2.4 (Restrictions) or Section 4 (Proprietary Rights); (b) a Party's breach of its obligations in Section 5 (Confidentiality) (including obligations and/or claims relating to Customer Data); or (c) either Party's indemnity obligations under Section 10 (Indemnification).

1.8. "**Intellectual Property Rights**" means any and all, now or hereafter in existence, unpatented inventions, patent applications, patents, design rights, copyrights, Trademarks, mask work rights, know-how, trade secret rights, moral rights, database protection, and all other intellectual property and proprietary rights, modifications, adaptations, derivatives thereof, and improvements thereto, and forms of protection of a similar nature anywhere in the world.

1.9. "**Licensed Site(s)**" means the internet address of the web-based location for accessing a SaaS Subscription, or for a location of an on-premise implementation under an On-Premise Subscription for any PowerSchool Software listed on a PowerSchool Quote.

1.10. "**PowerSchool Contracting Entity**" means the entity identified in the table below, based on Customer's Account Country.

Account Country	PowerSchool Contracting Entity	Mailing Address
Canada	PowerSchool Canada ULC	PowerSchool Canada ULC 150 Parkshore Drive, Folsom, CA 95630
United States	PowerSchool Group LLC	PowerSchool Group LLC 150 Parkshore Drive, Folsom, CA 95630
Any other country that is not Canada, the United States, or India[1]	PowerSchool Group LLC	PowerSchool Group LLC 150 Parkshore Drive, Folsom, CA 95630

1.11. "**PowerSchool Offering**" means any Subscription Service(s), Licensed Third-Party Software and/or Professional Services provided to Customer or described on a Quote.

1.12. "**PowerSchool Software**" means PowerSchool's proprietary software applications and the associated Embedded Applications, as further described in the applicable Quote, including any and all updates and subsequent versions thereto. PowerSchool Software does not include Third-Party Software.

1.13. "**Professional Services**" means the services that are identified and described on a Quote and/or a Statement of Work, which services my include setup, implementation, configuration, training, education, consulting, customization and other professional services.

[1] PowerSchool Offerings in India are under a different Main Services Agreement.

1.14. "**Provincial Reporting Code**" *or* "**PRC**" means PowerSchool Offering that may be available only to Canadian-based Customers to assist Customer in meeting specific provincial reporting requirements and that is designated as Provincial Reporting Code by PowerSchool.

1.15. "**Quote**" means PowerSchool's standard order form that (i) specifies the PowerSchool Offering and other services provided to Customer; (ii) references this Agreement or the applicable agreement; and (iii) is signed or incorporated to or referenced in a signed agreement by authorized representatives of both Parties. Unless otherwise agreed in writing by the Parties, Customer's issuance of a purchase order is deemed as acceptance of the terms and conditions set forth in the applicable Quote.

1.16. "**State Reporting Code (or SRC)**" means the PowerSchool Offering that may be available to Customer to assist Customer in meeting specific state reporting requirements and that is designated as State Reporting Code by PowerSchool.

1.17. "**Statement of Work**" *or* "**SOW**" means a statement of work document that references this Agreement and describes the scope of work to be performed, including, without limitation, any applicable (i) milestones and dependencies, (ii) methodologies, (iii) technical requirements (iv) project responsibilities; and (iii) estimated or actual pricing.

1.18. "**Subscription Services**" means the On-Premise Subscription(s) and SaaS Subscription(s) provided to Customer by PowerSchool.

1.18.1. "**On-Premise Subscription**" mean provision of the PowerSchool Software for installation on servers on Customer's premises for a defined period as identified on the applicable Quote and hosted by Customer or its designated third-party hosting provider, including any accompanying Support Services.

1.18.2. "**SaaS Subscription**" means subscription-based access to certain PowerSchool-Software as a cloud-based service provided to Customer pursuant to this Agreement, now or in the future, including any accompanying Support Services.

1.19. "**Subscription Term**" has the meaning set forth in Section 13.2 (Subscription Term).

1.20. "**Support Services**" means maintenance and support for the PowerSchool Software provided under this Agreement, as further defined and described in Exhibit A (Support Policy and Service Level Agreement). PowerSchool will provide the applicable Support Services as part of the Subscription Services subject to the terms of this Agreement.

1.21. "**Term**" has the meaning set forth in Section 13.1 (Agreement Term).

1.22. "**Third-Party Software**" means software products supplied or developed for a particular purpose by someone other than PowerSchool. Third-Party Software does not include Embedded Applications.

1.22.1. "**Licensed Third-Party Software**" means Third-Party Software licensed by PowerSchool bundled with a Subscription Service.

1.22.2. "**Other Third-Party Software**" means Third-Party Software not licensed by PowerSchool.

1.23. "**Trademarks**" means all trademarks, service marks, trade dress, logos, slogans, trade names, business names, fictitious business names, and other source identifiers, including domain names, together with all translations, adaptations, derivations, and combinations thereof, whether registered or unregistered (as the case may be), and including all of the goodwill of the business related to the foregoing.

1.24. "**Transaction Data**" means system usage information of a User(s) who progresses through the applications and functions of a PowerSchool Offering.

1.25. "**User(s)**" means individuals authorized by the Customer to access PowerSchool Software. User(s) will include authorized representatives of the Customer, teachers, students, parents and/or student guardian(s), and applicants as applicable to the respective PowerSchool Software.

2. POWERSCHOOL OFFERING AND RESTRICTIONS.

2.1 SaaS Subscription Services. If Customer makes all payments on time, PowerSchool will: (a) make the SaaS Subscription available to the Customer and for the contracted quantity at each Licensed Site in conformance with the applicable Documentation; (b) provide applicable PowerSchool standard Support Services for the SaaS Subscription to Customer and Users, and provide upgraded support if purchased, as described in Exhibit A (Support Policy and Service Level Agreement); and (c) host the SaaS Subscription pursuant to the terms of the service level agreement set forth on Exhibit A (Support Policy and Service Level Agreement). Provision of the SaaS Subscription is subject to the terms of the Agreement and the applicable portions of the PowerSchool privacy policy (the "**Privacy Policy**") located at http://www.powerschool.com/privacy (as may be updated from time to time.

2.2 On-Premise Subscription. Where the Customer contracts for an On-Premise Subscription and if Customer makes all payments on time, PowerSchool, during the Subscription Term stated in the Quote, grants the Customer a restricted, personal, non-exclusive, non-transferable, terminable access to use such On-Premise Subscription specified in the applicable Quote, only at the Licensed Sites, not to exceed the maximum quantity identified on the applicable Quote. PowerSchool shall provide applicable PowerSchool standard Support Services for the On-Premise Subscription to Customer and Users and provide upgraded support if purchased, as described in Exhibit A (Support Policy and Service Level Agreement).

2.3 Professional Services. PowerSchool will provide Professional Services mutually agreed upon by the Parties via a Statement of Work pursuant to the terms of Exhibit B (Professional Services Policy) and the applicable Transaction Document.

2.4 Restrictions. Subscription Service(s) will only be used as expressly authorized by this Agreement and in compliance with all applicable laws and regulations. All rights not expressly granted to Customer herein are expressly reserved by PowerSchool.

2.4.1 Customer will use the PowerSchool Offering(s) only for the internal purposes of Customer and only for Licensed Sites. Customer shall not exceed the maximum quantity for the Subscription Services as stated in the Quote without additional payment.

2.4.2 Customer will not, and will not permit Users or third parties to: (a) sell, rent, lease, license, distribute, provide access to, sublicense, or otherwise make available any Subscription Service to a third party or in a service bureau or outsourcing offering; (b) use any Subscription Service to provide, or incorporate any Subscription Service into, any general purpose data warehousing service for the benefit of a third party; (c) reverse engineer, decompile, disassemble, modify, or otherwise attempt to derive source code or non-public APIs to any PowerSchool Software, except to the extent expressly permitted by applicable law (and then only upon advance written notice to PowerSchool); (d) write or develop any derivative works based upon the PowerSchool Offering; (e) interfere with or disrupt the integrity or performance of any PowerSchool Offering or third-party data contained therein or any systems or networks; (f) use the Subscription Services to build similar or competitive products or services; (g) perform or publish any performance or benchmark tests or analyses relating to the Subscription Services, other than solely for Customer's internal use; (h) remove or obscure any proprietary or other notices contained in any PowerSchool Offering; or (i) use any robot, spider, data miner, crawler, scraper or other automated means to access or index the PowerSchool Offering. Customer shall not use plugins that are not approved by PowerSchool.

2.4.3 For any PowerSchool Offering that may include messaging, Customer understands that standard SMS (texting) fees apply to all registered contacts who receive an SMS sent out via PowerSchool's Offering. PowerSchool is responsible for payment for all SMS sent FROM PowerSchool's Offering. Customer is responsible for ensuring parents or registered contacts receiving said SMS have opted into PowerSchool's Offering program. If requested by Customer, PowerSchool may provide Customer with appropriate materials (letter to mail home to parent and best practices) to support the opt-in procedure. However, Customer is solely responsible for obtaining legally required opt-in consents from Customer's Users, and for compliance with the Telephone Consumer Protection Act ("**TCPA**").

In no event will PowerSchool be liable for Customer's use of SMS. PowerSchool will also not be liable for any delays in the delivery or receipt of any SMS messages attributable to Customer's mobile service operator. Customer represents and warrants that when using any PowerSchool Offering, Customer will comply with all applicable laws and regulations, including the TCPA and privacy laws.

2.4.4 If unauthorized access to, or use of, the Subscription Services occurs, Customer shall promptly notify PowerSchool. Any attempted sublicense, assignment, or transfer of any rights, duties, or obligations by Customer in violation of this Agreement will be void.

2.4.5 Customer shall be prohibited from performing penetration testing against PowerSchool-hosted PowerSchool Offerings, applications, data stores, or systems. Penetration tests, if not performed properly and under the supervision and coordination of the PowerSchool information security team, can have unintended consequences such as corrupting data, unauthorized access to data, and degradation of systems.

2.4.6 PowerSchool may (or may ask Customer to) suspend or terminate any User's access to the PowerSchool Offering upon notice to Customer if PowerSchool reasonably determines that such User has violated any of the terms of the Agreement.

2.5 Updates to Subscription Services. Over the course of the Term, PowerSchool may, in its sole discretion, update or upgrade features, functionality, software, or user types that Customer and Users access pursuant to a Quote; provided that such updates will be at no cost to Customer and will not materially degrade existing features and functionality. Accordingly, PowerSchool reserves the right to update and/or upgrade the PowerSchool Software provided to Customer so that it remains current with the then-current version of the PowerSchool Software available to PowerSchool's customers generally. In addition, PowerSchool may release new features, functionality, software, or user types that are only available under a different pricing model or on a version of PowerSchool Software other than the version Customer currently accesses. In the event Customer desires to purchase any new features, PowerSchool reserves the right, in its sole discretion, to update Customer's account, pricing model, or PowerSchool Software version to facilitate the provision of such new features.

2.6 End-of-Life Policy. PowerSchool reserves the right to discontinue a PowerSchool Software as part of its end-of-life (EOL) policy upon providing advanced written notice to Customer consistent with PowerSchool's standard policies and procedures. PowerSchool will use commercially reasonable efforts to transition Customer to a substantially similar PowerSchool Software. If PowerSchool does not have a substantially similar PowerSchool Software, then PowerSchool will credit to Customer any unused portion of the prepaid fee for such PowerSchool Software that is subject to EOL. Such credit can be applied towards the future purchase of a PowerSchool Offering within twelve (12) months of issuance. Unused credits will expire after twelve (12) months of their issuance.

3. CUSTOMER DATA

3.1 Rights in Customer Data. As between Customer and PowerSchool, Customer is and will remain the sole and exclusive owner of all right, title and interest in and to all Customer Data, including all Intellectual Property Rights relating thereto, subject to the rights and permissions granted in this Section 4 (Proprietary Rights).

3.2 Consent to Use Customer Data. Customer hereby grants all such rights and permissions in or relating to Customer Data to PowerSchool, its subcontractors and sub-processors and the PowerSchool personnel as are necessary or useful to provide and perform the Subscription Services and deliver the PowerSchool Offering or to prevent or address service or technical problems under this Agreement. Subject to PowerSchool's rights granted in this Section 3.2 and Sections 5.4 and 5.5 related to compelled disclosure and its rights with respect to Transaction Data and De-Identified Data, PowerSchool will not share, rent or sell the Customer Data with third parties without Customer's express consent and will treat such data as Confidential Information. PowerSchool agrees to execute a data processing agreement or addendum in a form and substance identical or substantially similar to the PowerSchool Data Privacy Agreement ("**DPA**") set forth on Exhibit C.

3.3 Customer Obligations.

3.3.1 In General. Customer will ensure that its use of each PowerSchool

Offering and all Customer Data is at all times compliant with this Agreement, Customer's privacy policies, and all applicable local, state, federal and international laws, regulations and conventions, including, without limitation, those related to data privacy and data transfer, international communications, and the exportation of technical or personal data. Customer is solely responsible for the accuracy, content and legality of all Customer Data. Customer represents and warrants that Customer has sufficient rights in the Customer Data to grant the rights granted to PowerSchool in Section 3.2 and that the Customer Data does not infringe or violate the intellectual property, publicity, privacy or other rights of any third party. Customer represents and warrants that Customer has either explicit consent or consent under applicable law to collect Customer Data.

3.3.2 User ID and Password Protection. Customer will require that all Users keep user identification ("**ID**") and password information strictly confidential and not share such information with any unauthorized person. Customer is solely responsible for any and all activities that occur under all Customer accounts.

3.3.3 Notification. Customer agrees to notify PowerSchool immediately in writing of any unauthorized use of Customer's accounts, any unauthorized use or distribution of PowerSchool Offering, or any other breach of security of which Customer becomes aware and will take all steps necessary to ensure that such unauthorized use or distribution is terminated.

3.3.4 Compatible Equipment**.** Customer is responsible for obtaining and maintaining an appropriate operating environment with the necessary hardware, operating system software and other items required to use and access PowerSchool Offering. PowerSchool will not be responsible for any incompatibility between PowerSchool Offering and any versions of operating systems, hardware, browsers, or other products not specifically approved in writing by PowerSchool for Customer's use with PowerSchool Offering. Customer grants to PowerSchool a non-exclusive, royalty-free license to use Customer's equipment and software solely for the purpose of enabling PowerSchool to perform its obligations under the Agreement.

3.4 Data Privacy and Security. PowerSchool will abide by the terms of the DPA executed with Customer or, if none is executed, by the terms of the DPA set forth on Exhibit C, with respect to the security of the Customer Data within the PowerSchool Offering. The Parties shall comply with said DPA and said DPA shall supplement the terms of this Agreement.

3.5 Security Training. Customer agrees to require annual cyber security training for User(s) when reasonably applicable. Customer will also require User(s) to utilize multi-factor authentication to access computer systems with PowerSchool Offering when available within the applicable PowerSchool Offering. Customer agrees to keep a record of such training and PowerSchool may request to see them as part of compliance verification.

3.6 "Active Match" Activation. Where the Customer licenses the PowerSchool Naviance product, the Customer hereby expressly grants consent to the functionality branded "ActiveMatch." The college-planning function contained in the Naviance application includes certain features (collectively, "**Matching**") that allow students to view information from and interact with PowerSchool's higher education Intersect subscribers ("**Higher Education Institutions**"). Matching is active upon implementation of Naviance. Customer hereby represents and warrants having obtained voluntary informed consent from the student's parent or legal guardian prior to the use of the Naviance product by Users. Matching may be turned on or off at any time after implementation at the sole discretion and control of Customer. For clarity, no student or Customer information is shared with any Higher Education Institution unless Customer has enabled Matching and the applicable student, via the student's parent or legal guardian, has explicitly opted to send his/her information directly to the Higher Education Institution.

3.7 Customer-Specific Data Warehouse. If Customer executes a Quote to purchase a SaaS Subscription using certain PowerSchool's technology that requires the creation of a Customer-specific data warehouse and subject to the terms of an executed DPA between Customer and PowerSchool, Customer hereby acknowledges and agrees that PowerSchool must create a Customer-specific data warehouse of all Customer Data provided to PowerSchool solely for the purpose of providing the service ("**Customer-Specific Data Warehouse**"), and Customer hereby consents to the creation of

such Customer-Specific Data Warehouse. Customer-Specific Data Warehouse will not be aggregated or combined with any data of any other PowerSchool customers.

4. PROPRIETARY RIGHTS

4.1 PowerSchool Offerings and Software. PowerSchool and its licensors solely and exclusively own all right, title, and interest, including all related Intellectual Property Rights, in and to the PowerSchool Offering and PowerSchool Software. This Agreement is not a sale and does not convey to Customer any rights of ownership in or related to the PowerSchool Offering or PowerSchool Software, or the Intellectual Property Rights owned or licensed by PowerSchool. Customer will not accrue any residual rights to the PowerSchool Offering, including any rights to the Intellectual Property Rights in connection therewith.

4.2 Transaction Data. Notwithstanding anything to the contrary in this Agreement, PowerSchool has the right to collect and use Transaction Data for internal research and to develop, improve, support, and operate its products and services during and after the Term.

4.3 De-Identified Data. Notwithstanding anything to the contrary, Customer hereby agrees and acknowledges that PowerSchool shall have the right to process, aggregate and analyze De-Identified Data relating to the provision, use and performance of various aspects of the PowerSchool Offering and related systems and technologies, and PowerSchool will be free (during and after the Term) to: (i) use such De-identified Data to improve and enhance the PowerSchool Offering and PowerSchool Software and for other development, diagnostic and corrective purposes in connection with the PowerSchool Offering, PowerSchool Software, and other PowerSchool products and services, and (ii) disclose De-identified Data solely in connection with its business, including, without limitation, for training, marketing and promotional efforts.

4.4 Feedback. If Customer or any User elects to provide PowerSchool with any suggestions, comments, improvements, enhancement requests, recommendations, corrections, ideas or other feedback relating to the PowerSchool Offering or any other PowerSchool's products or services (collectively, "**Feedback**"), Customer grants to PowerSchool a worldwide, perpetual, irrevocable, royalty-free, and transferable license to use and incorporate into PowerSchool Offering and PowerSchool Software any Feedback (excluding any Customer Confidential Information contained in the Feedback).

4.5 PowerSchool Trademarks. PowerSchool exclusively owns all of its Trademarks, including, without limitation, the PowerSchool name, the PowerSchool logo, and other owned brands and product names associated with the PowerSchool Offering. No right or license is granted by this Agreement to their use.

4.6 Customer Trademarks. Customer exclusively owns all of its Trademarks, including, without limitation, the Customer name and logo.

4.7 No Use of Trademarks. Neither Party nor its affiliates shall use the other Party's Trademarks in any form or substance in any medium or for any purpose without the other Party's prior written consent (which consent can be via e-mail if such e-mail is from an authorized representative of the consenting Party.).

4.8 Marketing. Notwithstanding the foregoing Section 4.7 and subject to Customer's trademark usage guidelines, Customer grants PowerSchool a non-exclusive, worldwide, royalty-free right to include Customer's Trademark and other related transactional information (including enrollment count, names of all PowerSchool Offering ordered by Customer, etc., but excluding pricing) in any customer listing appearing on or in any PowerSchool websites, brochures, fliers, presentations, press releases, annual reports and any other marketing materials. Customer may withdraw or terminate the foregoing license at any time by providing PowerSchool with thirty (30) days' prior written notice of its intent to terminate. Such notice of withdrawal or termination must be sent via e-mail to champions@powerschool.com with a copy to legal@powerschool.com, and the email subject line must state "Trademark Consent Withdrawal." After such thirty (30) day period, PowerSchool will remove Customer's Trademarks from its website and cease from creating any new marketing material containing the same. Notwithstanding the foregoing, PowerSchool's right to continue to use any marketing materials produced, published, or disseminated prior to such termination will

continue until the supply, publication, dissemination and/or use of such materials is exhausted or terminates. If PowerSchool requests, Customer agrees to participate in a case study, press release and/or cooperate with PowerSchool in speaking to the media, and to speak at a future PowerSchool event.

5. CONFIDENTIALITY.

5.1 Confidential Information. In connection with this Agreement, each Party (as the "**Disclosing Party**") may disclose or make available Confidential Information to the other Party (as the "**Receiving Party**"). Subject to Section 5.2 (Exclusions), "**Confidential Information**" means non-public information in any form or medium (whether oral, written, electronic or other) that the Disclosing Party considers confidential or proprietary, including information consisting of or relating to the Disclosing Party's technology, trade secrets, know-how, business operations, plans, strategies, customers, suppliers, subcontractors, and pricing, and information with respect to which the Disclosing Party has contractual or other confidentiality obligations, in each case whether or not marked, designated or otherwise identified as "confidential." Without limiting the foregoing, the PowerSchool Offering are the Confidential Information of PowerSchool, and subject to Section 5.5 (Public Records Act), the terms of this Agreement and each Transaction Document are Confidential Information of PowerSchool. For purposes of this Section, Customer Data and any other Customer information or data labeled or identified as confidential at the time of disclosure to PowerSchool are the Confidential Information of Customer. To the extent the Parties executed a non-disclosure agreement prior to the Effective Date (the "**Prior NDA**"), such Prior NDA shall govern the confidential information exchanged by the Parties under the Prior NDA and the confidentiality obligations of this Agreement shall govern the exchange of Confidential Information by the Parties under this Agreement starting on the Effective Date.

5.2 Exclusions. Confidential Information does not include and the obligations of this Section 5 will not extend to any information that the Receiving Party can reasonably demonstrate by written or other documentary records: (i) is now, or hereafter becomes, publicly known or available through no act or failure to act on the part of the Receiving Party; (ii) is known by the Receiving Party at the time of receiving such information; (iii) is or becomes lawfully available from a third party without restriction; (iv) is hereafter furnished to the Receiving Party by a third party having the legal right to do so and without restriction on disclosure; or (v) is independently developed by the Receiving Party without the aid, , application or use of the Confidential Information.

5.3 Protection of Confidential Information. Except as expressly allowed in this Agreement, the Receiving Party shall: (a) keep completely confidential and will not publish or otherwise disclose the Disclosing Party's Confidential Information to any third party except to: (i) its affiliates, employees, consultants, contractors, sub-processors, or agents having a need to know (and only to the extent needed) and who have signed confidentiality agreements with the Receiving Party containing protections not materially less protective of the Confidential Information than those of this Agreement; or (ii) its legal, financial or other professional advisors as reasonably necessary, and (b) use the Disclosing Party's Confidential Information only in connection with the performance of its obligations under this Agreement. The Receiving Party shall protect the proprietary nature of the Confidential Information with no less care than it uses with respect to its own Confidential Information and, in any event, no less than reasonable care. The Receiving Party's obligations under Section 5 (Confidentiality) shall survive the termination or expiration of this Agreement and continue in effect thereafter for a period of five (5) years with respect to Confidential Information that does not qualify as a trade secret under applicable law, and, with respect to Confidential Information that qualifies as a trade secret under applicable law, in perpetuity after the termination or expiration of the Agreement.

5.4 Compelled Disclosure. If the Receiving Party is required (by oral question, interrogatories, requests for information or documents, subpoena, civil investigative demand or similar process) by any governmental entity or court order or pursuant to applicable law or rules of a stock exchange to disclose or provide any Confidential Information of the Disclosing Party (including disclosure that is reasonably necessary in prosecuting or defending litigation), the Receiving Party will provide the Disclosing Party with written notice of such request or demand as promptly as

practicable under the circumstances so that the Disclosing Party will have an opportunity to seek an appropriate protective order. The Receiving Party agrees to take, and cause its employees, contractors, and representatives to take, at the Disclosing Party's expense, reasonable steps necessary to help the Disclosing Party seek to obtain confidential treatment by the Receiving Party. Subject to the foregoing, the Receiving Party may thereafter disclose or provide any such Confidential Information, as the case may be, to the extent (and only in such amount) required by such law (as so advised by counsel) or by lawful process or such governmental entity or court order.

5.5 Public Record Act. Notwithstanding anything herein to the contrary in Section 5.3 (Protection of Confidential Information), PowerSchool acknowledges that, to the extent Customer is subject to public record acts or freedom of information acts, (a) PowerSchool will reasonably work with Customer to provide appropriate information in response to such requests, to the extent such requested information is not PowerSchool's proprietary information or otherwise exempted from disclosure; and (b) Customer shall provide PowerSchool a reasonable opportunity to object to any such request as permitted under applicable law.

5.6 Injunctive Relief. The Receiving Party acknowledges that disclosure of Confidential Information may cause substantial harm for which damages alone may not be a sufficient remedy, and therefore that upon any such disclosure by the Receiving Party, the Disclosing Party will be entitled to seek appropriate equitable relief in addition to whatever other remedies it might have at law.

6. FEES AND PAYMENT.

6.1 Fees. Customer agrees to pay PowerSchool, in accordance with the terms on the PowerSchool Quote and invoice, the fees charged for the PowerSchool Offering and related services and/or other items ordered by Customer, together with any other charges made in accordance with this Agreement, and all applicable sales, use, value-added, or other taxes or duties, however designated, except for taxes based on PowerSchool's net income. Customer agrees to pay for PowerSchool's pre-approved reasonable travel and lodging expenses for Professional Services performed at Customer's premises. All fees set forth in any PowerSchool Quote or invoice will be in United States dollars unless otherwise specified.

6.2 Enrollment Increases. Pricing for access to PowerSchool Offering may be a fixed fee or may be based on the quantity and student enrollment count identified in the applicable Quote. If fees are based on quantity or student count and Customer accesses PowerSchool Offering with more than the quantity identified in the applicable Quote, then PowerSchool may submit an amended or supplemental invoice for the amount of such excess usage, and Customer will pay the fees applicable to the variance in accordance with the terms of the applicable invoice. Any such increase in quantity will be maintained through the end of the then-current term. Such additional fees will be computed by multiplying the then-current per individual license and support fees for the PowerSchool Offering by Customer's additional User count.

6.3 Payment. Unless otherwise set forth in the applicable Quote or invoice, Customer shall make all payments by electronic payment, check or wire transfer to such address or account as specified on the invoice or otherwise specified by PowerSchool in writing. PowerSchool may accept credit card payment; provided that credit card payments shall subject Customer to a transaction fee and a $250,000 transaction limit. Customer will pay a monthly charge of 1.5% (18% annually) on all amounts not paid when due, or, if a lower maximum rate is established by law, then such lower maximum rate.

6.4 Tax Exempt Status. If Customer claims tax-exempt status, Customer agrees to provide evidence of such tax exemption to PowerSchool. To the extent that such tax exemption cannot be properly claimed or does not extend to certain taxes or transactions, Customer will be responsible for any and all taxes and assessments that arise from this Agreement and related transactions (except for taxes based upon PowerSchool's net income).

6.5 Payment Dispute. If Customer reasonably and in good faith disputes all or any portion of any invoice, Customer shall notify PowerSchool in writing of its objection within twenty (20) days from the date of the applicable invoice, provide a detailed description of the reasons for the objection, and pay the portion of the invoice which is not in dispute. If Customer does not object in a timely manner within this time period, the amount invoiced shall be conclusively deemed correct by the Parties. If

the Parties are unable to resolve such payment dispute within thirty (30) days from PowerSchool's receipt of Customer's written objection, each Party shall have the right to seek any remedies it may have under this Agreement, at law or in equity, irrespective of any terms that would limit remedies on account of a dispute. For clarity, any undisputed amounts must be paid in full.

6.6 No Deductions or Setoffs. Subject to Customer's right to dispute an invoice under Section 6.5 (Payment Dispute), all amounts payable to PowerSchool under this Agreement shall be paid by Customer to PowerSchool in full without any setoff, recoupment, counterclaim, deduction, debit or withholding for any reason.

7. THIRD-PARTY SOFTWARE; EMBEDDED APPLICATIONS.

7.1 Licensed Third-Party Software. Provision of Licensed Third-Party Software may be subject to an additional cost. If PowerSchool provides any Licensed Third-Party Software under this Agreement, PowerSchool shall be responsible for securing the licenses or authorizations required from the applicable third parties to provide such Licensed Third-Party Software to Customer. Sections 6 (Fees and Payment), 7 (Third-Party Software; Embedded Applications), 9 (Disclaimer of Warranties), 10 (Indemnification), and 11 (Limitation of Liability) of this Agreement apply to Licensed Third-Party Software.

7.2 Other Third-Party Software. Other Third-Party Software is licensed directly to the Customer pursuant to separate license terms between Customer and a third-party supplier. Other Third-Party Software is not supported by PowerSchool. All support, warranties, and services related to Other Third-Party Software are provided by the supplier of the Other Third-Party Software under such third party's terms and conditions, and not by PowerSchool. PowerSchool will have no obligations or liability regarding any Other Third-Party Software.

7.3 Embedded Applications. PowerSchool Offering may contain Embedded Applications. If any additional license terms are identified in **Exhibit D** (Product Specific Terms), Customer will comply with such conditions with respect to such applications. Certain Embedded Applications may also be subject to "open source" licensing terms. In some cases, the open-source licensing terms may conflict with portions of this Agreement, and to the extent of any such conflict, the open-source licensing terms will govern, but only as to the software components subject to those terms. Notwithstanding the foregoing, Customer acknowledges that if any open-source software component is licensed under terms that permit Customer to modify such component, and if Customer does modify such component, then PowerSchool will not be responsible for any incompatibility due to such modifications.

8. WARRANTIES.

8.1 Mutual Warranties. Each Party represents and warrants that: (a) it has the full right, power and authority to enter into this Agreement and perform its obligations hereunder; (b) the individual accepting or executing the Main Services Agreement or a Transaction Document has the authority to bind such Party to the terms and conditions of this Agreement; and (c) when accepted or executed, this Agreement will constitute the legal, valid and binding obligation of each Party.

8.2 Limited Warranty. PowerSchool warrants that the PowerSchool Software included in the SaaS Subscription or On-Premise Subscription will operate in substantial conformity with the applicable Documentation under normal use and circumstances. If Customer notifies PowerSchool in writing of a breach of this warranty, PowerSchool will, at its option, either: (a) use commercially reasonable efforts to correct the reported non-conformity, at no charge to Customer, or (b) if PowerSchool determines such remedy to be impracticable, issue Customer a credit or refund of a portion of the fees pre-paid by Customer for the nonconforming Subscription Service that fairly reflects (at PowerSchool's reasonable determination) the diminished value of the non-conforming Subscription Service. The foregoing constitutes Customer's sole and exclusive remedy for any breach of this limited warranty. This warranty will not apply: (i) unless Customer makes a claim within thirty (30) days of the date on which Customer first noticed the non-conformity, or (ii) if the error was caused by misuse, unauthorized modifications, or third-party hardware, software, or services.

9. DISCLAIMER OF WARRANTIES.

EXCEPT AS EXPRESSLY SET FORTH IN SECTION 8 (WARRANTIES), POWERSCHOOL OFFERING(S), POWERSCHOOL SOFTWARE AND THIRD-PARTY SOFTWARE ARE PROVIDED "AS IS",

AND POWERSCHOOL AND ITS LICENSORS EXPRESSLY DISCLAIM ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, TITLE, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT. POWERSCHOOL DOES NOT WARRANT THAT THE FUNCTIONALITY CONTAINED IN THE POWERSCHOOL OFFERING WILL MEET CUSTOMER'S REQUIREMENTS, OR THAT THE OPERATION OF THE POWERSCHOOL OFFERING WILL BE UNINTERRUPTED OR ERROR- FREE, OR THAT DEFECTS IN THE POWERSCHOOL OFFERING(S) WILL BE CORRECTED. NO ORAL OR WRITTEN INFORMATION OR ADVICE GIVEN BY POWERSCHOOL OR A POWERSCHOOL REPRESENTATIVE WILL CREATE A WARRANTY OR IN ANY WAY INCREASE THE SCOPE OF ANY WARRANTY. POWERSCHOOL DOES NOT MAKE ANY WARRANTIES AND SHALL HAVE NO OBLIGATIONS WITH RESPECT TO THIRD-PARTY SOFTWARE. CUSTOMER MAY HAVE OTHER STATUTORY RIGHTS, BUT THE DURATION OF STATUTORILY REQUIRED WARRANTIES, IF ANY, SHALL BE LIMITED TO THE SHORTEST PERIOD PERMITTED BY LAW. THE ABOVE EXCLUSIONS APPLY TO THE FULLEST EXTENT ALLOWED BY APPLICABLE LAW.

10. INDEMNIFICATION.

10.1 Intellectual Property Indemnification by PowerSchool. Subject to Section 11 (Limitation of Liability), PowerSchool hereby agrees to defend, indemnify, and hold harmless Customer from and against any and all losses, liabilities, costs, expenses and damages (collectively, "**Liabilities**") to the extent arising out of or relating to any claim brought by a third party against Customer alleging the use of the PowerSchool Offering infringes or misappropriates the Intellectual Property Rights of such third party.

10.1.1 Mitigation. If Customer's use of the PowerSchool Offering is enjoined or, in PowerSchool's reasonable opinion, is likely to be enjoined, PowerSchool may (i) substitute for the PowerSchool Offering, a substantially and functionally similar product(s) and documentation; (ii) procure for Customer the right to continue using the PowerSchool Offering; or if (i) or (ii) is not possible after reasonable commercial efforts from PowerSchool, then PowerSchool may terminate this Agreement and credit a pro-rated return of unused portion of the fees prepaid by Customer for the applicable PowerSchool Offering.

10.1.2 Exclusions. The foregoing indemnification obligation of PowerSchool will not apply to the extent the applicable claim arises from or is attributable to: (i) modifications to the PowerSchool Offering(s) by any party other than PowerSchool or based on Customer's specifications or requirements; (ii) the combination of the PowerSchool Offering(s) with products or processes not provided or authorized by PowerSchool; (iii) any unauthorized use, access, or distribution of the PowerSchool Offering(s); or (iv) any action arising as a result of Customer Data, or any deliverables or components not provided by PowerSchool.

10.1.3 Sole and Exclusive Remedy. THIS SECTION 10.1 (INDEMNIFICATION BY POWERSCHOOL) SETS FORTH POWERSCHOOL'S SOLE LIABILITY AND CUSTOMER'S SOLE AND EXCLUSIVE REMEDY WITH RESPECT TO ANY CLAIM OF INTELLECTUAL PROPERTY INFRINGEMENT.

10.2 Data Breach Indemnification by PowerSchool. Subject to Section 11 (Limitation of Liability), PowerSchool hereby agrees to defend, indemnify, and hold harmless Customer from and against any Liabilities to the extent arising out of or relating to any claim brought by a third party against Customer alleging a confirmed data breach (as defined by the applicable state law) to the extent attributable to PowerSchool resulting from PowerSchool's violation of the data security provisions expressly set forth in this Agreement or the DPA executed between the Parties.

10.3 Indemnification by Customer. To the extent permitted under applicable law, Customer agrees to indemnify and hold PowerSchool and its affiliates and each of their respective directors, officers, employees, representatives and agents (collectively, "**PowerSchool Indemnitees**") harmless against and from any Liabilities, including reasonable legal fees (including but not limited to attorney's fees, costs and expenses), brought by a third party against a PowerSchool Indemnitee to the extent relating to or arising out of: (a) any Customer Data; (b) any information or content (other than PowerSchool-provided content)

transmitted or submitted by Customer or its Users through the PowerSchool Offering or shared with any third party; (c) Customer's violation of Section 2 (PowerSchool Offering and Restrictions), or Section 4 (Proprietary Rights); or (d) Customer's gross negligence or willful misconduct. In addition, Customer shall indemnify and hold PowerSchool Indemnitees harmless against and from any Liability brought against a PowerSchool Indemnitee or Customer for alleged or actual violations of the TCPA in connection with Customer's use of or access to any PowerSchool Offering.

10.4 Procedure. The indemnifying Party's obligations as set forth above are expressly conditioned upon each of the following: (a) the indemnified Party will promptly notify the indemnifying Party in writing of any threatened or actual Liability; provided that failure to provide such prompt notice will not release the indemnifying Party from its indemnity obligations except to the extent the indemnifying Party is materially prejudiced thereby; (b) the indemnifying Party will have sole control of the investigation, defense or settlement of any Liability; (c) the indemnified Party will fully cooperate with the indemnifying Party (at the indemnifying Party's expense) to facilitate the settlement or defense of any Liability; and (d) the indemnifying Party will not settle any claim or suit in a manner that results in an admission of liability by the indemnified Party, without the indemnified Party's prior written consent, which consent shall not be unreasonably withheld, conditioned or delayed.

11. LIMITATION OF LIABILITY.

11.1 EXCLUSION OF DAMAGES. TO THE MAXIMUM EXTENT PERMITTED BY LAW AND EXCEPT FOR "EXCLUDED CLAIMS", IN NO EVENT WILL EITHER PARTY OR ITS AFFILIATES BE LIABLE TO THE OTHER PARTY FOR ANY SPECIAL, EXEMPLARY, INDIRECT, INCIDENTAL, PUNITIVE OR CONSEQUENTIAL DAMAGES; OR LOST PROFITS, LOST FUNDING, LOST SAVINGS, OR LOST OR DAMAGED DATA; OR FOR CLAIMS OF A THIRD PARTY, IN EACH CASE ARISING OUT OF THIS AGREEMENT, THE POWERSCHOOL OFFERING, OR THE POWERSCHOOL SOFTWARE OR THE USE OR INABILITY TO USE ANY OF THE FOREGOING, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR THEY ARE FORESEEABLE.

11.2 CAP ON MONETARY LIABILITY. TO THE MAXIMUM EXTENT PERMITTED BY LAW AND EXCEPT FOR CLAIMS FOR FEES DUE TO POWERSCHOOL UNDER THIS AGREEMENT AND EXCEPT FOR EXCLUDED CLAIMS, EACH PARTY'S AND ITS AFFILILATES' COLLECTIVE AGGREGATE LIABILITY TO THE OTHER PARTY OR ITS AFFILIATES IN CONNECTION OR ARISING OUT OF THIS AGREEMENT, THE POWERSCHOOL OFFERING OR THE POWERSCHOOL SOFTWARE, UNDER ANY LEGAL OR EQUITABLE THEORY, SHALL NOT EXCEED THE TOTAL AMOUNTS ACTUALLY PAID BY CUSTOMER TO POWERSCHOOL IN THE IMMEDIATELY PRECEDING TWELVE (12)-MONTH PERIOD FOR THE APPLICABLE POWERSCHOOL OFFERING ON WHICH THE CLAIM IS BASED. TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE COLLECTIVE AGGREGATE LIABILITY OF EACH PARTY AND ITS AFFILIATES FOR "EXCLUDED CLAIMS" SHALL NOT EXCEED THE TOTAL AMOUNTS ACTUALLY PAID BY CUSTOMER TO POWERSCHOOL IN THE IMMEDIATELY PRECEDING TWENTY-FOUR (24)-MONTH PERIOD FOR THE APPLICABLE POWERSCHOOL OFFERING ON WHICH THE CLAIM IS BASED.

11.3 EXCEPTIONS. NOTWITHSTANDINGTHE FOREGOING, THE LIMITATIONS IN SECTION 11.1 (EXCLUSION OF DAMAGES) AND SECTION 11.2 (CAP ON MONETARY LIABILITY) SHALL NOT APPLY TO LIABILITY ARISING OUT OF A PARTY'S GROSS NEGLIGENCE OR FRAUD.

11.4 FAILURE OF ESSENTIAL PURPOSE. THE PARTIES AGREE THAT THE WAIVERS AND LIMITATIONS SPECIFIED IN THIS SECTION 11 WILL SURVIVE AND APPLY REGARDLESS OF THE FORM OF ACTION, WHETHER IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE AND WILL SURVIVE AND APPLY EVEN IF ANY LIMITED REMEDY SPECIFIED IN THIS AGREEMENT IS FOUND TO HAVE FAILED OF ITS ESSENTIAL PURPOSE.

12. INSURANCE. During the Term, PowerSchool agrees to maintain insurance coverage consistent with PowerSchool's then-current certificate(s) of insurance. Upon execution of this Agreement, and one (1) time per calendar year upon Customer's request, PowerSchool shall provide Customer with

certificate(s) of insurance. Upon Customer's request, PowerSchool agrees to include Customer as a certificate holder on such certificate(s) of insurance. PowerSchool will provide notice and updated certificate(s) of insurance to Customer in the event of a cancellation or other material change to the insurance coverage(s) described in the applicable PowerSchool certificate(s) of insurance. For the avoidance of doubt, the obligation for PowerSchool to maintain insurance coverage as set forth herein shall in no way impact the terms of Section 11 (Limitation of Liability).

13. TERM AND TERMINATION

13.1 Agreement Term. This Agreement commences on the Effective Date and continues until a Party terminates the Agreement pursuant to the terms of this Agreement or until the Parties subsequently enter into a new agreement that supersedes this Agreement (the "**Term**").

13.2 Subscription Term. The subscription term of each Subscription Service (the "**Subscription Term**") will be as specified in the applicable Quote, which specifies a start and end date, provided that if the provision of the Subscription Service does not commence on the start date identified on the Quote, then the start date will be deemed as the date of the provisioning of the Subscription Services to Customer. Except as otherwise specified in the applicable Quote, renewal of promotional or one-time priced subscriptions or licenses will be at PowerSchool's discretion.

13.3 Suspension. If Customer's account is thirty (30) days or more overdue for any PowerSchool product or service (except with respect to charges then under reasonable and good faith dispute), PowerSchool reserves the right, in addition to any of its other rights or remedies, suspend Customer's access to any PowerSchool Offering and/or its performance of any of the Professional Services without liability to Customer, until PowerSchool receives all amounts due. Suspension shall not relieve Customer of its obligation to pay the entirety of the fees due. In addition, PowerSchool will have the right to suspend provision of the PowerSchool Offering or Professional Services under this Agreement if: (a) Customer or User accessed or used the PowerSchool Offering beyond the scope of the rights granted or for purpose not authorized under this Agreement; (b) Customer or any User is or has been involved in any fraudulent, misleading or unlawful activities relating to or in connection with any of the PowerSchool Offering; or (c) Customer is notified that an objective security threat arises so great as to warrant immediate action by PowerSchool to protect the security of Customer Data and the PowerSchool systems, including if the Subscription Services are experiencing denial of service attacks, mail flooding, or other attacks or disruptions outside of PowerSchool's control.

13.4 Termination for Breach. Either Party will have the right to terminate this Agreement in whole or in part upon providing thirty (30) days' written notice to the other Party, in the event the other Party materially breaches this Agreement and fails to correct such breach within such thirty (30) day period; provided that PowerSchool will have the right to terminate this Agreement immediately upon providing written notice to Customer if Customer breaches any of its obligations under Section 2 (PowerSchool Offering and Restrictions) or Section 4 (Proprietary Rights). Customer further acknowledges that, as breach of the provisions of Section 4 may result in irreparable injury to PowerSchool, PowerSchool will have the right to seek equitable relief against any actual or threatened breach thereof, without proving actual damages.

13.5 Termination for Non-Appropriation for Governmental Entities Only. The Parties acknowledge and agree that if Customer is a governmental entity that is bound to statutory provisions that prevent it from committing to the payment of funds beyond its fiscal year, and if funds are not allocated for the PowerSchool Offering captured in an applicable Quote that is the subject of this Agreement following the commencement of any succeeding fiscal year during which the Quote may continue, then Customer may terminate the applicable Quote without liability for any termination charges, fees, or penalties at the end of its last fiscal period or the Subscription Term for which funds were appropriated, subject to Customer's providing the required notice herein. Customer will be obligated to pay all charges incurred through the end of the last fiscal period or Subscription Term for which funds were appropriated. Customer will give PowerSchool written notice that funds have not been appropriated and that Customer wants to terminate the Agreement: (a) immediately after Customer receives notice of such non-appropriation; and (b) at least thirty (30) days prior to the end of the applicable fiscal period or Subscription Term. Customer will not

utilize this clause as a right to terminate any Quote or this Agreement for convenience. PowerSchool reserves the right to request, and Customer shall provide, documentation evidencing such non-appropriation of funds.

13.6 Additional Right. In addition to any other termination rights, PowerSchool shall have the right to terminate this Agreement if Customer fails to make payment under any other agreement with PowerSchool and fails to cure material breach within thirty (30) days after receipt of written notice from PowerSchool.

13.7 No Other Termination Right. Except as expressly set forth in this Section 13, neither Party has a right to terminate this Agreement or any Quote prior to its expiration.

13.8 Effect of Termination. In the event of any termination of all or any portion of this Agreement, Customer will not be relieved of any obligation to pay any sums of money that have accrued prior to the date of termination. In addition, the provisions of Sections 1 (Definitions), 4 (Proprietary Rights), 6 (Fees and Payment), 7 (Third-Party Software; Embedded Applications), 9 (Disclaimer of Warranties), 10 (Indemnification), 11 (Limitation of Liability), 13.8 (Effect of Termination), and 14 (General Provisions) will survive termination or expiration of this Agreement. In the event that Customer enters into a multi-year Quote with PowerSchool and Customer terminates the Quote or any portion thereof, Customer agrees to pay PowerSchool the remaining sum due to PowerSchool through the stated term in the applicable Quote, as actual damages being impossible to calculate. The immediately preceding clause will not apply in the event Customer terminates this Agreement as (a) a result of PowerSchool's material breach in accordance with Section 13.4 (Termination for Breach), or (b) as a result of non-appropriation of funds in accordance with Section 13.5 (Termination for Non-Appropriation).

13.9 Return or Disposal of PowerSchool Offerings. Immediately upon any termination of Subscription Service(s) under this Agreement, Customer will, at its own expense, either return to PowerSchool or destroy all copies of such PowerSchool Offering, and Customer's authorized representative will forward written certification to PowerSchool that all such copies of such PowerSchool Offering have either been destroyed or returned to PowerSchool.

13.10Return or Disposal of Customer Data. Upon termination or expiration of the Agreement, PowerSchool shall return to Customer or delete the Customer Data in its possession, custody or control in accordance with the terms of the DPA, unless otherwise required by applicable law.

14. GENERAL PROVISIONS

14.1 Governing Law. Except otherwise agreed in writing by the Parties, this Agreement will be governed by the laws depending upon the account country location as listed in the table below. Except otherwise agreed in writing by the Parties, the venue listed in the table will be the exclusive courts of jurisdiction and venue for any litigation, special proceeding or other proceeding as between the Parties that may be brought, or arise out of, in connection with, or by reason of this Agreement. Each Party hereby consents to the jurisdiction of such courts. The United Nations Convention on Contracts for the International Sale of Goods will not apply to this Agreement. This Agreement will not be subject to the Uniform Computer Information Transactions Act.

Account Country	Venue	Governing Law
Canada	Victoria	Province of Ontario
United States	San Francisco	California
Any other country that is not Canada or the United States	San Francisco	California

14.2 Compliance Verification. During the Term and for a period of one (1) year following termination of this Agreement, PowerSchool has the right to verify Customer's full compliance with the terms and requirements of Section 2 (PowerSchool Offering and Restrictions), Section 4 (Proprietary Rights) and Section 6 (Fees and Payment) of this Agreement. Customer must (a) provide any assistance reasonably requested by PowerSchool or its designee in conducting any such audit, (b) make requested personnel, records, and information available to PowerSchool or its designee, and (c) in all cases, provide such assistance, personnel, records, systems access and information in an expeditious manner to facilitate

the timely completion of such compliance verification. If such verification process reveals any noncompliance, Customer must promptly cure any such noncompliance; provided, however, that the obligations under this Section 14.2 do not constitute a waiver of PowerSchool's termination rights and do not affect PowerSchool's right to payment for access to PowerSchool Offering and other services and interest fees related to usage in excess of the quantities purchased.

14.3 Amendment. This Agreement may only be amended or modified by a writing specifically referencing the particular section(s) of this Agreement to be modified and signed by authorized representatives of the Parties.

14.4 Force Majeure. Neither Party will be liable to the other for any delay or failure to perform any obligation under this Agreement (except for a failure to pay fees owed) if the delay or failure results from any cause beyond such Party's reasonable control, including acts of God or of a public enemy, acts of terrorism, war, United States or foreign governmental acts or restrictions in either a sovereign or contractual capacity, labor strikes, fire, power outages, road icing or inclement conditions, flood, epidemic or pandemic as designated by the World Health Organization, earthquakes, or tsunamis.

14.5 Severability. If any provision of this Agreement is held to be illegal, invalid, or unenforceable, that provision must be severed or reformed to be enforceable, and the remaining provisions hereof and thereof will remain in full force.

14.6 No Waiver. No delay or omission by either Party in the exercise or enforcement of any of its powers or rights hereunder will constitute a waiver of such power or right. A waiver by a Party of any provision of this Agreement must be in writing and signed by such Party and will not imply subsequent waiver of that or any other provision.

14.7 Notices. All notices under this Agreement must be in writing and delivered and will be deemed to have been received by the addressee: (i) if given by hand, immediately upon receipt; (ii) if given by overnight courier service, the first business day following dispatch; (iii) if given by registered or certified mail, postage prepaid and return receipt requested (or the equivalent delivery method in an international jurisdiction), the second business day after such notice is deposited in the mail; or (iv) if given by email, immediately upon confirmed receipt. Email notifications to PowerSchool shall be to legal@powerschool.com. Notices delivered personally are deemed given upon documented receipt or refusal by recipient to accept receipt. In the case of notices to PowerSchool, such notices must be sent to:

PowerSchool Group LLC,
Attn: General Counsel
150 Parkshore Drive,
Folsom, CA 95630
legal@powerschool.com

In the case of notices to Customer, such notices will be sent to PowerSchool's address of record for Customer. Either Party may change its notice address by notifying the other Party in like manner.

14.8 Assignment. Neither PowerSchool nor Customer shall assign or transfer this Agreement or any interest herein, by operation of law or otherwise, without the prior written consent of the other Party; provided, however, that PowerSchool may assign its rights and obligations under this Agreement without the consent of the Customer in the event PowerSchool hereafter effects a corporate reorganization, consolidates with, or merges into, any person or transfers all or substantially all of its properties or assets to any entity. This Agreement will inure to the benefit of and be binding upon the Parties, their respective successors, executors, administrators, heirs and permitted assigns.

14.9 No Reliance. Each Party acknowledges that it has not made any promise or representation that is not expressed in this Agreement; and that it has not been induced into entering this Agreement by any representation about the nature and extent of its existing or potential claims or damages made by the other Party or by the other Party's attorney, representative, or agent. The Parties are not relying upon – and disclaim reliance upon – any statement or representation that is not in this Agreement but are instead relying solely upon their own judgment in consultation with their respective attorneys.

14.10 Background Checks. Given the nature of the data we process, PowerSchool conducts thorough nation-wide and province-wide background checks, including criminal records, terrorist watch list, sex offender database and a multi-panel drug test on all employees. PowerSchool also requires its contractors, under its separate agreement, to

conduct a background check of its employees before any assignment of services from PowerSchool to the Customer.

14.11 Export. Without in any way limiting the restrictions on transfer set forth elsewhere in this Agreement, Customer specifically agrees that Customer will not, directly or indirectly, export or transfer any export-controlled commodity, technical data or software: (a) in violation of any laws, regulations, rules, or other limitations imposed by any government authority; or (b) to any country for which an export license or other governmental approval is required at the time of export, without first obtaining all necessary licenses or other approvals.

14.12 U.S. Government Restricted Rights. PowerSchool Offering is a "commercial item" as that term is defined in 48 C.F.R. §2.101, consisting of "commercial computer software" and "commercial computer software documentation" as such terms are defined in 48 C.F.R. §12.212 and 48 C.F.R. §227.7202, as applicable, and all as amended from time to time. Consistent with 48 C.F.R. §12.212, 48 C.F.R. §227.7202 and 48 C.F.R. §52.227-19, and other relevant sections of the Code of Federal Regulations, as applicable, and all as amended from time to time, all U.S. Government end users acquire PowerSchool Offering only with those rights set forth herein.

14.13 Essential Basis of the Agreement. Customer acknowledges and understands that the disclaimers, exclusions, and limitations of liability set forth in this Agreement form an essential basis of the agreement between the Parties, that the Parties have relied upon such disclaimers, exclusions, and limitations of liability in negotiating the terms and conditions herein, and that absent such disclaimers, exclusions, and limitations of liability, the terms and conditions of the Agreement would be substantially different.

14.14 Attorney Fees. In the event any court action is commenced by one party against the other with respect to any dispute arising out of this Agreement or any Transaction Document, the prevailing Party will be entitled to recover its out-of- pocket and court costs and reasonable attorney fees relating thereto. The cost of in-house legal staff will be valued at market rates for comparable services from private practitioners.

14.15 Entire Agreement. This Agreement and/or exhibits referenced herein, and any addendums and amendments, constitute the complete and entire agreement between the Parties with respect to its subject matter, and supersedes all prior discussions, understandings, arrangements, proposals, responses to proposals, and negotiations with respect to same. THE TERMS AND CONDITIONS OF THIS AGREEMENT WILL PREVAIL NOTWITHSTANDING ANY VARIANCE WITH THE TERMS AND CONDITIONS OF ANY PURCHASE ORDER OR OTHER DOCUMENTATION SUBMITTED BY CUSTOMER WITH RESPECT TO POWERSCHOOL OFFERING OR ANY SERVICES, AND POWERSCHOOL HEREBY REFUSES ANY SUCH DIFFERENT OR ADDITIONAL PROVISIONS IN PURCHASE ORDERS OR OTHER DOCUMENTS. The order of precedence is the executed Quote, then this Agreement, then any referenced and applicable exhibits and privacy policy, addendums, and amendments.

EXHIBIT A

POWERSCHOOL SUPPORT POLICY AND SERVICE LEVEL AGREEMENT

The terms of this Exhibit A are found at https://www.powerschool.com/Exhibit_A-Support-Policy-SLA_Feb2022/.

EXHIBIT B

PROFESSIONAL SERVICES POLICY

The terms of this Exhibit B are found at https://www.powerschool.com/Exhibit_B-Professional-Services-Policy_Feb2022/.

EXHIBIT C

DATA PRIVACY AGREEMENT

The terms of the PowerSchool Privacy and Security Agreement/Addendum are found at https://www.powerschool.com/Exhibit C-Customer-DPA_Feb2022/.

EXHIBIT D

PRODUCT SPECIFIC TERMS

The terms of this Exhibit D are found at https://www.powerschool.com/Exhibit D-Product-Specific-Terms_Feb2022/.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Russell Little, Assistant Superintendent
Educational Lead & Pupil Services

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH WESTED

BACKGROUND INFORMATION:
WestEd's Resilient and Healthy School and Communities (RHSC) team has a long history of effective collaboration with state and local education and community agencies in funding, implementing, and evaluating successful programs that promote resilience, school climate and culture, social emotional learning, positive youth development, physical health, and student and staff wellness. RHSC staff members have conducted training, technical assistance, consultation, and coaching in both community-and school-based programs and have wide-ranging experience in working with elementary, secondary, alternative education, and community partners in rural and urban areas.

Coaches from WestEd will be conducting Professional Learning Sessions for the Management team and PBIS team for each school. They will also hold workshops for staff, family members and community partners.

Term: School years 2022-23 and 2023-24

RECOMMENDATION:
Approve/Ratify the agreement with WestEd to provide Professional Learning Sessions for the 2022-2024 School years at no cost to the District.

LCAP GOAL AND ACTION/SERVICE (please indicate):
Goal 2: Safety, climate, and student engagement – All students will be educated in a positive academic environment that is welcoming, safe, and drug-free.

☐ **Renewal** ☐ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-20224 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT SERVICE AGREEMENT FOR GUEST SPEAKER

Between WESTED (SPEAKER) and
San Ysidro School District (DISTRICT)

1. Purpose:
WestEd's Resilient and Healthy School and Communities (RHSC) team has a long history of effective collaboration with state and local education and community agencies in funding, implementing, and evaluating successful programs that promote resilience, school climate and culture, social emotional learning, positive youth development, physical health, and student and staff wellness. RHSC staff members have conducted training, technical assistance, consultation, and coaching in both community-and school-based programs and have wide-ranging experience in working with primary, elementary, secondary, post-secondary, alternative education, and community partners in rural and urban areas.

2. Scope of Services:
The SPEAKER shall perform the Scope of Work as described on **Exhibit C** for School Climate Collaborative – Coaching and Technical Assistance.

Keynote speaker/presenter will provide onsite activities as follows during the period of May 25, 2023 to June 30, 2024. The location of these onsite activities will be determined by the District.

3. Compensation:
No cost to the District. Note: The services are free to LEAs in California through the California Center for School Climate an initiative of the California Department of Education operated by WestEd.

4. Indemnification and Hold Harmless:
SPEAKER shall defend, indemnify, and hold harmless the DISTRICT, its Board of Trustees, officers, and employees from and against any and all loss, expense, damage, claim, demand, judgment, fine, charge, lien, liability, action, cause of action or proceedings of any kind whatsoever (whether arising on account of damage to or loss of property, or personal injury, emotional distress, or death) arising directly or indirectly in connection with the performance or activities of the SPEAKER hereunder, whether the same arises before or after completion of or expiration of this Agreement, except for damage, loss, or injury resulting from the DISTRICT's sole negligence or willful misconduct.

The DISTRICT shall defend, indemnify, and hold harmless the SPEAKER, its Board, officers, and employees, from and against any and all loss, expense, damage, claim, demand, judgment, fine, charge, lien, liability, action, cause of action or proceedings of any kind whatsoever (whether arising on account of damage to or loss of property, or personal injury, emotional distress, or death) arising directly or indirectly in connection with the performance or activities of the DISTRICT hereunder, whether the same arises before or after completion of or expiration of this Agreement, except for damage, loss, or injury resulting from the SPEAKER's sole negligence or willful misconduct."

5. Liability and School Safety Certification Forms – Refer to **Exhibit A (1)**

6. Insurance – Refer to **Exhibit B**

7. Termination:

This contract may be terminated at no cost to either party upon 10 days advance written notice prior to the date of event stated in Section 2, above.

8. Other:

SPEAKER is an independent contractor and will pay all applicable state, local and federal taxes associated with this agreement. This Agreement is the complete and exclusive understanding of the parties, and may only be modified in writing with the agreement of both parties.

This Agreement shall be governed by the laws of the State of California. Any dispute arising hereunder shall be resolved exclusively in the courts of the State of California located in San Diego, California.

Each of the parties signing this Agreement warrants to the other that he or she has the full authority to enter into agreement on behalf of the Party for which his or her signature is made.

WESTED – Authorized Representative
Wet Signature

Signature: Date: Oct 17, 2023

Address: Lauren Wrotniak, Director, Contracts & Grants

730 Harrison St, San Francisco, CA 94107

Telephone: 415-615-3136 E-mail: contracts@wested.org

SAN YSIDRO SCHOOL DISTRICT – Authorized Representative

Signature: _____ Date: _____
Marilyn Adrianzen, Chief Business Official
4350 Otay Mesa Road, San Ysidro, CA 92173
(619) 428-4476 Board approve/ratified: _____

SCHOOL SAFETY CERTIFICATION FORM

EXHIBIT A (1)

CERTIFICATION PURSUANT TO EDUCATION CODE ECTION 45125.1 and
Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c)
Fingerprinting and Criminal Background Investigation Requirements

The San Ysidro School District (District) has determined under Education Code Section 45125.1, subdivision (c) that in performing services under this contract, **Contractor/Consultant's employees and/or SubConsultants/ SubContractors may have contact with pupils**.

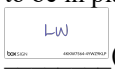
(*Initial*) As required under Education Code Section 45125.1, subdivision (a), Consultant shall require their employees, including the employees of any sub-consultant and/or subcontractor, who will provide services pursuant to this contract to submit their fingerprints in a manner authorized by the Department of Justice in order to conduct a criminal background check to determine whether such employees have been convicted of or have charges pending for a felony as defined under Education Code Section 45122.1.

(*Initial*) Consultant shall not permit any employee to perform services that may come in contact with pupils under this contract until the Department of Justice has determined that the employee has not been convicted of a felony or has no criminal charges pending for a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

(*Initial*) Consultant certifies that all of its employees who may come in contact with pupils have not been convicted of or have no criminal charges pending for a felony, as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

(*Initial*) Consultant shall defend, indemnify, protect and hold the District and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property which arise from or are connected with or are caused or claimed to be caused by Consultant's failure to comply with all of the requirements contained in Education Code Section 45125.1, including, but not limited to, the requirements prohibiting Consultant from using employees who may have contact with pupils who have been convicted or have charges pending for a felony in Education Code Section 45122.1.

(*Initial*) Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils.


(*Initial*) Consultant's individuals/employees and/or SubConsultants/SubContractors who may come in contact with pupils in the performance of services in this contract agree to provide fingerprint (DOJ/FBI) and TB Clearances (at their own expense) to be in compliance with the above-mentioned Ed Codes before commencement of any services under this contract. The District will provide LiveScan form if necessary.

- I certify to the District's Governing Board that I have read and understand the above terms and conditions and will report any changes that may affect the performance services of this contract.
- I certify to the District's Governing Board that none of the Consultant's employees/individuals and/or Subconsultants/subcontractors performing services under this agreement have been convicted of a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).
- I certify to the District's Governing Board that all of the Consultant's and SubConsultant's/SubContractor's employees-individuals performing services under this agreement are clear of tuberculosis (TB) as defined on Education Code Section 49406 and Assembly Bill 1667.

Company Name: WestEd

Name/Title of Authorized Representative (Print): Lauren Wrotniak, Director, Contracts & Grants

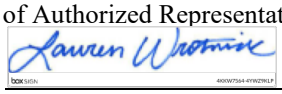
Signature:  Date: Oct 17, 2023

EXHIBIT B

INSURANCE:

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to District that it has secured all insurance required under this Section. In addition, Consultant shall not allow any subConsultant or employee to commence work until it has provided evidence satisfactory to the District.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law.

MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. ❑ **Commercial General Liability** (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **$2,000,000** the required occurrence limit.

   ❑ **Additional Insured Endorsement**

2. ❑ **Workers' Compensation (Employer's Insurance)** ***if applicable*****:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease. Coverage shall include

   ❑ **WC waiver of subrogation endorsement in favor of San Ysidro School District.**

If Speaker maintains higher limits than the minimums shown above, the District requires and shall be entitled to coverage for the higher limits maintained by the Consultant.

Additional Insured Status

The District, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an **endorsement** to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

The Provider shall file, with the District, Certificates of Insurance indicating a thirty-day (30) cancellation notice and naming the **SAN YSIDRO SCHOOL DISTRICT** as an **additional insured with endorsements attached.**

Waiver of Subrogation

Consultant hereby grants to District a waiver of any right to subrogation which any insurer of said Consultant may acquire against the District by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the District has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the District. The District may require the Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers
Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to the District.

Claims Made Policies (note – should be applicable only to professional liability, see below)
If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided ***for at least five (5) years after completion of the contract of work.***
3. If coverage is canceled or non-renewed, and not replaced ***with another claims-made policy form with a Retroactive Date prior to*** the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of ***five (5)*** years after completion of work.

Verification of Coverage

Consultant shall furnish the District with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the District before work/services commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The District reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

EXHIBIT C

San Ysidro School District

Scope of Work
Coaching and Technical Assistance
2022-2023 & 2023-2024 School Year

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WestEd is a nonpartisan, nonprofit agency that conducts and applies research, develops evidence-based solutions, and provides services and resources in the realms of education, human development, and related fields, with the end goal of improving outcomes and ensuring equity for individuals from infancy through adulthood. For more information, visit WestEd.org. For regular updates on research, free resources, solutions, and job postings from WestEd, subscribe to the E-Bulletin, our semimonthly e-newsletter, at WestEd.org/subscribe.

Scope of Work

WestEd is an education, research, and service organization with over 900 employees and 14 offices nationwide. Our mission is to work with education and other communities to promote excellence, achieve equity, and improve learning for children, youth, and adults. WestEd has been a leader in moving research into practice by conducting research and development programs, projects and evaluations; by providing training and technical assistance; and by working with policymakers and practitioners at state and local levels.

WestEd's Resilient and Healthy School and Communities (RHSC) team has a long history of effective collaboration with state and local education and community agencies in funding, implementing, and evaluating successful programs that promote resilience, school climate and culture, social emotional learning, positive youth development, physical health, and student and staff wellness. RHSC staff members have conducted training, technical assistance, consultation, and coaching in both community-and school-based programs and have wide-ranging experience in working with primary, elementary, secondary, post-secondary, alternative education, and community partners in rural and urban areas.

Scope of Work Activities for San Ysidro School District

2022-2023 School Year Activities

Onsite Activities

- **Virtual Session #1: Student Listening Circle – 05/25/2023**
  - Time: 2 WestEd Staff for 1 Day
  - Description: An interactive event that flips the traditional top-down approach to student/staff relationships and provides structured opportunities for students to share experiences and opinions while staff listen and learn. Students and staff have opportunities to work with peers (students with students and staff with staff) and engage in large- and small-group collaborative action planning to elevate student voice as essential to school improvement efforts.
- **Onsite #2: Professional Learning Session for Management – 06/13/2023**
  - Time: 1 WestEd Staff for one Half-day
  - Description: Professional learning sessions increase the knowledge and skills of participating educators and leaders across the most pressing school climate issues

and are rooted in local context. This session provides strategies and approaches to working with school staff in advancing school climate work.

- **Onsite #3: Professional Learning Session for PBIS Teams - July 18, 2023**
    - Time: 2 WestEd Staff for 1 Day
    - Description: In this full-day professional learning session, participants learn about brain-based strategies for teaching and learning, Tier 1 Universal supports, and opportunities to reflect on their practice. Strategies for working with other staff members and leading school climate work at the school-level are also discussed and reviewed.

Remote Activities

- Leadership Coaching/TA: Individual and/or Small Group (1-2/Month)

2023-2024 School Year Activities

Onsite Activities

- **Onsite School Climate Data Use Workshop – DATE TBD**
    - Description: The workshop includes a series of interactive activities on data discovery, data mapping, data dialogues, and collaborative follow-through. If there are in-person restrictions, a virtual option can be provided.
    - Who attends? Approximately 30 individuals, including district/school leaders, school staff, family members, and community partners, can attend the workshop.
    - How long is the event? The workshop is approximately 3 hours long. If virtual, it will be held in two 90-minute sessions.
    - What is the role of the LEA? In preparation for the workshop, the CCSC team will collaborate with your core LEA team in identifying local data and goals. LEAs will be responsible for recruiting participants, coordinating logistics, and providing refreshments, if needed, for attendees. The core LEA team will also participate in a follow-up meeting.

Remote Activities

- **Virtual Individualized Coaching Sessions:** Two coaching sessions with your core LEA team will be offered. The data-focused coaching sessions will provide capacity-building for LEAs.
- **Virtual Group Sessions:** These include a series of four 90-minute virtual Peer Network sessions with other participating districts. Topics in these sessions will be determined based on input received from the participating LEAs. Some topics could include:
    - Centering student voice
    - Data-informed decision-making
    - Monitoring improvements
    - The alignment of school climate data with LCAP goals

- Engaging families and community partners
- Addressing equity and culturally responsive supports
- Using data to support existing school climate initiatives

Total Cost: FREE to LEAs in California through the California Center for School Climate an initiative of the California Department of Education operated by WestEd.

Lead WestEd Coach/TA Providers

Lan Nguyen (she/her) is a Program Associate in the Resilient and Healthy Schools and Communities team and has experience in diverse roles within large K-12 school districts supporting and guiding the implementation of restorative practices programs. As a former high school science teacher and experienced restorative practitioner, Nguyen is grounded in the daily realities of school and classroom life and has used that knowledge to guide her work with school and district leaders. She has seen firsthand the transformative potential of effectively implemented restorative practices programs on the culture and climate of schools. Nguyen works to ensure that partnerships with clients are collaborative, meaningful, and center voices on the margins. In her coaching and facilitation experience with teachers, administrators, and district leaders she integrates humanizing restorative philosophies that support shifts toward more equitable and just schools.

Nguyen also has years of experience providing professional development and technical assistance to schools and districts around LGBTQ+ issues in education.

Timothy Ojetunde (he/him) is a Program Associate at WestEd who supports districts and schools in centering equity and improving educational outcomes for all. He specifically works with the Resilient and Healthy Schools and Communities (RHSC) and supports the California Center for School Climate (CCSC). Timothy's expertise is grounded in school culture and climate, restorative practices, SEL, and trauma-informed practices, as well as diversity, equity, and inclusion.

Timothy comes to WestEd with over a decade of knowledge and experience across multiple spaces and communities having been a teacher, advisory and school culture specialist, school administrator, and DEI consultant. In his work, he has coached school administrators, presented to leaders, and facilitated sessions for hundreds of educators and learners across multiple conferences. He is extremely passionate about creating equitable outcomes and is dedicated to supporting students and adults as they grow, develop, and find success.

Timothy is born and raised in Los Angeles; a graduate of UCLA with master's degrees from Arizona State University and California State University, Dominguez Hills.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Jose Iniguez, Assistant Superintendent of
Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: APPROVAL AND RATIFICATION OF PROFESSIONAL SERVICES WORK AUTHORIZATION(S) PURSUANT TO EXISTING MASTER AGREEMENT(S)

BACKGROUND INFORMATION:
Previously, the Board has approved and the District has executed certain "Master Agreements" with professional services providers, including but not limited architects, engineers, inspectors, and other consultants. These Master Agreements were entered into after appropriate request for qualifications and/or request for proposals ("RFQ/P") solicitations through which multiple proposals were solicited. Pursuant to the Master Agreements currently in place, the individual professional services providers (collectively "Professionals") are not assigned any specific scope of work/services and/or entitled to any compensation, unless and until the District approves a written work authorization ("Work Authorization"). Each such Work Authorization sets forth in writing the particular scope of work/services, compensation, deliverables, schedule and any other project specifics applicable to each Professional consistent with the original RFQ/Ps. Accordingly, the purpose of this Agenda Item is to permit the Board to review and consider approval of the following specific Work Authorization(s) with the Professional(s) listed below:

I. Work Authorization(s) for Ratification:

1. **Work Authorization No. 1** to the Master Agreement with **School Facility Consultants** originally executed on or about September 7, 2023. This Work Authorization is in the amount of **$40,000.00**, for the **Work startup and data collection, School Facility Program on new construction and modernization eligibility update**. Services will be paid for from the **Capital Facility and State Funding**. The Work Authorization was executed by staff on or about October 16, 2023 pursuant to previously delegated authority.

2. **Work Authorization No. 2** to the Master Agreement with **Ninyo & Moore** originally executed on or about September 7, 2023. This Work Authorization is in the amount of **$24,611.69**, for the **Hazardous Materials Survey** in preparation for the upcoming modernization work at the **San Ysidro Middle School**. Services will be paid for from the **General Routine Restricted Maintenance fund**. The Work Authorization was executed by staff on or about October 24, 2023 pursuant to previously delegated authority.

3. **Work Authorization No. 3** to the Master Agreement with **Ninyo & Moore** originally executed on or about September 7, 2023. This Work Authorization is in the amount of **$27,040.00**, for the **Testing for Playground Projects at La Mirada & Smythe Schools**. Services will be paid from the **General Obligation Bond funds**. The Work Authorization was executed by staff on or about November 3, 2023 pursuant to previously delegated authority.

4. **Work Authorization No. 1** to the Master Agreement with **Quality Control Consultants, Inc.** originally executed on or about September 7, 2023. This Work Authorization is in the amount of **$10,600.00**, for the **DSA Projects Inspector for the Playground Projects at La Mirada and Smythe Schools**. Services will be paid for from the **General Obligation Bond funds**. The Work Authorization was executed by staff on or about November 3, 2023 pursuant to previously delegated authority.

Continued on page 2

RECOMMENDATION:
Approve/Ratify the Work Authorization(s) set forth above for the total amount of $102,251.69.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Goal 7.0 – Provide sufficient, safe, well-maintained, and visually appealing facilities that create an environment for improving student achievement.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$102,251.69	General Obligation Bond and/or other funds
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: APPROVAL AND RATIFICATION OF CONSTRUCTION CONTRACTS AUTHORIZED/AWARDED PURSUANT TO THE CUPCCAA PROCESS

BACKGROUND INFORMATION:
This agenda item is intended to allow the Board to consider the potential approval and/or ratification of construction contracts in accordance with applicable law and District policy. As the Board is aware, the District previously adopted the California Uniform Public Construction Cost Accounting Act ("CUPCCAA") procedure for its procurement and award of public works construction project contracts as authorized by Public Contract Code section 22000 et. seq. The CUPCCAA process sets forth the statutorily required procedures for soliciting and procuring such construction contracts with projects under $60k requiring only informal solicitation/quote process, contracts from $60K to $200K to be awarded via an informal competitive bid process, and contracts in excess of $200K to awarded via a formal competitive bid process.

In addition to the adopted CUPCCAA process, the Superintendent also currently has delegated authority to execute construction contracts under $15K. In accordance with CUPCCAA and this delegated authority, this Agenda Item will approve and/or ratify the following construction contracts:

I. Contracts for Ratification:

1. Contract with **ACCO Engineered Systems, Inc.** for $11,975.55, from General Maintenance funds for the Sunset School's kitchen water heater replacement executed on or about 10-20-23 by staff pursuant to previously delegated authority.

2. Contract with **ACCO Engineered Systems, Inc.** for $5,671.90, from General Maintenance funds for the repair of two backflows at Willow School executed on or about 11-03-23 by staff pursuant to previously delegated authority.

3. Contract with **United Plumbing Heating & Air** for $5,800.00, from General Maintenance funds for the Vista Del Mar Middle School's main water line repair executed on or about 10-20-23 by staff pursuant to previously delegated authority.

II. Contracts for Approval:

1. Contract with **Zasueta Contracting Inc.** for $15,209.00, from General Maintenance funds for the repairs of the preschool playground equipment at the Ocean View Hills School to be awarded based on quotes informally solicited pursuant to CUPCAA (Under $60K).

RECOMMENDATION:
Approval and ratification of the construction contracts set forth above for the total amount of $38,656.45.

LCAP GOAL AND ACTION/SERVICE:

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	PO#10623

$38,656.45	Bond and/other funding sources
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☒ No

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Pupil Services
Russell Little, Assistant Superintendent

☐ Informational
☒ Action

AGENDA ITEM: EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM GRANT AWARD FOR 2023-24 FISCAL YEAR

BACKGROUND INFORMATION:

The Education for Homeless Children and Youth (EHCY) Program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act and is administered by the California Department of Education (CDE).

The District was awarded the Education for Homeless Children and Youth (EHCY) Program Grant for FY 2023-24. The intent of this funding is to implement some of the new provisions within the Every Student Succeeds Act (ESSA) as it relates to the EHCY Program as well as for countywide activities, such as professional development and technical assistance to all local homes liaisons that are required to identify and meet the needs of homeless children and youth. The funds are contingent upon the availability of funds and may be amended. The award for fiscal year 2023-24 is estimated at $79,914.96.

RECOMMENDATION:

Accept the Grant Award in the total amount of $79,914.96 for the Education for Homeless Children and Youth Program to implement new provisions as it relates to homeless children and youth.

LCAP GOAL AND ACTION/SERVICE:

Goal 2: Climate, Safety and Student Engagement – Action: 2.10: Continue to provide a Foster Youth/Homeless Manager to support students and parents and to monitor student progress.

☐ **Renewal** ☐ **New** ☒ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications? ☐ Yes ☒ No

Are funds for this item available in the 2023-2024 Budget? ☐ Yes ☐ No

Requisition #

Revenue	
$79,914.96	EHCY Grant Award
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Grant Award Notification

GRANTEE NAME AND ADDRESS	CDE GRANT NUMBER			
	FY	PCA	Vendor Number	Suffix
San Ysidro Elementary 4350 Otay Mesa Road San Ysidro, CA 92173-1617	23	14332	6837	00

Attention	STANDARDIZED ACCOUNT CODE STRUCTURE		COUNTY
Gina Potter, Superintendent			
Program Office San Ysidro Elementary	**Resource Code**	**Revenue Object Code**	37
Telephone 619-428-4476 x 3021	5630	8290	**INDEX**
Name of Grant Program Education for Homeless Children and Youth			0510

GRANT DETAILS	Original/Prior Amendments	Amendment Amount	Total	Amend. No.	Award Starting Date	Award Ending Date
	$79,914.96		$79,914.96		7/1/2023	6/30/2024

CFDA Number	Federal Grant Number	Federal Grant Name	Federal Agency
84.196A	S196A210005	Education for Homeless Children and Youth	U.S. Department of Education

I am pleased to inform you that you have been funded for the 2023-24 Education for Homeless Children and Youth (EHCY) Grant.

This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, then this award will be amended accordingly.

Please return the original, signed Grant Award Notification (AO-400) and Budget within 10 days of receipt to:

Jennifer Thao, Associate Governmental Program Analyst
Grant Administration and Support Office
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

California Department of Education Contact	Job Title
Jennifer Thao	Associate Governmental Program Analyst
E-mail Address JThao@cde.ca.gov	**Telephone** 916-319-0717
Signature of the State Superintendent of Public Instruction or Designee ▸ Tony Thurmond	**Date** September 15, 2023

CERTIFICATION OF ACCEPTANCE OF GRANT REQUIREMENTS

On behalf of the grantee named above, I accept this grant award. I have read the applicable certifications, assurances, terms, and conditions identified on the grant application (for grants with an application process) or in this document or both; and I agree to comply with all requirements as a condition of funding.

Printed Name of Authorized Agent	Title
E-mail Address	**Telephone**
Signature ▸	**Date**

Grant Award Notification (Continued)

1. The purpose of the EHCY grant is to facilitate the identification, enrollment, attendance, and success in school for children and youth experiencing homelessness. In addition, the grant will help ensure children and youth experiencing homelessness have equal access to the same free, appropriate public education provided to all other children and youth. General Assurances and Certifications are requirements of grantees as a condition of receiving funds. Ensure that your county has a copy of the General Assurances available for compliance reviews, complaint investigations, or audits. The General Assurances are available on the California Department of Education (CDE) General Assurances and Certifications 2022–23 web page at https://www.cde.ca.gov/fg/fo/fm/generalassurances2022-23.asp. Carryover of EHCY funds is not allowed.

2. The grantee must comply with the requirements that pertain to Title 34 of the Code of Federal Regulations (CFR), Part 80, and Section 80.21. Cash disbursements of federal funds must be limited to the actual immediate cash requirements of the grantee. When reporting and remitting federal interest to the CDE, please send interest on federal cash balances that exceed $100 per year earned on payments to the CDE at the following address: California Department of Education, Attention: Cashier's Office, P.O. Box 515006, Sacramento, CA 95851.

Fiscal Reports and Payment Process

3. Grantees are required to submit an annual budget and two expenditure reports (ER) each year.

Reporting Period for 2023-24	CDE Due Date:
(ER 1) July 1, 2023 through December 31, 2023	January 31, 2024
(ER 2) January 1, 2024 through June 30, 2024	July 31, 2024

Late reports will require a Justification for Late Expenditure Report form to be completed and submitted with your Expenditure Report. Failure to submit the required reports will result in an invoice from the CDE for the entire amount of any grant funds advanced. Failure to expend the total grant award amount by June 30, 2024, may result in a billing due to overpayment of grant funds.

4. Grantees will receive an initial payment of 70 percent of the grant award after having met all requirements and submitting the signed Grant Award Notification (AO-400) and Budget. Grantees that submit the first ER by the due date and have spent at least 50 percent of their initial payment will receive a 20 percent payment. The final payment of up to 10 percent will be disbursed after the Grantee has submitted the final Expenditure Report and required deliverables due July 31, 2024.

5. If at least 50 percent of the initial payment has not been expended by December 31, 2023, the EHCY Expenditure Plan form must be submitted to JThao@cde.ca.gov no later than January 31, 2024.

6. Budget changes that are more than 10 percent in each line item require advanced approval from the CDE. If the Grantee wishes to change an approved budget, a Budget Change Request (BCR) must be submitted. All BCRs must be submitted no later than May 15, 2024, to JThao@cde.ca.gov.

7. EHCY grantees are required to participate in the annual Coordinator's Meeting. Failure to comply with these conditions may result in the suspension of payments under the grant award or the termination of the grant award. If the CDE determines that the grantee violated the certification by failing to carry out these conditions, the grantee may be ineligible for any future grant awards.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Russell Little, Assistant Superintendent

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH SAN DIEGO STATE UNIVERSITY RESEARCH FOUNDATION FOR THE IMPLEMENTATION OF PROJECT LEAL

BACKGROUND INFORMATION:
San Diego State University Research Foundation (SDSURF) has been awarded a National Professional Development Grant (Award # T365Z220149) by the U.S. Department of Education, Office of English Language Acquisition, to implement Project LEAL (Leadership, Equity and Access for Languages), hereinafter referred to as "LEAL."

Project LEAL has three project goals:
(a) Improve SDSURF's capacity to prepare effective in-service preschool through 12th grade teachers of dual language learners and English Learners (ELs)
(b) Increase the instructional and leadership effectiveness of in-service preschool through 12th grade teachers of dual language learners and ELs; and
(c) Promote equity in ELs' access to educational resources and opportunities.

The purpose of this agreement is to formalize the relationship between the two institutions to collectively serve and benefit educators and dual language learners and EL students in our District. The term of this agreement is five years, and it is for SYSD educators participating in LEAL professional development courses including classes, seminars, workshops, institutes, and conferences.

Term: October 1, 2023 to August 30, 2027 (4 years)

RECOMMENDATION:
Approve/Ratify the agreement with San Diego State University Research Foundation for the implementation of Project LEAL at no cost to the District.

LCAP GOAL AND ACTION/SERVICE:
Goal 1: Student Achievement, Action 1.15: Provide professional learning opportunities to improve teaching and learning in the areas of English Language Arts (ELA), English Language Development (ELD), Mathematics (including Standards of Mathematical Practice (SMPs), Science, and Social Studies. Professional learning includes training specifically designed to address the achievement gap for unduplicated students and students with disabilities.
Goal 2: English Language and Academic Language Development, Action 2.3: Engage instructional staff and administrators in professional learning on the CA EL Roadmap, ELD Standards, ELPAC Domains, GLAD, AVID Excel and Ed Tech for Direct Instruction to benefit the services that are provided in the area of English language acquisition for all students including English Learners.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

AGREEMENT BETWEEN
SDSU RESEARCH FOUNDATION
AND
SAN YSIDRO SCHOOL DISTRICT

This Agreement is entered into by and between San Diego State University Research Foundation (hereinafter referred to as "FOUNDATION"), a non-profit corporation under the laws of the State of California in the City of San Diego, located at 5250 Campanile Drive, San Diego, CA 92182-1934 and San Ysidro School District, located at 4350 Otay Mesa Road, San Ysidro, CA 92173 (hereinafter referred to as "DISTRICT").

WHEREAS, the San Diego State University Research Foundation is a non-profit auxiliary organization chartered to further the educational, research and community service objectives of San Diego State University ("SDSU"), and;

WHEREAS, the FOUNDATION has been awarded a national professional development grant from the U.S. Department of Education Office of English Language Acquisition to carry out a project entitled, "Leadership, Equity and Access for Languages – LEAL", CFDA# 84.365Z (hereinafter referred to as the "PROJECT" and incorporated by reference, including flow-down terms and terms in which the DISTRICT is substituted for FOUNDATION where appropriate); and

WHEREAS, the DISTRICT was named in the grant proposal as a school district partner needed for the recruitment of teacher leaders in connection with the goals of the PROJECT; and

WHEREAS, the DISTRICT and the FOUNDATION desire to enter into this Agreement to collaborate on specific activities related to the PROJECT;

NOW, THEREFORE in consideration of the premises and the mutual covenants and agreements contained herein it is mutually agreed by and between the respective parties as follows:

1. Scope of Services
   DISTRICT agrees to perform as an independent contractor, and not as an agent or employee of the FOUNDATION, the scope of services as set forth in "Exhibit A" appended hereto and made a part hereof to the satisfaction of the FOUNDATION's Principal Investigator, Dr. Saúl I. Maldonado.

2. Effective Dates and Termination
   Unless sooner terminated as provided herein, this Agreement shall continue in full force and effect from November 10, 2023 through August 31, 2027. It is understood and agreed that either party may terminate this Agreement for any reason upon thirty (30) days written notice. Termination shall be effective as of the day of receipt of such notice.

3. Compensation
   There are no costs associated with this agreement. DISTRICT shall not seek reimbursement from FOUNDATION for any costs incurred in connection with the collaborative activities for the PROJECT.

4. Status of Parties
   None of the provisions of this Agreement are intended to create nor shall any be deemed or construed to create any relationship between DISTRICT and FOUNDATION other than that of independent

entities for the purpose of effecting the provisions of this Agreement. This Agreement shall not create, nor be deemed or construed to create any rights in any third party, including any providers, contractors, employees, agents, or representative of the preceding. Each party will work together in a coordinated fashion for the fulfillment of the PROJECT. In no way does this agreement restrict involved parties from participating in similar agreements with other public or private agencies, organizations, and individuals.

5. Rights in Data and Intellectual Property
Except as otherwise provided in this Article, DISTRICT agrees that material, copyrights, copyright registrations and copyrightable subject matter produced by DISTRICT hereunder shall be considered "works made for hire" that shall be owned by the FOUNDATION. DISTRICT agrees that it shall not claim or assert any proprietary interest in any of the data, materials, inventions, improvements, developments, ideas, suggestions, recommendations, discoveries, designs, copyrights, copyright registrations and copyrightable subject matter required to be produced or delivered by DISTRICT in performance of DISTRICT's obligation hereunder, and hereby assigns all rights, title, and interest in said data, materials, inventions, improvements, developments, ideas, suggestions, recommendations, discoveries, designs, copyrights, copyright registrations and copyrightable subject matter to the FOUNDATION. DISTRICT further agrees not to publish, permit to be published, or distribute for public consumption, any information, oral or written, concerning the results or conclusions made pursuant to this Agreement without the prior written consent of the FOUNDATION.

6. Entire Agreement and Amendment
This Agreement represents the entire Agreement and understanding of the parties hereto and no prior writings, conversations or representations of any nature shall be deemed to vary the provisions hereof. This Agreement may not be amended in any way except in writing and duly executed by both parties hereto.

7. Notices
Any notice permitted or required under this Agreement shall be in writing and signed by the party giving or serving the same. Notices shall be sent by certified mail or email, addressed to the individuals named as follows:

FOUNDATION (Administrative):
Renée Lechner
Director, Sponsored Research Administration
SDSU Research Foundation
5250 Campanile Drive
San Diego, CA 92183-1934
Email: rlechner@sdsu.edu

AND

FOUNDATION (Programmatic):
Saúl I. Maldonado, Ph.D.
Associate Professor
Dual Language and English Learner Education
Email: smaldonado@sdsu.edu

DISTRICT:
Russell Little
Assistant Superintendent
San Ysidro School District
4350 Otay Mesa, Road
San Ysidro, CA 92173
Email: russell.little@sysdschools.org

AND

Marilyn Adrianzen, CBO
Email: marilyn.adrianzen@sysdschools.org

8. Insurance

Both parties shall agree to provide at its sole cost and expense, coverage for its activities in connection with this agreement by maintaining in full force and effect programs of insurance and/or self-insurance as follows:

a. Commercial General Liability insurance providing coverage against claims for Bodily Injury or Death, and Property Damage. Such insurance shall provide protection to the limit of not less than $1,000,000 combined single limit for Bodily Injury and Property Damage.

b. Workers' Compensation insurance statutory coverage including Employers Liability with limits of not less than $1,000,000.

c. Automobile Liability with limits not less than $1,000,000 each occurrence, combined single limit for Bodily Injury and Property Damage, including coverage for owned, non-owned and hired vehicles.

d. Professional liability insurance with limit no less than $2,000,000 per occurrence or claim, $2,000,000 aggregate.

It should be expressly understood, however, that the coverage required under this Agreement shall not in any way limit the liability of the FOUNDATION or DISTRICT. FOUNDATION and DISTRICT agree to notify each other of a cancellation or non-renewal of insurance.

9. Hold Harmless and Indemnification of Liability

Both parties shall agree to indemnify, defend, and save harmless each other and appropriate related entities according to the following terms. DISTRICT agrees to defend, indemnify and hold harmless the FOUNDATION, the State of California, the CSU Trustees, and San Diego State University, and their officers, employees, volunteers, and agents from any liability, loss, expense, attorney's fees, or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorney's fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the DISTRICT and its officers, agents, or employees. FOUNDATION agrees to defend, indemnify and hold harmless the DISTRICT and its officers, employees, volunteers, and agents from any liability, loss, expense, attorney's fees, or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorney's fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the FOUNDATION and its officers, agents or employees.

10. Governing Law

This Agreement shall be governed, interpreted, construed, and enforced in accordance with the laws of the State of California.

11. Debarment

This Agreement is subject to debarment and suspension regulations published in the Federal Register for May 26, 1988. To assure compliance with these regulations, DISTRICT must provide the certification set forth in Exhibit "B," which is attached to and made a part of this Agreement. By executing this Agreement, DISTRICT acknowledges that it is making the required certification.

12. Department of Justice Clearance
FOUNDATION shall ensure that PROJECT personnel who may at any time be present at any DISTRICT site have been "cleared" by the California Department of Justice ("DOJ") in accordance with Education Code Section 45125.1. FOUNDATION will comply with the DOJ's guidelines and requirements relating to fingerprinting and background checks for any PROJECT personnel who will be present at any DISTRICT site.

13. Tuberculosis Assessment and Examination: FOUNDATION shall ensure that PROJECT personnel who will be present at any DISTRICT site have complied with the Tuberculosis assessment and examination procedures specified in Education Code Section 49406. As required, PROJECT personnel shall provide a certificate to DISTRICT indicating that the individual is free from infectious Tuberculosis.

14. Privacy and Confidential Information. Neither party will disclose individually identifiable health information (as defined in the Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations), education records (as defined in Family Educational Rights and Privacy Act (FERPA) and its implementing regulations), or other individually identifiable personal information protected by domestic or foreign laws, regulations, treaties or directives, to the other party without that party's express written consent and the execution of a separate agreement, as applicable. The parties shall keep confidential at all times any and all personal data received from the other party or other affiliated persons or entities relating to students, teaching and clinical strategy, employees, and their performance and progress. Unless compelled by law, no personal data may be divulged to any third party without the prior written approval of the individual to whom such personal data relates or a parent or guardian with the legal ability to provide such approval.

    The parties may be subject to various privacy, freedom of information, and public records laws, and the parties agree that they will cooperate and provide all necessary assistance to the other party to comply with these legal obligations.

IN WITNESS WHEREOF, the individuals signing below represent that they have the authority to execute this agreement and to bind the party on whose behalf their signature is made.

SDSU Research Foundation

By _____
Renée Lechner, Director
Sponsored Research Administration

Date November 1, 2023

San Ysidro School District

By _____
Gina A. Potter, Ed.D.
Superintendent

Date _____

Board approved:

SCOPE OF SERVICES

Background:

The SDSU Research Foundation has been awarded a National Professional Development Grant by the U.S. Department of Education, Office of English Language Acquisition, to implement Project LEAL. Project LEAL has three goals: (1) Improve SDSURF's capacity to prepare effective in-service preschool through 12th grade teachers of dual language learners and English learners (ELs); (2) Increase the instructional and leadership effectiveness of in-service preschool through 12th grade teachers of dual language learners and English learners; and (3) Promote equity in ELs' access to educational resources and opportunities. The San Ysidro School District will collaborate with SDSU Research Foundation PI, Dr. Saúl I. Maldonado on the project goals to collectively serve and benefit educators and dual language learner and English learner students at San Ysidro School District.

Roles of the Parties:

DISTRICT will collaborate with FOUNDATION on the following Project LEAL related activities:

1. Recruitment:
   DISTRICT will review and screen personnel data of DISTRICT educators invited to participate in LEAL. FOUNDATION will verify that most LEAL participants are in-service preschool through 8th grade teachers of dual language learners and ELs. DISTRICT will invite 20 to 30 educators, from a minimum of five schools, to participate in LEAL annually.

2. Professional Development:
   FOUNDATION will create and implement a professional development certificate program with 12 continuing education units in partnership with SDSU Global Campus. The Project LEAL professional development certificate will include the following four courses:

   a. DLE 601: Language Policies and Practices (3)
   b. DLE 603: Community and Schools in a Diverse Society (3)
   c. DLE 553 Language Assessment & Evaluation (3)
   d. DLE 650 Critical Analysis of Curriculum Development for School Communities (3)

   Project LEAL certificate courses will be designed as hybrid or blended learning (both online and in person) in six-week sequential intervals of one course at a time with structured breaks between courses. All four Project LEAL certificate courses will include learning outcomes that prioritize global awareness for teacher leaders across four interrelated dimensions:

   a. Equity in Language
   b. Equity in Systems
   c. Equity in Assessment and Accountability
   d. Equity in Action.

3. Selection of Project LEAL Participants:
   DISTRICT will invite DISTRICT educators to apply via an electronic form to participate in LEAL. DISTRICT and FOUNDATION will jointly review applications and select up to 30 DISTRICT educators, from a minimum of five schools, to participate in LEAL annually.

4. Benefit to Project LEAL Participants:
   The cost of professional development courses through SDSU Global Campus and registration costs for related conferences, such as the San Diego Dual Language Conference, Association for Two-Way Dual Langauge Education and California Association for Bilingual Education will be supported by grant funds. Project LEAL participants will also receive a $1,000 stipend from FOUNDATION upon the completion of the professional development certificate program.

5. Research and Evaluation:
   a. *Pre-Post Assessment*: Project LEAL participants will participate in pre- and post-assessments (created by SDSURF) of effective instruction for dual language learners and English learners. Pre- and post-assessments will only be analyzed as aggregated scores across all years of implementation. Project LEAL participants will participate in pre- and post-assessments prior to and at the conclusion of the four Project LEAL professional development courses.
   b. *Surveys*: A subsample of Project LEAL participants will be selected randomly to participate in surveys (created by SDSURF) to collect information on the content, quality, dosage, and perceived efficacy of the Project LEAL professional development certificate program.
   c. *Quasi-Experimental Research Design*: The U.S. Department of Education, Office of English Language Acquisition, National Professional Development Grant (Award # T365Z220149) requires the use of a quasi-experimental research design (QED) that meets the What Works Clearinghouse standards for determining if there is a relationship between participating in Project LEAL professional development certificate and increases in the English language proficiency of participants' EL students. The student outcome that Project LEAL is designed to improve is ELs' scores on English Language Proficiency Assessments for California (ELPAC). Summative ELPAC is administered annually in the spring and is given to transitional Kindergarten to grade 12 students. Thus, the students of preschool teachers, or teachers not currently in a classroom, will not be included in the QED analysis. The QED analysis will take place during the final year of Project LEAL and will include a pooled sample of students that completed the ELPAC of all participating K-12 teachers across all years of implementation (i.e., the treatment group) and a comparison group. DISTRICT agrees to share de-identified ELPAC scores of students, as clustered in teachers' classrooms, with FOUNDATION.

Certification Regarding
Debarment, Suspension, and other Responsibility Matters
Primary Covered Transaction

Purpose

This certification is required by the regulation implementing Executive Order 12549, Government wide Debarment and Suspension (Nonprocurement), 34 CFR Part 85, Subpart C – Responsibilities of Participants Regarding Transactions. See following page for Certification Instructions.

Certification

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

    a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

    b. Have not within a three-year period preceding this proposal been convicted of a, or had a civil judgment rendered against them, for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal of State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;

    c. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

    d. Have not within a three-year period preceding this application/proposal had one or more public transaction (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statement in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out on previous page.
2. The inability of a person to provide the certification required on the reverse will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out on previous page. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principle," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
7. The prospective primary participant further agrees by submitting this proposal that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - - Lower Tier covered Transaction" provided by the department or agency entering into this covered transaction, without modification in all lower covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to renter in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Information Management Systems
Todd Lewis, Director

☐ Informational
☒ Action

AGENDA ITEM: CALNET NEXT GENERATION CERTIFICATION AGREEMENT

BACKGROUND INFORMATION:
The California Network and Telecommunications (CALNET) Program is focused on providing services that meet the State's complex and critical telecommunications and network business needs. The CALNET Program accomplishes this through oversight, statewide policy, and a suite of statewide, competitively bid telecommunications contracts used by both state and local agencies. The CALNET service offerings are primarily intended to meet State entity requirements, However, CALNET Next Generation (NextGen) of contracts, non-State entities are required to self-certify that their organization (including school district) qualifies for one of the CALNET eligibility criteria.

The District currently has an agreement with ATT for phone services through the California Network and Telecommunications (CALNET 3) Program. In December of 2023 the CALNET 3 state negotiated contract will expire and be replaced with the CALNET NextGen agreement. The District would like to continue receiving phone services at the state negotiated pricing. In order to do that, the District is required to certify eligibility with the California Department of Technology to transition to the new CALNET NextGen state contract.

Pursuant to Agreement No. C4-LEG-12-10-TS-01, any eligible on-state public entity (herein "Non-State Entity), as authorized Government Code 11541 is allowed to order services and products. AT&T, our current provider, was awarded Agreement No. C4-LEG-12-10-TS-01 for Categories 15-18 in which the District can have access to discounted rates. Link to CALNET documentation (website)

A direct agreement with AT&T will be necessary; therefore, the District is requesting authorization to enter into an agreement with AT&T to continue uninterrupted phone services. Once the agreement is entered into, the agreement will be brought to the Board for ratification.

RECOMMENDATION:
Approve the transition to the CALNET NextGen piggyback contract to continue to receive discounted rates for AT&T phone services Categories 15-18 through Contract No. C4-LEG-12-10-TS-01 and authorize the District to enter into an agreement with AT&T to receive uninterrupted phone services.

LCAP GOAL AND ACTION/SERVICE:

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

TBD	General Fund
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

DEPARTMENT OF TECHNOLOGY
NON-STATE ENTITY SERVICE POLICY AND AGREEMENT (NESPA)

The California Network and Telecommunications Program (CALNET) service offerings are primarily intended to meet State entity requirements. However, CALNET services may be purchased by qualified non-State entities. To use the CALNET Next Generation of contracts, non-State entities are required to self-certify that their organization qualifies for one of the CALNET eligibility criteria below.

Authorized Entity Criteria

Please select one of the following:

- [x] Local government entities are defined as "any city, county, city and county, district or other local governmental body or corporation empowered to expend public funds for the acquisition of goods, information technology or services" per Public Contract Code Chapter 2, Paragraph 10298 (a) (b). While the State makes this contract available to local governmental entities, each local governmental entity should determine whether this contract is consistent with its procurement policies and regulations.
- [ ] 100% tax supported governmental entity
- [ ] A governmental entity with a Joint Powers Agreement (JPA)
- [ ] Federally recognized Indian Tribe

NON-STATE ENTITY INFORMATION

REQUESTING NON-STATE ENTITY ORGANIZATION NAME

SAN YSIDRO SCHOOL DISTRICT

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE SIGNING ON BEHALF OF NON-STATE ENTITY

Gina A. Potter, Ed.D., Superintendent

STREET ADDRESS

4350 Otay Mesa Road

CITY, STATE, ZIP CODE

San Ysidro, CA 92173

CONTACT PHONE NUMBER

619-428-4476

EMAIL ADDRESS

gina.potter@sysdschools.org

I certify under penalty of perjury the requesting entity meets the NESPA "Authorized Entity Criteria" selected above.

NON-STATE ENTITY SIGNATURE DATE

CDT/CALNET PROGRAM

CUSTOMER CODE:

01665

AT&T

Non - E-Rate Rider

ATTACHMENT TO CALNET AUTHORIZATION TO ORDER ("Agreement")

This Attachment ("Attachment"), entered into by AT&T] ("AT&T") and SAN YSIDRO SCHOOL DISTRICT ("Customer") and effective as of the date signed below ("Effective Date"), is an attachment to the Agreement. This Attachment shall have the same term as the Agreement.

TERMS AND CONDITIONS

E-rate is administered by the Schools and Libraries Division ("SLD") of the Universal Service Fund Administrative Company ("USAC"). The Federal Communications Commission ("FCC") has promulgated regulations that govern the participation in the E-rate program. As an eligible school or library for participation in the E-rate program AT&T respectfully requests signature as confirmation of the statement below.

The products and services sought in the Agreement are not the subject of any current or future FCC Form 470 seeking bids for qualification of E-rate funding. Customer acknowledges that these services will be billed and paid in full by Customer and will not be discounted by AT&T nor be the subject of any Form 472 BEAR Form requesting E-rate reimbursement submitted by Customer.

SAN YSIDRO SCHOOL DISTRICT (by its authorized representative)
By:
Name: Gina A. Potter, Ed.D.
Title: Superintendent
Date:

CONFIDENTIAL INFORMATION
This agreement is for use by the authorized employees of the parties hereto only and is not for general distribution within or outside the companies.

CALNET
AUTHORIZATION TO ORDER (ATO)

AT&T Corp and the California Department of Technology (CDT) have entered into a multi-year statewide contract for CALNET Legacy Telecommunications Voice and Data Services, C4A1LEG18, Categories 15, 16, 17, and 18. The CDT may, at its sole option elect to extend the Contract Term for up to the number of years as indicated in the Contract.

Category 15, Dedicated Transport:

- Contract award: 01/03/2019
- Contract end: 06/30/2026
- Number of optional extensions and extension duration(s): 3 extensions, 1 year per extension

Category 15.2.2, Carrier DSO Service:

- Contract award: 01/03/2019
- Contract end: 06/30/2024

Category 16, Long Distance Calling:

- Contract award: 01/03/2019
- Contract end: 06/30/2024
- Number of optional extensions and extension duration(s): 5 extensions, 1 year per extension

Category 17, Toll Free Voice Calling:

- Contract award: 01/03/2019
- Contract end: 06/30/2024
- Number of optional extensions and extension duration(s): 5 extensions, 1 year per extension

Category 18, Legacy Telecommunications:

- Contract award: 01/03/2019
- Contract end: 06/30/2026
- Number of optional extensions and extension duration(s): 3 extensions, 1 year per extension

Category 18.3.1.1, Analog Service:

- Contract award: 01/03/2019
- Contract end: 06/30/2024

Pursuant to the Contract C4-LEG-12-10-TS-01, which is incorporated herein by reference, any eligible on-state public entity (herein "Non-State Entity"), as authorized in Government Code section 11541 is allowed to order services and products (collectively "Services") solely as set forth in the Contract.

To establish CALNET eligibility, the Non-State Entity will be required to have a Non-State Entity Service Policy and Agreement (NESPA) on file with the CDT CALNET Program, prior to submitting the Authorization to Order (ATO).

Once the Non-State Entity and the Contractor approve and sign the ATO, the Contractor shall deliver the ATO to the CALNET Program for review and approval. No Service(s) shall be ordered by the Non-State Entity or provided by the Contractor until both parties and the CALNET Program execute the ATO.

By executing the ATO, the **San Ysidro School District**
[Non-State Entity] may subscribe to the Service(s), and the Contractor agrees to provide the Service(s), in accordance with the terms and conditions of the ATO and the Contract. Service catalogs, rates and Contract terms are available at the CALNET Program website.

The ATO, and any resulting order for Service(s), is a contract between the Non-State Entity and the Contractor. As such, the CDT will not facilitate, intervene, advocate or escalate any disputes between the Non-State Entity and the Contractor or represent the Non-State Entity in resolution of litigated disputes between the parties.

The ATO shall not exceed the term of the Contract and shall remain in effect for the duration of the contract unless:

- The CDT, at its discretion, revokes the approved ATO; or
- The Non-State Entity terminates the ATO, for specific Services(s) in part or in total, prior to termination of the Contract, by providing the Contractor with a 30 calendar days' prior written notice of cancellation.

The Non-State Entity, upon execution of the ATO, certifies that:

- The Non-State Entity understands that the Contractor and the CDT may, from time to time and without the Non-State Entity's consent, amend the terms and conditions of the Contract thereby affecting the terms of service the Non-State Entity receives from the Contractor.
- The Non-State Entity has reviewed the terms and conditions, including the rates and charges, of the Contract.
- The Non-State Entity understands and agrees that the Contractor invoices for Service(s) subscribed to under the Contract are subject to review and/or audit by the CDT, pursuant to provisions of the Contract.

- All Service(s) ordered under the ATO will be submitted to the Contractor using an authorized purchasing document, signed by the Non-State Entity's authorized signatory. Any additions, changes to, or deletions of Service(s) shall be accomplished by submission of a purchasing document to the Contractor, noting the changes.

- The Non-State Entity understands and agrees that the Contractor shall provide the CALNET Program all data, invoices, reports and access to trouble tickets for Service(s) subscribed to under the Contract, pursuant to provisions of the Contract. Upon execution of the ATO, the Non-State Entity authorizes the CALNET Contractor to release the Non-State Entity's Customer Proprietary Network Information (CPNI) to the CALNET Program for purposes of administering the Contract.

- The Non-State Entity understands that, the Contractor shall bill the Non-State Entity, and the Non-State Entity shall pay the Contractor according to the terms and conditions, and rates set forth in the Contract for such Service(s).

E-Rate Customers Only – Complete if applying for E-Rate funding:

Not applicable [Enter Non-State Entity name] intends to seek Universal Service Funding (E-Rate) for eligible Service(s) provided under the ATO. The Service(s) ordered under the ATO shall commence [MM/DD/YYYY] ("Service Date"). Upon the Service Date, the ATO supersedes and replaces any applicable servicing arrangements between the Contractor and the Non-State Agency for the Service(s) ordered under the ATO.

Contact Information

Any notice or demand given under this Contract to the Contractor or the Non-State Entity shall be in writing and addressed to the following:

Non-State Entity

Non-State Entity Name

San Ysidro School District

Authorized Agent	Contact Number
Todd Lewis	(619) 428-4476
Title of Authorized Agent	Email
Director of Information Technology	todd.lewis@sysdschools.org

Address

4350 Otay Mesa Road

City, State, Zip Code

San Ysidro, CA 92173

Contractor

AT&T Corp

Authorized Agent: Keith Nagel

Attention: Program Management Office

Address 2700 Watt Avenue
Room 1213
Sacramento, CA 95821

Contact Number: 916-384-6175

Email: KN7135@att.com

IN WITNESS WHEREOF, the parties below hereto have caused the execution of this ATO. The effective date of this ATO, between the Non-State Entity, the Contractor and CDT/CALNET shall be pursuant to the CDT/CALNET "**DATE EXECUTED**" shown below.

Non-State Entity

Authorized Agent Name

Gina A. Potter, Ed.D.

Title of Authorized Agent

Superintendent

Signature

Date Signed

Contractor

Authorized Agent Name

Title of Authorized Agent

Signature

Date Signed

Approved By: State of California Department of Technology

Authorized Agent Name

Title of Authorized Agent

Signature

Date Executed

CALNET NEXT GEN

FirstNet	Legacy				Cellular		Data Network and Communication Services									
9.1	15	16	17	18	19.1	19.2	20	21	22	23	24	25	27	28	29	30
Broadband for Public Safety	Dedicated Transport	Long Distance Calling	Toll-Free Calling	Legacy	Cellular Business Services	CALNET First Responders Cellular Services	MPLS Data Network	Standalone VoIP	Cloud Hosted VoIP	Metropolitan Area Network Ethernet	Flat Rate Internet Services	Sustained Bandwidth Internet	Standard Contact Center Services	Custom Contact Center Services	Converged VoIP	Broadband with Internet Service
							Airespring									
AT&T Mobility	AT&T	AT&T	AT&T	AT&T	AT&T Mobility		AT&T	AT&T	AT&T	AT&T	AT&T	AT&T	AT&T	AT&T	AT&T	AT&T
										Charter	Charter					
										Comcast	Comcast					Comcast
										Crown Castle	Crown Castle	Crown Castle				
									ENA							
							Granite	Granite		Granite	Granite				Granite	Granite
													InterVision	InterVision		
		Lumen (CenturyLink)					Lumen (Level3)		Lumen (CenturyLink)	Lumen (Level3)	Lumen (Level3)	Lumen (Level3)	Lumen (CenturyLink)	Lumen (CenturyLink)	Lumen (CenturyLink)	
									NTT							
							NWN	NWN	NWN	NWN			NWN	NWN	NWN	NWN
									Red River							
					T-Mobile	T-Mobile										
	Verizon	Verizon	Verizon		Verizon Wireless	Verizon Wireless	Verizon	Verizon		Verizon	Verizon	Verizon	Verizon	Verizon	Verizon	Verizon
										Astound (Wave)	Astound (Wave)	Astound (Wave)				Astound (Wave)
							Zayo			Zayo	Zayo	Zayo				

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: MASTER AGREEMENT WITH SWS ENGINEERING, INC.

BACKGROUND INFORMATION:
Based on the results of RFQ No. 2307 for professional consultants to serve the District's capital improvement and maintenance program, the following initial set of master agreements and associated maximum values are presented for approval. Maximum values cannot be exceeded without additional Board authorization. This agreement will be for a term of 3 years with the ability to extend a year at a time for a maximum term no longer than 5 years as allowed by code. Annual extensions, if desired, will require Board action.

There is no fiscal commitment when approving a master agreement. This action will authorize the Board's designated representatives (Superintendent and Chief Business Official) to negotiate, verify funding availability and execute Work Authorizations which will identify the scope, schedule & budget for specific tasks. Each action so taken shall be followed by approval and ratification at the next regularly scheduled Board meeting. Actions shall identify the associated fund source(s).

Approval of these master agreements has no fiscal impact. Only Work Authorizations create a commitment of funds. This is the initial request for urgently needed services. Additional consultants from the results of RFQ No. 2307 will be brought to the Board for consideration as needs arise.

Firm	Specialty	Maximum Value 3 Year Term
SWS Engineering, Inc.	Civil Engineer	$50,000.00

Time is of the essence, and approval will also authorize the Board's designated representatives (Superintendent and Chief Business Official) to finalize each firm's master agreement with minor modifications and legal oversight based generally on the form of contract provided herewith.

RECOMMENDATION:
Approve master agreement with SWS Engineering, Inc. an approved firm through RFQ No. 2307 to provide professional consulting services for capital improvement and maintenance projects. Authorize staff to finalize agreements with each firm based on the form of contract provided with any minor modifications having legal oversight. Authorize Superintendent or Chief Business Official to execute Work Authorizations for tasks followed by Board ratification and approval.

Continued on following page

LCAP GOAL AND ACTION/SERVICE (please indicate):
Goal 7.0 – Provide sufficient, safe, well-maintained, and visually appealing facilities that create an environment for improving student achievement.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No ☒ N/A	N/A

N/A	To be determined on a task-by-task basis from G.O. Bonds Measure T & U and/or other funding sources
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

MASTER AGREEMENT FOR PROFESSIONAL CIVIL ENGINEER CONSULTING SERVICES BETWEEN THE SAN YSIDRO SCHOOL DISTRICT AND SWS Engineering, Inc.

This agreement is made and entered into as of the date of the last signature hereto, by and between the SAN YSIDRO SCHOOL DISTRICT ("SYSD") and SWS Engineering, Inc., (the "Consultant"), a Professional CIVIL ENGINEER Consultant (collectively referred to as the "Parties" and each individually as "Party.").

RECITALS

WHEREAS, The SAN YSIDRO SCHOOL DISTRICT is in need of professional CIVIL ENGINEER consulting services, hereinafter referred to as "Services"; and,

WHEREAS, Consultant is duly licensed and/or has the necessary qualifications to provide such CIVIL ENGINEER services for the Project; and,

WHEREAS, SYSD desires to engage Consultant to render services on an ongoing basis for a period of up to three (3) years, with an option for up to two (2) one year extensions, hereinafter referred to as the "Project".

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

1 Definitions

"Agreement" shall mean this professional services agreement.
"Consultant" shall mean SWS Engineering, Inc..
"Project" shall mean the ongoing services provided under this contract as directed by Work Authorizations.
"SYSD" shall mean the SAN YSIDRO SCHOOL DISTRICT.
"Services" shall mean the CIVIL ENGINEER consulting services to be provided by Consultant pursuant to this Agreement and as further described in Scope of Services below.
"Work Authorization" shall mean the written authorization, signed by both parties, to proceed with specific scopes of service.

2 Scope, Deliverables and Term

2.1 Scope of Services

The scope of services will be determined on a Work Authorization basis and agreed to in writing prior to proceeding with services. Each written Work Authorization, once signed by both parties, shall include the scope of work, the number of hours authorized, or lump sum, the timelines associated with the scope of work, as well as any deliverables due. The Work Authorization form is provided herewith as Exhibit A.

2.2 Deliverable(s)

Deliverables shall be determined in writing on each Work Authorization when applicable.

2.3 Term

The term of this Agreement shall be for a period of three (3) year(s) from the date of execution of this Agreement. Such term may be extended upon written agreement of both SYSD and Consultant.

Due to the anticipated nature of the services to be authorized, it is understood that Work Authorizations signed by both parties prior to the expiration of the Master Agreement may need to proceed uninterrupted including payment for services. The end of Term indicates the date by which no new Work Authorizations will be allowed and no further Amendments to this Agreement extending the cost or the term will be allowed.

3 Fees and Payments.

3.1 Fees

The maximum value authorized under this Agreement without further written amendment for specified services is fifty thousand dollars ($50,000), including expenses if applicable, as identified and agreed to in each signed Work Authorization. See **Exhibit B** for Hourly Rate Chart.

No reimbursables or travel expenses are allowed unless specifically authorized in advance via a Work Authorization.

3.2 Payments

Consultant shall furnish SYSD with an invoice on no more than a monthly basis reflecting services performed and expenses. The invoices shall be separately submitted for each active Work Authorization, and shall detail charges by categories, including labor, materials, equipment, supplies and miscellaneous expenses, or as otherwise negotiated on each Work Authorization. Consultant shall furnish original receipts for all reimbursable expenses, if reimbursables are authorized. Food reimbursement requests must include itemized receipts and no alcohol will be reimbursed. Tips for services rendered will not be reimbursed. No Work Authorization can alter these reimbursement rules. Any change to these rules must be made via an Amendment to this Master Contract. SYSD shall independently review each invoice submitted to determine that the work performed, and expenses incurred are in compliance with the provisions of this Agreement. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth below. In the event any charges or expenses are disputed, the invoice shall be returned by SYSD to Consultant within ten (10) business days of receipt for correction and resubmission.

3.3 Payment Terms

Payment shall be net thirty (30) days from the date services were received and accepted, or the date the invoice was received, whichever is later. See also 3.2 Payments.

4 Extra Work

At any time during the term of this Agreement, SYSD may request that Consultant perform Extra Work. As used herein, "Extra Work" means any Services which are determined by SYSD to be necessary, but which the Parties did not reasonably anticipate would be necessary at the execution of the Work Authorization. Consultant shall not perform, nor be compensated for, Extra Work without a written supplemental Work Authorization from SYSD.

5 Responsibilities of Consultant.

5.1 Organization

Consultant shall assign a specific Project Manager to each Work Authorization. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of SYSD, which consent shall not be unreasonably withheld. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement.

5.2 Work Authorization

Consultant shall obtain from SYSD a written Work Authorization for any work requested in advance of performance. Such Work Authorization shall reiterate Consultant's duties for the service, deliverables, due dates, and agreed upon payment therefore. Each Work Authorization, signed by both parties, shall become a part of this agreement and subject to the terms and conditions herein.

5.3 Coordination of Services

23. Consultant agrees to work closely with SYSD staff in the performance of Services and shall be available to SYSD's staff, consultants and other staff at all reasonable times.

5.4 Standard of Care

Consultant shall perform all Services under this Agreement in a skillful, competent, and timely manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant represents that it will assign employees and subcontractors who have sufficient skill and experience to perform the Services assigned to them. Consultant further represents that it, its employees and subcontractors or subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Any of Consultant's employees, subconsultants or subcontractors who are determined by SYSD to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any of Consultant's employees, subconsultants or subcontractors who fail or refuse to perform the Services in a manner reasonably acceptable to SYSD, shall be promptly removed from the Project by the Consultant and shall not be re-employed or retained to perform any of the Services or to work on the Project.

5.5 Independent Contractor & Additional Personnel

Consultant is retained as an independent Consultant and is not an agent or employee of SYSD. No employee or agent of Consultant shall by this Agreement become an agent or employee of SYSD. The work to be performed shall be in accordance with the work described herein, subject to such directions and amendments from SYSD as herein provided. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind SYSD to any obligation whatsoever, except as specifically provided in writing by SYSD. Any additional personnel performing the Services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law.

5.6 Laws and Regulations

Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all California Code of Regulations Title 24 and Cal/OSHA requirements, and shall give all notices required by law. Consultant shall be liable for all violations of such laws and regulations in connection with Services.

5.7 Maintenance of Accounting Records

Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of SYSD during normal business hours with reasonable notice to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of four (4) years from the date of final payment under this Agreement."

5.8 INSURANCE

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to SYSD that it has secured all insurance required under this Section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to SYSD that the subcontractor has secured all insurance required under this Section.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the Consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law. Consultant shall also require all of its subcontractors to procure and maintain the same insurance for the duration of the Agreement. Such insurance shall survive after this agreement as permitted by law. Such insurance shall meet at least the following minimum levels of coverage:

a. Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of the following: (1) General Liability: Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001, edition date 4/13); (2) Automobile Liability: Insurance Services Office Business Auto Coverage form number CA 0001 (edition date 4/13), code 1 (any auto); (3) Workers' Compensation and Employers' Liability: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance; and (4) Professional Liability: Coverage which is appropriate to the Consultant 's profession, or that of its consultants or subcontractors.

b. Minimum Limits of Insurance. Consultant shall maintain limits no less than: (1) General Liability: $1,000,000 per occurrence for bodily injury, personal injury and property damage. The general aggregate limit shall be twice the required occurrence limit; per project aggregate will apply. (2) Automobile Liability: $1,000,000 per accident for bodily injury and property damage; (3) Workers' Compensation and Employer's Liability: Workers' compensation limits as

required by the Labor Code of the State of California. Employers Liability limits of $1,000,000 per accident for bodily injury or disease; and (4) Professional Liability: Not less than $1,000,000 per claim/ $2,000,000 aggregate.

i. Defense costs shall be payable in addition to the limits.

ii. Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance.

c. Insurance Endorsements. The insurance policies shall contain the following provisions:

i. General Liability. The general liability policy shall be endorsed to state that: (1) the SYSD, its directors, officials, officers, employees, agents and volunteers shall be covered as additional insured with respect to the Work or operations performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work; including ongoing operations and completed operations with ISO forms CG 20 10 10 01 and CG 20 37 10 01, and (2) the insurance coverage shall be primary insurance as respects the SYSD, its directors, officials, officers, employees, agents and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Consultant's scheduled underlying coverage. Any insurance or self-insurance maintained by the SYSD, its directors, officials, officers, employees, agents and volunteers shall be excess of the Consultant's insurance and shall not be called upon to contribute with it in any way.

The policy shall contain no endorsements or provisions limiting coverage for: (A) contractual liability; (B) cross liability exclusion for claims or suits by one insured against another; (C) products/completed operations liability; (D) abuse or molestation exclusion or (E) contain any other exclusion contrary to the Agreement.

ii. Automobile Liability. The automobile liability policy shall be endorsed to state that: (1) the SYSD, its directors, officials, officers, employees, agents and volunteers shall be covered as additional insureds with respect to the ownership, operation, maintenance, use, loading or unloading of any auto owned, leased, hired or borrowed by the Consultant or for which the Consultant is responsible; and (2) the insurance coverage shall be primary insurance as respects the SYSD, its directors, officials, officers, employees, agents and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Consultant's scheduled underlying coverage. Any insurance or self-insurance maintained by the SYSD, its directors, officials, officers, employees, agents and volunteers shall be excess of the Consultant's insurance and shall not be called upon to contribute with it in any way.

iii. Workers' Compensation and Employers Liability Coverage. The insurer shall agree to waive all rights of subrogation against the SYSD, its

directors, officials, officers, employees, agents and volunteers for losses paid under the terms of the insurance policy which arise from work performed by the Consultant.

iv. Professional Liability. Consultant and its sub-consultants and subcontractors shall procure and maintain errors and omissions liability insurance with limits discussed in this Section. The retroactive date, if any, of each such policy is to be no later than the effective date of this Agreement, and Consultant shall maintain such coverage continuously for a period of at least three (3) years following the completion of work under this Agreement.

a. Claims Made Policies: The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of work. If coverage is canceled or non-renewed, and not replace with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.

d. All Coverages. Each insurance policy required by this Agreement shall be endorsed to state that: (A) coverage shall not be suspended, voided, reduced in limits by endorsement or canceled except after thirty (30) days prior written notice or ten (10) days' notice for non-payment of premium. Should any of the described policies be cancelled before the expiration date thereof, the issuing insurer shall mail thirty (30) days' written notice to SYSD, (B) any failure to comply with reporting or other provisions of the policies, shall not affect coverage provided to SYSD, its directors, officials, officers, employees, agents and volunteers and (C) District shall have the right to modify any and all indemnity and insurance requirements based on the evaluation of the risk for each Work Authorization.

e. Deductible and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by SYSD and shall not apply to SYSD, its directors, officials, officers, employees, agents, or volunteers as additional insureds.

f. Separation of Insureds; No Special Limitations. All insurance required by this Section, except professional liability insurance, shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the SYSD, its directors, officials, officers, employees, agents and volunteers.

g. Acceptability of Insurers. With the exception of Workers' Compensation Insurance, all insurance required hereunder is to be placed with insurers with a current A.M. Best's rating no less than A-: VII, which are authorized to do business in California, and which maintain an agent for process within the state. Workers' Compensation insurance required under this Agreement must be

offered by an insurer meeting the above standards with the exception that the A.M. Best's rating condition is waived at the discretion of the SYSD.

h. Verification of Coverage. Consultant shall furnish SYSD with original certificates of insurance and endorsements effecting coverage required by this Agreement. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms provided by the insurer.

i. Notice of Cancellation. The Consultant shall file with furnish SYSD Certificates of Insurance indicating a thirty-day (30) cancellation notice. If not stated on the Certification of Insurance, it is understood that a 30-day cancellation notice will be provided and failure to mail such notice shall impose obligation and liability upon the company/insured, its agents or representatives.

6 General Provisions

6.1 Delays in Performance

(1) Neither SYSD nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

(2) Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

6.2 Suspension of Services

The SYSD may, in its sole discretion, suspend all or any part of Services provided hereunder without cost; provided, however, that if the SYSD shall suspend Services for a period of ninety (90) consecutive days or more and in addition such suspension is not caused by Consultant or the acts or omissions of Consultant, upon recession of such suspension, the compensation will be subject to adjustment to provide for actual costs and expenses incurred by Consultant as a direct result of the suspension and resumption of Services under this Agreement. Consultant may not suspend its service without SYSD's express written consent.

6.3 Termination of Agreement

(1) Grounds for Termination. SYSD may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those services which have been adequately rendered to SYSD, and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

(2) Effect of Termination. If this Agreement is terminated as provided in this Section, SYSD may require Consultant to provide all finished or unfinished documents, data, programming source code, reports or any other items prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such documents and other information within fifteen (15) days of the request.

(3) Terminated Services. In the event this Agreement is terminated in whole or in part as provided herein, SYSD may procure, upon such terms and in such manner as it may determine appropriate, services similar or identical to those terminated.

6.4 Dispute Resolution

(1) Mediation: The parties agree that all claims, disputes or controversies between the parties arising out of or relating to this Agreement, or breach thereof, ("Claim") shall initially be submitted to non-binding mediation before a mediator mutually agreed upon by the parties. In the event the parties are unable to agree upon the identity of the mediator within fifteen days from the date either party submits a written request to mediate a Claim, the mediator shall be selected and the mediation administered under the Construction Mediation Rules of the American Arbitration Association. The costs and fees of the mediator shall be paid equally by the parties. The parties shall negotiate in good faith in an effort to reach an agreement with respect to the Claim. Neither party shall commence or pursue arbitration or litigation until the completion of mediation proceedings.

(2) Arbitration: In the event that a claim remains unresolved after mediation, the claim shall be submitted to binding arbitration. The arbitration shall be administered by and in accordance with the then existing rules of the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect unless the parties mutually agree otherwise. There shall be one arbitrator. If the parties shall fail to select a mutually acceptable arbitrator within a reasonable period after the demand for arbitration is mailed, a single arbitrator shall be appointed as soon as possible by the American Arbitration Association in San Diego, California, or failing such appointment, pursuant to the usual procedure of said Association in such cases. The fee payable to the arbitrator shall be based upon the then current fee schedule of the American Arbitration Association and shall be advanced in half by each party, upon the written request of the arbitrator.

(3) It is expressly agreed that no mediation or arbitration shall be initiated prior to the completion of the Services under this Agreement, or termination of this Agreement, whichever is earlier.

6.5 Ownership of Materials and Confidentiality

23. (1) All materials and data, including but not limited to, data on electronic or magnetic media and any materials, documents and data required to be made or kept pursuant to federal, state or local laws, rules or regulations, prepared or collected by Consultant pursuant to this Agreement, shall be the sole property of the SYSD, except that Consultant shall have the right to retain copies of all such documents and data for its records. SYSD shall not be limited in any way in its use of such materials and data at any time, provided that any such use not within the

purposes intended by this Agreement shall be at SYSD's sole risk and provided that Consultant shall be indemnified against any damages resulting from such use, including the release of this material to third parties for a use not intended by this Agreement.

(2) All such materials and data shall be provided to the SYSD, or such other agency or entity as directed by SYSD or required by law, rule or regulation, as they become due during the term of this Agreement as directed by SYSD.

6.6 Prevailing Wages

Consultant is aware of the requirements of California Labor Code Sections 1720 et seq and 1770 et seq, as well as California Code of Regulations, Title 8, Section 16000 et seq ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. Since the Services being performed may be part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and since the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws to the extent they apply to the Services. Consultant shall defend, indemnify and hold the District, its elected officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

6.7 Safety

Consultant and all representatives of any sort shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and lifesaving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

6.8 Project Staffing

Consultant shall provide adequate staff and resources to facilitate all contractor's activity. Should Consultant fail to adequately staff a project, the District may, at its sole discretion, retain third party inspection services and back charge Consultant for all third-party fees.

6.9 Conformance to Applicable Requirements

All work prepared by Consultant is subject to the approval of District and any and all applicable regulatory State agencies and shall be the property of District.

6.10 Reports

Consultant shall provide copies of all reports required to be submitted to applicable regulatory State agencies to District, whether or not such reports must be submitted to the District.

6.11 Attorney's Fees

If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

6.12 Indemnification

(a) Indemnification. To the fullest extent permitted by law, Consultant shall defend (with counsel of DISTRICT's choosing), indemnify and hold the DISTRICT, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the DISTRICT, its officials officers, employees, agents, or volunteers.

(b) If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance as a "design professional" (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

6.13 Time of Essence

Time is of the essence for each and every provision of this Agreement.

6.14 SYSD's Right to Employ Other Consultants

SYSD reserves right to employ other consultants in connection with this Project. However, Consultant shall be the exclusive consultant for purposes of the Services as noted within this Agreement, unless terminated as provided herein.

6.15 Successors and Assigns

This Agreement shall be binding on the successors and assigns of the Parties, and shall not be assigned by Consultant without the prior written consent of SYSD.

6.16 Amendments

This Agreement may not be amended except in writing signed by both Parties.

6.17 Severability

If any section, subsection, sentence, clause or phrases of this Agreement, or the application thereof to any of the Parties, is for any reason held invalid or unenforceable, the

validity of the remainder of the Agreement shall not be affected thereby and may be enforced by the Parties to this Agreement.

6.18 Interpretation

In interpreting this Agreement, it shall be deemed that it was prepared jointly by the Parties with full access to legal counsel of their own. No ambiguity shall be resolved against any party on the premise that it or its attorneys were solely responsible for drafting this Agreement or any provision thereof.

6.19 Governing Law

This Agreement shall be governed by the laws of the State of California. Any action brought to enforce the terms of this Agreement shall be brought in a state or federal court located in the County of San Diego, State of California, but only after dispute resolution as provided herein.

6.20 Conflict of Interest

For the term of this Agreement, no member, officer or employee of SYSD, during the term of his or her service with SYSD, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising there from.

6.21 Equal Opportunity Employment

Consultant represents that it is an equal opportunity employer and it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age, physical handicap, medical condition, marital status or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination with or related to the performance of this Agreement. Consultant shall also comply with all relevant provisions of SYSD's Minority Business Enterprise program, if any, or other related programs or guidelines currently in effect or hereinafter enacted. Consultant must make a good faith effort to contact and utilize DVBE subcontractors or subconsultants and suppliers in securing bids for performance of the Agreement and shall be required to certify its good faith efforts towards retaining DVBE subcontractors or subconsultants and suppliers and identify DVBE firms utilized in performance of the Agreement.

6.22 Fingerprinting Requirements

Consultant hereby acknowledges that, if applicable, it is required to comply with the requirements of Education Code Section 45125.1 with respect to fingerprinting of employees who may have contact with the DISTRICT's pupils. The Consultant shall also ensure that its consultants on the Project also comply with the requirements of Section 45125.1. If required by Education Code Section 45125.1, the Consultant must provide for the completion of a Fingerprint Certification form, in the DISTRICT's required format, prior to any of the Consultant's employees, or those of any other consultants, coming into contact with the DISTRICT's pupils. Consultant further acknowledges that other fingerprinting requirements may apply, as set forth in Education Code Section 45125 et seq., and will comply with any such requirements.

6.23 Drug, Tobacco and Alcohol Free Facilities

All SYSD facilities are drug, tobacco, and alcohol-free facilities. Any drug, tobacco (smoked or smokeless), and/or alcohol use is prohibited at all times on all areas of SYSD or School District facilities.

6.24 *Exhibits and Recitals*

All Exhibits and Recitals contained herein are hereby incorporated into this Agreement by this reference.

6.25 *Counterparts*

This Agreement may be executed in counterparts, all of which, when taken together, shall constitute a fully executed original.

6.26 *Assignment and Subconsultants*

Consultant shall not assign, delegate, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of SYSD, which may be withheld for any reason. Consent to one assignment shall not be deemed to be consent to any subsequent assignment. Nothing contained herein shall prevent Consultant from employing independent associates and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

6.27 *Third Party Rights*

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than SYSD and Consultant.

Balance of page intentionally left blank.

6.28 ***Notices***

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to the following entities and shall be effective upon receipt thereof.

CONSULTANT:

SWS Engineering, Inc.
1635 Lake San Marcos Dr. Suite 200
San Marcos, CA 92078
(760) 744-0011
Attention: Michael Schweitzer
Michael@sws-engr.com,
Main: (760) 744-0011

SYSD:

SAN YSIDRO SCHOOL DISTRICT
c/o Facilities Department
4350 Otay Mesa Road, San Ysidro, CA 92173
To be sent separately to the attention of:
Dr. Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety
Jose.Iniguez@sysdschools.org
and
Marilyn Adrianzen, Chief Business Official
Marilyn.Adrianzen@sysdschools.org

6.29 ***Entire Agreement***

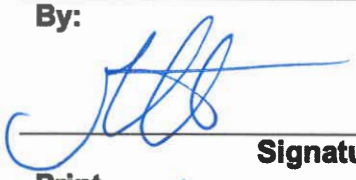
This Agreement represents the entire understanding of SYSD and Consultant as to those matters contained herein and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. To the extent that any provision or clause contained in an attachment to this Agreement conflicts with a provision or clause in the Agreement, the provision or clause in this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

6.30 ***Authority to Execute***

The persons executing this Agreement on behalf of their respective Parties represent and warrant that they have the authority to do so under law and from their respective Parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

SWS Engineering, Inc.
By:



Signature
Print Name: Michael D. Schweitzer
Title: CEO

Federal Tax I.D. No.: 27-1419365
RCE 59658

SAN YSIDRO SCHOOL DISTRICT
By:

Signature
Print Name: Gina A. Potter, Ed.D.
Title: Superintendent

Board approved:

EXHIBIT A
Work Authorization Form

Firm	**SWS Engineering, Inc.**	Task Order Number	
Attn:	Kristina Lekas	Contract #	2309-11SYSD
Requestor		Date Requested	
Due By		Deliverables (Y/N)	

TASKS/DELIVERABLES	
Tasks Required/Deliverables	**Due Dates**
1.	

Cost/Payment Schedule	
Task (Please indicate lump sum or NTE)	**Authorized Cost Per Task**
1.	$
2.	$
3.	$

TOTAL MAXIMUM AUTHORIZED COST ***$000***

Request Details

By signing below, Parties have verified that there is sufficient capacity remaining in the Master Agreement #2309-11SYSD for CIVIL ENGINEER consulting services. The work authorized herewith may be completed and paid for beyond the Master Agreement expiration date. The terms and conditions of the Master Agreement remain in full force and effect until the work authorized herewith is completed to the satisfaction of the District.

Consultant:
Agreement to Perform by: _____ (signature)

Date: _____

Print Name: _____/Title: _____

District:
Authorized to Proceed by: _____ (signature)

Date: _____

Print Name: _____/Title: _____

EXHIBIT A

SWS ENGINEERING, INC.
Civil Engineering | Land Surveying | Land Planning | Construction Staking

2024 - CALIFORNIA
EXHIBIT "B"
RATE SCHEDULE

Principal	$285	Per Hour
Professional Land Surveyor/Sr. Project Manager	$260	Per Hour
Regional Director	$265	Per Hour
Project Manager	$230	Per Hour
Assistant Project Manager	$190	Per Hour
Project Engineer/Project Designer	$175	Per Hour
Junior Engineer	$150	Per Hour
CAD Drafter	$95	Per Hour
Clerical	$75	Per Hour
In-House Survey Office Calculations	$135	Per Hour
1-Person Survey Crew	$250	Per Hour
2-Person Survey Crew	$275	Per Hour
1-Person Survey Crew Prevailing Wage Rate	$280	Per Hour
2-Person Survey Crew Prevailing Wage Rate	$325	Per Hour
Expert Witness	$550	Per Hour

Reimbursable Expenses

Delivery/Pick-Up	$95	Per Hour
Mileage	$.63	Mile
In-House Copies (8.5 x 11 / 8.5 x 14)	$.27	Each
In-House Copies (11 x 17)	$.32	Each
Plotting		
Bond – Black	$.68	Per SF
Bond – Color	$2.15	Per SF
Vellum/Mylar	$3.30	Per SF
CD – Disk	$55.00	Each

Note: Above rates in effect until December 31, 2024

SWS ENGINEERING, INC.

Civil Engineering | Land Surveying | Land Planning | Construction Staking

2025 - CALIFORNIA
EXHIBIT "B"
RATE SCHEDULE

Principal	$300	Per Hour
Professional Land Surveyor/Sr. Project Manager	$275	Per Hour
Regional Director	$280	Per Hour
Project Manager	$240	Per Hour
Assistant Project Manager	$200	Per Hour
Project Engineer/Project Designer	$185	Per Hour
Junior Engineer	$160	Per Hour
CAD Drafter	$100	Per Hour
Clerical	$80	Per Hour
In-House Survey Office Calculations	$140	Per Hour
1-Person Survey Crew	$265	Per Hour
2-Person Survey Crew	$290	Per Hour
1-Person Survey Crew Prevailing Wage Rate	$295	Per Hour
2-Person Survey Crew Prevailing Wage Rate	$345	Per Hour
Expert Witness	$580	Per Hour

Reimbursable Expenses

Delivery/Pick-Up	$100	Per Hour
Mileage	$.66	Mile
In-House Copies (8.5 x 11 / 8.5 x 14)	$.30	Each
In-House Copies (11 x 17)	$.35	Each
Plotting		
Bond – Black	$.70	Per SF
Bond – Color	$2.25	Per SF
Vellum/Mylar	$3.45	Per SF
CD – Disk	$55.00	Each

Note: Above rates in effect until December 31, 2025

SWS ENGINEERING, INC.

Civil Engineering | Land Surveying | Land Planning | Construction Staking

2026 - CALIFORNIA
EXHIBIT "B"
RATE SCHEDULE

Principal	$315	Per Hour
Professional Land Surveyor/Sr. Project Manager	$290	Per Hour
Regional Director	$295	Per Hour
Project Manager	$255	Per Hour
Assistant Project Manager	$210	Per Hour
Project Engineer/Project Designer	$195	Per Hour
Junior Engineer	$170	Per Hour
CAD Drafter	$105	Per Hour
Clerical	$85	Per Hour
In-House Survey Office Calculations	$150	Per Hour
1-Person Survey Crew	$280	Per Hour
2-Person Survey Crew	$305	Per Hour
1-Person Survey Crew Prevailing Wage Rate	$310	Per Hour
2-Person Survey Crew Prevailing Wage Rate	$365	Per Hour
Expert Witness	$610	Per Hour

Reimbursable Expenses

Delivery/Pick-Up	$105	Per Hour
Mileage	$.70	Mile
In-House Copies (8.5 x 11 / 8.5 x 14)	$.32	Each
In-House Copies (11 x 17)	$.37	Each
Plotting		
Bond – Black	$.73	Per SF
Bond – Color	$2.35	Per SF
Vellum/Mylar	$3.60	Per SF
CD – Disk	$60.00	Each

Note: Above rates in effect until December 31, 2026

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Preschool & Child Development Programs
Julie Pretzer, Director

☐ Informational
☒ Action

AGENDA ITEM: CONTINUED FUNDING APPLICATION FOR FISCAL YEAR 2024-2025

BACKGROUND INFORMATION:
Every year the California Department of Education's Early Education Division (EED) offers the opportunity to existing California State Preschool Program (CSPP) contractors to request continued funding for the following fiscal year. This is found in the California Code of Regulations, Title 5, Division 1, Chapter 19, Subchapter 1, Article 5.

Upon receipt of this continued funding application, the EED will be notified of our District's wishes to automatically renew our CSPP contract for fiscal year 2024-2025.

RECOMMENDATION:
Approve the application for continued funding for the District's State Preschool and Child Development Programs for fiscal year 2024-2025.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

REVENUE	
N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

Fiscal Year 2024–25 Continued Funding Application
DUE DATE: 5:00p.m. December 1, 2023

Contractors holding a current California State Preschool Program (CSPP) contract, and if applicable a Prekindergarten and Family Literacy Support (CPKS) contract, who wish to be considered for continued funding for fiscal year (FY) 2024–25 must complete this application for continued funding. The FY 2024–25 CFA Overview and Instructions may be accessed on the CFA web page.

Contractors who apply for and are approved for continued funding do not need to sign a contract with the CDE to provide CSPP and CPKS services for FY 2024–25. Contracts will be automatically renewed in accordance with all applicable federal and state laws and Contract Terms and Conditions (CT&Cs). By signing this CFA, the contractor is indicating that it wishes to automatically renew its contract(s) for FY 2024–25 and accepts all of the terms and conditions of the 2024–25 CSPP contract, and if applicable the 2024–25 CPKS contract, which will be provided to the contractor no later than June 1, 2024.

Upon completion of this CFA, the California Department of Education (CDE) will review the application and may contact your agency seeking additional information. If the CFA is returned to the CDE in a timely manner but is not fully and accurately completed, funding for FY 2024–25, if approved, may be delayed.

Please also note that contractors have no vested right to a subsequent contract. Completion of this CFA does not guarantee a renewal of funding. If the CDE determines your agency will not be renewed for a subsequent contract year, you will be notified in writing no later than April 7, 2024, pursuant to the *California Code of Regulations*, Title 5 (5 *CCR*) Section 17828.

Contractors that wish to reject the terms of the FY 2024–25 CSPP and/or CPKS contract must provide the CDE with a written notice that the terms of the contract(s) are rejected by emailing EarlyEducationContracts@cde.ca.gov on or before June 30, 2024. The email should come from the Executive Director/Superintendent of the contracting entity or their authorized representative and state that the terms of the FY 2024–25 CSPP and, as applicable, the CPKS contract are rejected. Contractors providing such notice to the CDE of the rejection of the terms of the contract will not have a contract/s in effect for FY 2024–25. Note that while contractors who currently receive CPKS funding may reject their 2024–25 CPKS contract, they cannot reject their 2024–25 CSPP contract and still receive funding under a CPKS contract since CPKS funding is tied to having a CSPP contract.

If a contractor wishes to terminate the contract for any reason during the FY 2024–25 contract term, the contractor shall notify the CDE of its intent to terminate the contract at least 90 calendar days in advance of contract termination and shall follow *CCR* 17795.

If you have any questions regarding the CFA, please contact CFA@cde.ca.gov.

Section I – Contractor Information	
Contractor Legal Name:	San Ysidro Elementary School District
Contractor "Doing Business As" (DBA):	
Headquartered County:	San Diego
Vendor Number:	6837
Executive Director Name:	Gina A. Potter, Ed.D - Superintendent
Executive Director Telephone Number:	(619)428-2352
Executive Director Email Address:	gina.potter@sysdschools.org
Legal Business Address:	4350 Otay Mesa Road
City:	San Ysidro
Zip Code:	92173
Mailing Address (if different from above):	
City:	
Zip Code:	
Name of Person Completing the CFA:	Julie Pretzer
Title of Contact Person Completing the CFA:	Director of Child Development
Contact Person Telephone Number:	(619)428-2352
Contact Person Email Address:	julie.pretzer@sysdschools.org

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

Section II, Part 1 – Contract and Program Type

Check all applicable boxes indicating the programs the contractor intends to continue to administer for FY 2024–25. The contractor agrees to continue implementation of these programs with funds provided by the CDE.

Contract Type *(select all that apply)*

- [x] CSPP
- [x] CPKS

Does the CSPP operate a Family Childcare Home Education Network (FCHEEN)?

- [ ] Yes
- [x] No

Program Type *(select all that apply)*

[x] Full-Day/Full-Year [ ] Part-Day/Part-Year [ ] Full-Day/Part-Year [ ] Part-Day/Full-Year

REQUIRED DOCUMENT: A completed program calendar (EED 9730) form is required. If the contractor operates both a full-day and a part-day program, a separate program calendar (EED 9730) must be submitted for each.

Section II, Part 2 – Projected Enrollment

Insert the number of subsidized children your agency expects to enroll with the CSPP contract for each county services are provided, as applicable.

How many counties does your agency operate in? 1

1. County Name: San Diego
   Number of Children to be Enrolled in Part-Day CSPP in the County: 288
   Number of Children to be Enrolled in Full-Day CSPP in the County: 288
   Total Number of Children to be Enrolled in the County: 288
2. County Name:
   Number of Children to be Enrolled in Part-Day CSPP in the County:
   Number of Children to be Enrolled in Full-Day CSPP in the County:
   Total Number of Children to be Enrolled in the County:
3. County Name:
   Number of Children to be Enrolled in Part-Day CSPP in the County:
   Number of Children to be Enrolled in Full-Day CSPP in the County:
   Total Number of Children to be Enrolled in the County:

Total Number of CSPP Children to be Enrolled: 288

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

Section III – Contractor's Officers and Board of Directors Information

Does the contractor have a board of directors?	☑ Yes ☐ No
If no, please explain the entity type and the governance structure (i.e., number of owners and partnership)	

List all officers and board members/governing individuals (i.e., owner, director, etc.) Attach additional sheets as necessary.

Name	Title	Telephone Number	Mailing Address	Email Address
Rosaleah Pallasigue	President	(619) 428-4476	4350 Otay Mesa Road San Ysidro, CA 92713	Rosaleah.Pallasigue@sysdschools.org
Irene Lopez	Vice President	(619) 428-4476	4350 Otay Mesa Road San Ysidro, CA 92713	Irene.Lopez@sysdschools.org
Zenaida Rosario	Clerk	(619) 428-4476	4350 Otay Mesa Road San Ysidro, CA 92713	Zenaida.Rosario@sysdschools.org
Rudy Lopez	Member	(619) 428-4476	4350 Otay Mesa Road San Ysidro, CA 92713	Rodolfo.Lopez@sysdschools.org
Antonio Martinez	Member	(619) 428-4476	4350 Otay Mesa Road San Ysidro, CA 92713	Antonio.Martinez@sysdschools.org

Have any of the listed officers, board members, owners or other governing individuals ever served as an officer, board member, owner or governing individual with an agency that received state or federal funding and which agency funding was terminated or involuntarily non-renewed, or the agency was debarred from funding for any period of time?

☐ Yes ☑ No

If yes, list on a separate page the officer(s), board member(s), owner(s) or other governing individual(s) to which this applies and include the former agency(ies) with which the individual(s) was/were previously affiliated and the circumstances leading to the termination, involuntary non-renewal or debarment.

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

Section IV – Program Narrative

A. Please select the box below if the contractor **does not** have program **or** minimum days of operation (MDO) changes.

☑ No changes

B. If the contractor **does** have program and/or MDO changes, please select the type(s) of change and answer the questions below. ***NOTE***: Making changes to the MDO does not change the contract Maximum Reimbursable Amount (MRA).

☐ Program change ☐ MDO change

1) Identify the program component(s) for which you are requesting a change.

2) Describe how the program currently provides services to children and families in relation to the above-identified program component(s).

3) Describe the proposed change(s), and how services will be improved if the change(s) is/are implemented.

Signature of the Contractor's Authorized Representative:	
Printed Name and Title of the Contractor's Authorized Representative:	Gina A. Potter, Ed.D. - Superintendent
Date of Signature:	

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

Section V – Subcontract Certification

(Subcontractor refers to a separate agency subcontracted to provide CSPP services in accordance with the provisions contained in the 5 CCR, and the CT&Cs.)

A. Please select the box below if the contractor **does not** have subcontractors.

☑ No subcontractors

B. Please select the box below if the contractor **does** have subcontractors.

☐ Subcontractors

REQUIRED DOCUMENT: Contractors who subcontract CSPP services must also submit a completed Subcontractor Information Form (EED-3704B).

I certify that the contractual arrangement(s) listed above are made in adherence to the required subcontract provisions contained in the California Education Code, 5 *CCR*, and the CT&Cs.

I understand that signing this certificate does not lessen the legal responsibility for the contract requirements. As the contractor, it is my responsibility to monitor the performance of the subcontractor to ensure services are provided appropriately through the entire contract term and that the contractor is ultimately responsible for the actions of any subcontractor.

Signature of the Contractor's Authorized Representative:	
Printed Name and Title of the Contractor's Authorized Representative:	
Date of Signature:	
Authorized Representative's Telephone Number:	(619) 428-2352
Authorized Representative's Email Address:	Julie.pretzer@sysdschools.org

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

Section VI – Contractor Certification

Under penalty of perjury, I certify the following statements as true and correct to the best of my knowledge:

- I have read and understand the staffing requirements for Program Director, Site Supervisor, and Teacher. All staff employed by the contractor for the provision of preschool services are fully qualified for their respective positions. The exception to this certification is a person employed as Program Director or Site Supervisor who possesses a current Staffing Qualifications Waiver approved by the Early Education Division.
- I am authorized by the contractor's Board of Directors or other governing authority to execute this CFA, signifying their intent to automatically renew the current CSPP contract, and CPKS contract if applicable, for FY 2024–25, under new terms and conditions to be established by the CDE, unless rejected in writing prior to the effective date of the new contract(s) on June 30, 2024.
- On behalf of the contractor and its governing authority, I understand that some information requested in this CFA is intended for use by CDE auditors in connection with future audit work and performance reviews and may not be used, reviewed, or considered by the CDE until after the contract has expired, if ever. Therefore, the contractor further understands that the information (and any underlying transactions) disclosed by this CFA shall not be considered properly noticed to the CDE, nor approved, accepted, or authorized by the CDE, even if the contractor's request for continued funding by the CDE is subsequently approved.
- The governing board members or persons with governing authority have been trained in understanding conflict of interest requirements associated with their positions on the board and have reported all known conflicts of interest.
- As the signer on this CFA I have supervisory authority over the CSPP and have actual, personal knowledge of the information provided in this CFA. I am familiar with and will ensure that the contractor complies with all applicable program statutes and regulations in effect for FY 2024-25, including but not limited to:
    - Subcontracting requirements, including competitive bidding, CDE approval, and audit requirements in 5 *CCR*.
    - Prohibitions on conflicts of interests, including (i) the assurances required to establish that transactions with officers, directors and other related party transactions are conducted at arm's length, and (ii) employment limitations stated in *EC*.
    - Cost reimbursement requirements, including reimbursable and non-reimbursable costs, documentation requirements, the provisions for determining the reimbursable amount and other provisions in 5 *CCR*, and accounting and reporting requirements in 5 *CCR*.

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

- Operational and programmatic requirements.
- Personnel requirements as stipulated in the California *Education Code*, 5 *CCR*; and the CT&Cs.

- As the authorized representative of the CSPP contractor named in this application, I certify that:
  - I have reviewed all of the information for my agency and, to the best of my knowledge, the information on the CDMIS website reflects accurate information for my agency as of the date this certification is signed.
  - I understand my obligation as a CSPP contractor to ensure the accuracy of information in CDMIS on an ongoing basis and will update the information in CDMIS as needed throughout the contract period.

By signing this CFA, the contractor is indicating that it wishes to automatically renew the current contract for FY 2024–25 and, if approved, is willing to, and does accept, all terms and conditions of the CSPP contract, which will be provided to the contractor no later than June 1, 2024.

The contractor may reject the FY 2024–25 contract by providing the CDE with a written notice of rejection no later than June 30, 2024. Contractors that wish to reject the terms of the FY 2024–25 contract must provide written notice that the terms of the contract are rejected by emailing EarlyEducationContracts@cde.ca.gov on or before June 30, 2024. The email should come from the Executive Director/Superintendent of the contracting entity or their authorized representative and state that the terms of the FY 2024–25 CSPP contract, and CPKS contract if applicable, are rejected. Contractors providing such notice to the CDE of the rejection of the terms of the contract(s) will not have a contract(s) in effect for FY 2024–25. I understand that failure to timely reject the terms of the contract means that the contract may be automatically renewed for FY 2024-25 starting on July 1, 2024.

Signature of the Contractor's Authorized Representative:	
Printed Name and Title of the Contractor's Authorized Representative:	
Date of Signature:	9/20/23
Authorized Representative's Telephone Number:	(619) 428-2352
Authorized Representative's Email Address:	Julie.pretzer@sysdschools.org

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

Section VII – CFA Checklist

1. Is the Contractor a public or non-public agency?

   *The State Administrative Manual defines a **public agency** as any state agency, city, county, special district, school district, community college district, county superintendent of schools, or federal agency. A charter school is also a public agency. Any agency that does not meet these criteria is considered a "**non-public agency**."*

   ☐ Public Agency ☐ Non-Public Agency

2. Is the Contractor a community college or community college district in California?

   ☐ Yes ☐ No

3. Is the Contractor a local educational agency (LEA)?

   ☐ Yes ☐ No

Please review your CFA package carefully before submission. Check the boxes below to confirm that each CFA section is complete and each applicable required attachment is included in the CFA package. Insert each required attachment after the last page of the CFA. Forms for attachment are located on the CFA web page.

CFA Section	Check Box
Section I – Contractor Information	☑
Section II – Contract and Program Type	☑
Section III – Contractor's Officers and Board of Directors Information	☑
Section IV – Program Narrative*	☑
Section V – Subcontract Certification*	☑
Section VI – Contractor Certification*	☑
Section VII – CFA Checklist	☑

All Sections must be included in the CFA package.
***Bolded sections require a signature.**

Contractor Name	Vendor #	County
San Ysidro Elementary School	6837	San Diego

Required Attachments	Public Agency	Non-Public Agency	Check Box
CSPP Program Calendar(s) (EED 9730) (all contractors)	Yes	Yes	☑
California Civil Rights Laws Certification (CO-005) (all contractors)	Yes	Yes	☑
Contractor Certification Clauses (CCC) (all contractors)	Yes	Yes	☑
Federal Certification (CO.8) (all contractors)	Yes	Yes	☑
CDMIS Agency Information Certification (all contractors)	Yes	Yes	☐
State of California, Payee Data Record (STD. 204) (non-public agencies only)	No	Yes	☑
Payee Data Record Supplement (STD. 205) (non-public agencies only)	No	Required only if payment address differs from mailing address on STD. 204	☐
Secretary of State certification or search results (non-public agencies only)	No	Yes	☐
Verification of LEA Name and Address: Information page printed from California School Directory web page OR California Community College Chancellor's web page, as applicable (LEAs only)	LEAs only	No	☑
Subcontractor Certification (EED 3704B) (as applicable)	Required only if subcontracting	Required only if subcontracting	☑
Authorizing board resolution or meeting minutes (As applicable)	As applicable	As applicable	☐
Application for License Exemption (as applicable)	Required only from LEAs applying to be exempt from licensure pursuant to *Health & Safety Code* Section 1596.792(o).	No	☐

California Department of Education
Fiscal & Administrative Services Division
CO-005 (NEW 4/2020)

CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION

Pursuant to Public Contract Code section 2010, if a bidder or proposer executes or renews a contract in the amount of $100,000 or more on or after January 1, 2017, the bidder or proposer hereby certifies compliance with the following:

1. CALIFORNIA CIVIL RIGHTS LAWS: For contracts $100,000 or more, executed or renewed after January 1, 2017, the contractor certifies compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code); and

2. EMPLOYER DISCRIMINATORY POLICIES: For contracts $100,000 or more, executed or renewed after January 1, 2017, if a Contractor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor certifies that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

CERTIFICATION

I, the official named below, certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1. Proposer/Bidder Firm Name (Printed):
   San Ysidro Elementary School District
2. Federal ID Number:
   95-600-2821
3. By (Authorized Signature):

4. Printed Name and Title of Person Signing:
   Gina A. Potter, ed.D - Superintendent
5. Date Executed:
   11/09/2023
6. Executed in the County and State of:
   San Diego, Ca

Child Development Division
Agency Information Certification

I certify, as the authorized representative of the agency listed below, I have reviewed all the information for and updates, additions, or deletions have been submitted as needed for information in all of the areas below:

Executive Director/Superintendent information
Program Director information
Sites and Licenses and/or Office information
Family Child Care Home summary information

To the best of my knowledge, the information on the CDMIS Web site reflects accurate information for as of the date this certification was signed.

Julie A Pretzer 10/25/2023

Program Director/Authorized Representative Signature Date Signed

Julie A. Pretzer

Printed Name of Program Director/Authorized Representative

Name of Agency User Generating Certification: Julie Pretzer

Date Generated: 10/25/2023

Assigned CDD Consultant: Richard Miller

San Ysidro Elementary

County	San Diego
District	San Ysidro Elementary List of active district's schools
CDS Code	37 68379 0000000
District Address	4350 Otay Mesa Rd. San Ysidro, CA 92173-1617 Google Map
Mailing Address	4350 Otay Mesa Rd. San Ysidro, CA 92173-1617
Phone Number	(619) 428-4476
Fax Number	(619) 428-9355
Email	Information Not Available
Web Address	www.sysdschools.org
Superintendent	Dr. Gina Potter Superintendent (619) 428-4476 Ext. 3021 gina.potter@sysdschools.org
Chief Business Official	Marilyn Adrianzen Chief Business Offical (619) 428-4476 Ext. 3004 marilyn.adrianzen@sysdschools.org
Status	Active
District Type	Elementary School District
Low Grade	P
High Grade	8
NCES/Federal District ID	0635220
CDS Coordinator (Contact for Data Updates)	Cynthia Monreal González (619) 428-4476 Request Data Update(s)
Last Updated	July 31, 2018

California DEPARTMENT OF EDUCATION

Enter New Search Criteria | Search | New Search

Search Results

Search Type: Public Schools ✖ **Districts:** San Ysidro Elementary ✖ **Status:** Active ✖

7 Schools found

CDS Code	County	District	School	School Type	Sector Type	Charter	Status
37683796089007	San Diego	San Ysidro Elementary	La Mirada Elementary	Elementary Schools (Public)	Public	No	Active
37683796119341	San Diego	San Ysidro Elementary	Ocean View Hills	Elementary Schools (Public)	Public	No	Active
37683796098453	San Diego	San Ysidro Elementary	San Ysidro Middle	Intermediate/Middle Schools (Public)	Public	No	Active
37683796085146	San Diego	San Ysidro Elementary	Smythe Elementary	Elementary Schools (Public)	Public	No	Active
37683796093264	San Diego	San Ysidro Elementary	Sunset Elementary	Elementary Schools (Public)	Public	No	Active
37683790137737	San Diego	San Ysidro Elementary	Vista Del Mar	Intermediate/Middle Schools (Public)	Public	No	Active
37683790123000	San Diego	San Ysidro Elementary	Willow Elementary	Elementary Schools (Public)	Public	No	Active

7 Schools found

Export Options

California State Preschool Program Fiscal Year 2024–25 Program Calendar

Contractor Name: San Ysidro Elementary School District County: Sacramento

Vendor Number: 6837 Contract Type: CSPP Program Type: Full-Day

Instructions: Check the box on each date your program will operate. Total days of operation will automatically calculate.

July 2024 Days of Operation 8

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	1 ☐	2 ☐	3 ☐	4 ☐	5 ☐	6 ☐
7 ☐	8 ☐	9 ☐	10 ☐	11 ☐	12 ☐	13 ☐
14 ☐	15 ☐	16 ☐	17 ☐	18 ☐	19 ☐	20 ☐
21 ☐	22 ☑	23 ☑	24 ☑	25 ☑	26 ☑	27 ☐
28 ☐	29 ☑	30 ☑	31 ☑	N/A	N/A	N/A

August 2024 Days of Operation 22

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	N/A	N/A	1 ☑	2 ☑	3 ☐
4 ☐	5 ☑	6 ☑	7 ☑	8 ☑	9 ☑	10 ☐
11 ☐	12 ☑	13 ☑	14 ☑	15 ☑	16 ☑	17 ☐
18 ☐	19 ☑	20 ☑	21 ☑	22 ☑	23 ☑	24 ☐
25 ☐	26 ☑	27 ☑	28 ☑	29 ☑	30 ☑	31 ☐

September 2024 Days of Operation 14

SUN	MON	TUE	WED	THU	FRI	SAT
1 ☐	2 ☐	3 ☑	4 ☑	5 ☑	6 ☑	7 ☐
8 ☐	9 ☑	10 ☑	11 ☑	12 ☑	13 ☑	14 ☐
15 ☐	16 ☑	17 ☑	18 ☑	19 ☑	20 ☑	21 ☐
22 ☐	23 ☐	24 ☐	25 ☐	26 ☐	27 ☐	28 ☐
29 ☐	30 ☐	N/A	N/A	N/A	N/A	N/A

October 2024 Days of Operation 19

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	1 ☐	2 ☐	3 ☐	4 ☐	5 ☐
6 ☐	7 ☑	8 ☑	9 ☑	10 ☑	11 ☑	12 ☐
13 ☐	14 ☑	15 ☑	16 ☑	17 ☑	18 ☑	19 ☐
20 ☐	21 ☑	22 ☑	23 ☑	24 ☑	25 ☑	26 ☐
27 ☐	28 ☑	29 ☑	30 ☑	31 ☑	N/A	N/A

November 2024 Days of Operation 15

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	N/A	N/A	N/A	1 ☑	2 ☐
3 ☐	4 ☑	5 ☑	6 ☑	7 ☑	8 ☑	9 ☐
10 ☐	11 ☐	12 ☑	13 ☑	14 ☑	15 ☑	16 ☐
17 ☐	18 ☑	19 ☑	20 ☑	21 ☑	22 ☑	23 ☐
24 ☐	25 ☐	26 ☐	27 ☐	28 ☐	29 ☐	30 ☐

December 2024 Days of Operation 14

SUN	MON	TUE	WED	THU	FRI	SAT
1 ☐	2 ☐	3 ☑	4 ☑	5 ☑	6 ☑	7 ☐
8 ☐	9 ☑	10 ☑	11 ☑	12 ☑	13 ☑	14 ☐
15 ☐	16 ☑	17 ☑	18 ☑	19 ☑	20 ☑	21 ☐
22 ☐	23 ☐	24 ☐	25 ☐	26 ☐	27 ☐	28 ☐
29 ☐	30 ☐	31 ☐	N/A	N/A	N/A	N/A

January 2025 Days of Operation 13

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	N/A	1 ☐	2 ☐	3 ☐	4 ☐
5 ☐	6 ☐	7 ☐	8 ☐	9 ☐	10 ☐	11 ☐
12 ☐	13 ☐	14 ☑	15 ☑	16 ☑	17 ☑	18 ☐
19 ☐	20 ☐	21 ☑	22 ☑	23 ☑	24 ☑	25 ☐
26 ☐	27 ☑	28 ☑	29 ☑	30 ☑	31 ☑	N/A

February 2025 Days of Operation 18

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	N/A	N/A	N/A	N/A	1 ☐
2 ☐	3 ☑	4 ☑	5 ☑	6 ☑	7 ☑	8 ☐
9 ☐	10 ☑	11 ☑	12 ☑	13 ☑	14 ☐	15 ☐
16 ☐	17 ☐	18 ☑	19 ☑	20 ☑	21 ☑	22 ☐
23 ☐	24 ☑	25 ☑	26 ☑	27 ☑	28 ☑	N/A

March 2025 Days of Operation 11

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	N/A	N/A	N/A	N/A	1 ☐
2 ☐	3 ☑	4 ☑	5 ☑	6 ☑	7 ☑	8 ☐
9 ☐	10 ☑	11 ☑	12 ☑	13 ☑	14 ☑	15 ☐
16 ☐	17 ☐	18 ☐	19 ☐	20 ☐	21 ☐	22 ☐
23 ☐	24 ☐	25 ☐	26 ☐	27 ☐	28 ☐	29 ☐
30 ☐	31 ☑	N/A	N/A	N/A	N/A	N/A

April 2025 Days of Operation 22

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	1 ☑	2 ☑	3 ☑	4 ☑	5 ☐
6 ☐	7 ☑	8 ☑	9 ☑	10 ☑	11 ☑	12 ☐
13 ☐	14 ☑	15 ☑	16 ☑	17 ☑	18 ☑	19 ☐
20 ☐	21 ☑	22 ☑	23 ☑	24 ☑	25 ☑	26 ☐
27 ☐	28 ☑	29 ☑	30 ☑	N/A	N/A	N/A

May 2025 Days of Operation 21

SUN	MON	TUE	WED	THU	FRI	SAT
N/A	N/A	N/A	N/A	1 ☑	2 ☑	3 ☐
4 ☐	5 ☑	6 ☑	7 ☑	8 ☑	9 ☑	10 ☐
11 ☐	12 ☑	13 ☑	14 ☑	15 ☑	16 ☑	17 ☐
18 ☐	19 ☑	20 ☑	21 ☑	22 ☑	23 ☑	24 ☐
25 ☐	26 ☐	27 ☑	28 ☑	29 ☑	30 ☑	31 ☐

June 2025 Days of Operation 3

SUN	MON	TUE	WED	THU	FRI	SAT
1 ☐	2 ☑	3 ☑	4 ☑	5 ☐	6 ☐	7 ☐
8 ☐	9 ☐	10 ☐	11 ☐	12 ☐	13 ☐	14 ☐
15 ☐	16 ☐	17 ☐	18 ☐	19 ☐	20 ☐	21 ☐
22 ☐	23 ☐	24 ☐	25 ☐	26 ☐	27 ☐	28 ☐
29 ☐	30 ☐	N/A	N/A	N/A	N/A	N/A

Total Days of Operation: 180

EED Consultant Initials (For EED Use Only)
Date Approved by EED (For EED Use Only)

Contractor Certification Clauses

CCC 04/2017

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

Contractor/Bidder Firm Name (Printed)	Federal ID Number
San Ysidro Elementary School District	95-600-2821

By (Authorized Signature)

Printed Name and Title of Person Signing

Gina A. Potter, Ed.D - Superintendent

Date Executed	Executed in the County of
November 9, 2023	San Diego

CONTRACTOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 11102) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

1) the dangers of drug abuse in the workplace;

2) the person's or organization's policy of maintaining a drug-free workplace;

3) any available counseling, rehabilitation and employee assistance programs; and,

4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

1) receive a copy of the company's drug-free workplace policy statement; and,

2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES $50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that Contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably

required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts of $100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.3.

8. GENDER IDENTITY: For contracts of $100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.35.

DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and

Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

RESOLUTION AUTHORIZING CONTINUED FUNDING APPLICATION

This resolution is adopted to certify approval of the Governing Board to submit the Continued Funding Application (CFA) to the California Department of Education (CDE). If the CFA is approved by the CDE, the agency's current California State Preschool Program contract and Prekindergarten and Family Literacy Support contract, if applicable, will be automatically renewed for fiscal year (FY) 2024–2025. This resolution further authorizes the designated representative(s) below to sign the CFA and all related FY 2024–2025 contract documents.

RESOLUTION

BE IT RESOLVED that the Governing Board of
San Ysidro Elementary School District
authorizes that the person/s listed below, is/are authorized to sign the FY 2024–2025 CFA and all related contract documents for the Governing Board.

NAME/S OF AUTHORIZED REPRESENTATIVE/S	TITLE/S
Gina A. Potter, Ed.D.	Superintendent
Marilyn Adrianzen	Chief Business Official

PASSED AND ADOPTED THIS 9 day of November,2023 (month year), by the Governing Board of San Ysidro Elementary School District of San Diego County, in the State of California.

I, Irene Lopez, Clerk of the Governing Board of San Ysidro Elementary School District, of San Diego County, in the State of California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's Signature)

11/9/23
(Date)

FEDERAL CERTIFICATIONS

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 45 CFR Part 93, "New restrictions on Lobbying," and 45 CFR Part 76, "Government-wide Debarment and Suspension (Non procurement) and Government-wide requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

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1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 45 CFR Part 93, for persons entering into a grant or cooperative agreement over $100,000 as defined at 45 CFR Part 93, Sections 93.105 and 93.110, the applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement:

(b) If any funds other than federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an employee of Congress, or any employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with this instruction;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

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2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by executive Order 12549, Debarment and Suspension, and other responsibilities implemented at 45 CFR Part 76, for prospective participants in primary or a lower tier covered transactions, as defined at 45 CFR Part 76, Sections 76.105 and 76.110.

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency:

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period proceeding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

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3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 45 CFR Part 76, Subpart F, for grantees, as defined at 45 CFR Part 76, Sections 76.605 and 76.610-

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The danger of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title,

to: Director, Grants, and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571.

Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency:

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d),(e), and (f).

B. The grantee shall insert in the space provided below the
site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

1880 Smythe Ave, San Ysidro, Ca 92173

3825 Sunset Lane, San Ysidro, Ca 92173

4919 Del Sol Blvd, San Diego, Ca 92154

☐ Check if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 45 CFR Part 76, Subpart F, for grantees, as defined at 45 CFR Part 76, Sections 76.605 and 76.610-

a. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant, and

b. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and contracts Service, U.S. department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3) Washington, DC 20202-4571. Notice shall include the identification numbers(s) of each affected grant.

ENVIRONMENTAL TOBACCO SMOKE ACT

As required by the Pro-Children Act of 1994, (also known as Environmental Tobacco Smoke), and implemented at Public Law 103-277, Part C requires that:

The applicant certifies that smoking is not permitted in any portion of any indoor facility owned or leased or contracted and used routinely or regularly for the provision of health care services, day care, and education to children under the age of 18. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to $1,000 per day. (The law does not apply to children's services provided in private residence, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for in-patient drug and alcohol treatment.)

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

FISCAL YEAR 2024-25

CONTRACTOR NAME

San Ysidro Elementary School District

VENDOR ID NUMBER

6837

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Gina A. Potter, Ed D - Superintendent

SIGNATURE

DATE

11/9/23

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Preschool & Child Development Programs
Julie Pretzer, Director

☐ Informational
☒ Action

AGENDA ITEM: AMENDMENT NO. 1 TO THE SAN DIEGO QUALITY PRESCHOOL INITIATIVE PROGRAM (SDQPI) AGREEMENT FOR 2023-2024

BACKGROUND INFORMATION:
The San Diego Quality Preschool Initiative (SDQPI) Program from San Diego County Office of Education (SDCOE) has amended their County Agreement No. 23240263 for fiscal year 2023-24 with the San Ysidro School District due to receiving a Tier 5 from California Quality Rating and Improvement System (QRIS) for having a high-quality preschool program.

SDCOE will provide an increase to funding to agencies operating a Tier 4 or Tier 5 California Department of Education (CDE) funded California State Preschool Program (CSPP) contract, in accordance to the CSPP Quality Block Grant, contingent on the contractors' CSPP sites' continuing SDQPI participation.

RECOMMENDATION:
Approve/Ratify Amendment No. 1 to the San Diego Quality Preschool Initiative Program Agreement No. 23240263 for fiscal year 2023-24 to provide funds for the California State Preschool Program (CSPP) in an amount up to $36,000.00.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☐ **New** ☒ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications? ☐ Yes ☒ No

Are funds for this item available in the 2023-2024 Budget? ☐ Yes ☐ No

Requisition #

REVENUE $36,000.00	Preschool & Child Development SDQPI CSPP Quality Block Grant
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

AMENDMENT #1 TO AGREEMENT
No. 23240263

This Amendment to Agreement No. 23240263 ("**Amendment**") is dated as of October 25, 2023 and is made by and between the San Diego County Superintendent of Schools ("**County**"), and San Ysidro School District ("**Provider**"). County and Provider may be collectively referred to as the "**Parties**":

This Amendment is made with reference to the following facts and objectives:

A. County and Provider are parties to County Agreement No. 23240263 dated June 27, 2023. The Original Agreement and all prior Amendments may be collectively referred to as "**Agreement**".
B. The Parties wish to amend the Agreement as stated below.
C. All terms not specifically changed by this Amendment shall remain in full force and effect as stated in the agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as set forth below.

- Amend item 4. Compensation and Reimbursement to read as follows:
  SDCOE will provide funding to agencies operating a California Department of Education (CDE) funded California State Preschool Program (CSPP) CSPP contract participating in San Diego Quality Preschool Initiative (SDQPI) who undergo rating in accordance to the CSPP Quality Block Grant Quality Counts California (QCC) Quality Rating and Improvement System (QRIS), and receive a Tier rating of 4 or 5. A contract amendment will be issued with compensation amounts and fiscal requirements, based on county-wide participation and available funding.

  For the fiscal year 2023-24, the SDCOE will compensate Provider a total of THIRTY-SIX THOUSAND AND 00/100 DOLLARS ($36,000.00). Provider shall invoice for the full amount when submitting this signed amendment. All payments are made based upon a net 60 basis from the date this amendment is fully executed.

- Amend **Exhibit "A":** Scope of Work, item C. Site Participation to update participating sites in SDQPI, as attached.

- Include **Exhibit "F":** CSPP Quality Site Block Grant Fiscal Requirements and related attachments.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the effective date set forth above.

SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS	**SAN YSIDRO SCHOOL DISTRICT**
By (Authorized Signature)	By (Authorized Signature)
Michael Simonson	Gina A. Potter, Ed.D.
Name (Type or Print)	Name (Type or Print)
Deputy Superintendent, Chief Business Officer	Superintendent
Title	Title
Date	Date
	Board approved:

San Diego County Superintendent of Schools
Agreement with San Ysidro School District
for SDQPI Provider Services
Exhibit "A": Scope of Work

C. SITE PARTICIPATION

Provider sites participating in SDQPI:

SITE NAME*
Ocean View Hills Preschool
Smythe/CDC Preschool
Sunset Preschool

*Site Names to be verified upon receipt of the contract and copies of the site License for each site.

San Diego County Superintendent of Schools
Agreement with San Ysidro School District
For SDQPI Provider Services
Exhibit "F": CSPP Quality Site Block Grant Fiscal Requirements

1. CSPP Quality Site Block Grant

The 2023-24 CSPP Quality Site Block Grant extends from July 1, 2023 through June 30, 2024. Funding is contingent on the site continuing to participate during the 2023-24 school year. The Quality Site Block Grant amount for FY 2023-24 has been determined based on QCC rating of 4 or 5 as of June 30, 2023. Tier 4 sites shall receive $10,000.00 per site, and Tier 5 sites shall receive $12,000.00 per site. Your funding calculation is attached as **Exhibit "F" – Attachment 1.**

2. Invoicing Requirements

Agencies shall submit a single invoice for payment of funds. Provider shall invoice for the full amount when submitting this signed amendment. Provider shall submit an invoice via email to the SDCOE Budget Technician.

3. Reporting Requirements

Agencies shall submit expenditure reports with a summary of expenses on the template included in **Exhibit "F"– Attachment 2,** twice per year. The first report is due on January 20, 2024, for expenditures from July 1, 2023 to December 31, 2023. The second report is due on July 20, 2024, for expenditures from January 1, 2024 to June 30, 2024. Funds should be spent by June 30, 2024. Any unspent funds can carryover an additional year. Carryover funds must be fully spent by June 30, 2025. Instructions for additional reporting for carryover funds will be sent to providers on an as needed basis.

Provider is responsible for completing budget reporting requirements to SDCOE and/or CDE as determined by CDE.

4. Expenditure Guidelines

The purpose of the CSPP QRIS Block Grant is to improve quality for CSPP programs participating in QCC. Funding may not be stored or accumulated for use in future years.

Site Block Grants may be spent on:

- Classroom equipment
- Classroom furniture
- Classroom materials and manipulatives
- Minor facilities improvements
- Classroom improvements to accommodate students with disabilities
- Community Outreach
- Professional Development (workshop, trainings, coaching, etc.)
- Education software (for example, Learning Genie, ASQ Online, etc.)

Site Block Grants may not be spent on:

- Major facilities improvements (for example, playgrounds)

- Savings for future, anticipated expenses
- Teacher bonuses (this includes any direct payments to teachers not tied to participation in quality improvement activities)
    - Bonuses for teacher retention are not allowable

The following are examples of how Site Block Grants and Incentives may be used by providers:

- Classroom learning materials (manipulatives, utensils, dramatic play props, art supplies)
- Professional conferences and travel
- Professional development (training, coaching, etc.)
- Stipends for staff participation in professional development and quality-related activities
- Appropriate and functional classroom furniture and equipment (rugs, chairs and tables of appropriate height for the children's age, nap mats, dramatic play furniture, classroom organization materials)
- Accommodations for children with disabilities, including materials, equipment and supplies that support the learning of all children (stools, diaper table with stairs, flexible and adaptive seating, sensory materials, etc.)
- Age-appropriate equipment and supplies for outdoor learning environments (tricycles, balls, picnic tables, sensory tables, proper storage for outdoor supplies, shade awnings and coverings, outdoor mud kitchen, outdoor easels, gardening materials, etc.)
- Family outreach and engagement (bulletin board for families, family events, light refreshments for family events and teacher conferences, etc.)

San Diego County Superintendent of Schools
Agreement with San Ysidro School District
For SDQPI Provider Services

Exhibit "F": CSPP Quality Site Block Grant
Fiscal Requirements
Attachment 1: 2023-24 CSPP Quality Site Block Grant

SAN DIEGO QUALITY PRESCHOOL INITIATIVE

2023-24 CSPP Quality Site Block Grant for San Ysidro School District

Quality Site Block Grant amount for FY 2023-24 has been determined based on QCC rating of 4 or 5 as of June 30, 2023. Tier 4 sites shall receive $10,000.00 per site, and Tier 5 sites shall receive $12,000.00 per site. Your CSPP Quality Site Block Grant amount is calculated as follows:

	Number of sites at each Tier level	Total Dollar Amount based on number of sites at each tier level
QCC Tier 5:	3	$36,000.00
QCC Tier 4:	0	$0.00
Total CSPP Quality Site Block Grant Amount		**$36,000.00**

CSPP sites receiving a Quality Site Block Grant:

Ocean View Hills Preschool	5
Smythe/CDC Preschool	5
Sunset Preschool	5

The Quality Site Block Grant amounts for fiscal year 2023-24 above are final.

san diego county office of EDUCATION
FUTURE WITHOUT BOUNDARIES℠

San Diego County Superintendent of Schools
Agreement with San Ysidro School District
For SDQPI Provider Services

Exhibit "F": CSPP Quality Site Block Grant
Fiscal Requirements
Attachment 2: Reporting Template

NAME of Contractor				
E-MAIL TO sylvia.munoz@sdcoe.net **Considering the CSPP Quality Site Block Grant received, please indicate how much was spent in the corresponding categories.**	**Amount spent from July 1, 2023 - December 31, 2023**	**Amount spent from January 1, 2024 - June 30, 2024**	**Total amount spent (Columns B+C)**	**Expenditure Description**
Personnel				
Salaries			$ -	
Benefits			$ -	
Total Personnel	$ -	$ -	$ -	
Operations				
Materials and Supplies			$ -	
Travel			$ -	
Contractual			$ -	
Other: (Please specify)			$ -	
Total Operations	$ -	$ -	$ -	
Total Direct Costs	$ -	$ -	$ -	
Indirect Cost			$ -	
Grand Total	$ -	$ -	$ -	

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH AMERICAN FIDELITY

BACKGROUND INFORMATION:
The District offers its employees the opportunity to purchase additional benefits. These benefits are optional and at the expense of the individual employees through monthly payroll deductions. American Fidelity has been the District's Section 125 Flexible Benefit Plan service provider for more than 25 years. The current plan year is from January 1, 2024 and end on December 31, 2024. Each subsequent plan year will begin on January 1 and end on December 31.

RECOMMENDATION:
Approve/Ratify the agreement with American Fidelity to provide the Section 125 Flexible Benefit Plan.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☒ **Renewal** ☐ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☐ Yes ☒ No	☐ Yes ☐ No	

N/A	N/A
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAMPLE PLAN DOCUMENT
SECTION 125
FLEXIBLE BENEFIT PLAN

The attached plan document and adoption agreement are being provided for illustrative purposes only. Because of differences in facts, circumstances, and the laws of the various states, interested parties should consult their own attorneys. This document is intended as a guide only, for use by local counsel.

SECTION 125 FLEXIBLE BENEFIT PLAN
ADOPTION AGREEMENT

The undersigned Employer hereby adopts the Section 125 Flexible Benefit Plan for those Employees who shall qualify as Participants hereunder. The Employer hereby selects the following Plan specifications:

A. EMPLOYER INFORMATION

Name of Employer:	San Ysidro Elementary School District
Address:	4350 Otay Mesa Rd SAN YSIDRO, CA 92173
Employer Identification Number:	95-6002821
Nature of Business:	Public School
Name of Plan:	San Ysidro Elementary School District
Plan Number:	Flexible Benefit Plan 501 Certificated, Classified and Management

B. EFFECTIVE DATE

Original effective date of the Plan:	April 1, 1995
If Amendment to existing plan, effective date of amendment:	January 1, 2024

C. ELIGIBILITY REQUIREMENTS FOR PARTICIPATION

Eligibility requirements for each component plan under this Section 125 document will be applicable and, if different, will be listed in Item F.

Length of Service:	First day of the month following employment
Retiree Wording:	N/A
Minimum Hours:	All employees with 0 hours of service or more each week. An hour of service is each hour for which an employee receives, or is entitled to receive, payment for performance of duties for the Employer.
Age:	Minimum age of 17 years.

D. PLAN YEAR

The current plan year will begin on January 1, 2024 and end on December 31, 2024. Each subsequent plan year will begin on January 1 and end on December 31.

E. EMPLOYER CONTRIBUTIONS

Non-Elective Contributions:

The Employer may at its sole discretion provide a non-elective contribution to provide benefits for each Participant under the Plan. This amount will be set by the Employer each Plan Year in a uniform and non-discriminatory manner. If this non-elective contribution amount exceeds the cost of benefits elected by the Participant, excess amounts will not be paid to the Participant as taxable cash.

Elective Contributions (Salary Reduction):

The maximum amount available to each Participant for the purchase of elected benefits through salary reduction will be:

100% of compensation per entire plan year.

Each Participant may authorize the Employer to reduce his or her compensation by the amount needed for the purchase of benefits elected, less the amount of non-elective contributions. An election for salary reduction will be made on the benefit election form.

F. **AVAILABLE BENEFITS:** Each of the following components should be considered a plan that comprises this Plan.

1. **Group Medical Insurance** -- The terms, conditions, and limitations for the Group Medical Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)

   American Fidelity Assurance Company | Kaiser Permanente | United Healthcare |

   Eligibility Requirements for Participation, if different than Item C.

2. **Disability Income Insurance** -- The terms, conditions, and limitations for the Disability Income Insurance will be as set forth in the insurance policy or policies described below: (See Section VI of the Plan Document)

   American Fidelity Assurance Company |

   Eligibility Requirements for Participation, if different than Item C.

3. **Cancer Coverage** -- The terms, conditions, and limitations for the Cancer Coverage will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)

   American Fidelity Assurance Company |

   Eligibility Requirements for Participation, if different than Item C.

4. **Dental/Vision Insurance** -- The terms, conditions, and limitations for the Dental/Vision Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)

   MetLife | Delta Dental | Vision Service Plan |

   Eligibility Requirements for Participation, if different than Item C.

5. **Group Life Insurance** which will be comprised of Group term life insurance and Individual term life insurance under Section 79 of the Code.

   The terms, conditions, and limitations for the Group Life Insurance will be as set forth in the insurance policy or policies described below: (See Section VII of the Plan Document)

   N/A

   Individual life coverage under Section 79 is available as a benefit, and the face amount when combined with the group-term life, if any, N/A exceed $50,000.

   Eligibility Requirements for Participation, if different than Item C.

6. **Dependent Care Assistance Plan** -- The terms, conditions, and limitations for the Dependent Care Assistance Plan will be as set forth in Section IX of the Plan Document and described below:

Minimum Contribution - **$0.00** per Plan Year

Maximum Contribution - **$5000.00** per Plan Year

Recordkeeper: American Fidelity Assurance Company

Eligibility Requirements for Participation, if different than Item C.

N/A

7. **Medical Expense Reimbursement Plan** (a.k.a. Healthcare Flexible Spending Account) -- The terms, conditions, and limitations for the Medical Expense Reimbursement Plan will be as set forth in Section VIII of the Plan Document and described below:

Minimum Coverage - **$200.00** per Plan Year or a Prorated Amount for a Short Plan Year.

Maximum Coverage - **$3050.00** per Plan Year or a Prorated Amount for a Short Plan Year. In no event can the maximum exceed the limit as indicated by the IRS in accordance with the law.

Recordkeeper: American Fidelity Assurance Company

Restrictions: N/A

Grace Period: The Provisions in Section 8.06 of the Plan to permit a Grace Period with respect to the Medical Expense Reimbursement Plan **are not** elected.

Carryover: The Provisions in Section 8.07 of the Plan to permit a Carryover with respect to the Medical Expense Reimbursement Plan **are** elected.

Carryover Maximum: **$610.00** per Plan Year.

HEART Act: The provisions in Section 8.08 of the Plan to permit the Qualified Reservist Distribution of the Heroes Earnings Assistance and Relief Tax Act (HEART) **are not** elected.

Eligibility Requirements for Participation, if different than Item C.

8. **Health Savings Accounts** – The Plan permits contributions to be made to a Health Savings Account on a pretax basis in accordance with Section X of the Plan and the following provisions:

HSA Trustee – **N/A**

Maximum Contribution – **N/A**

Limitation on Eligible Medical Expenses – For purposes of the Medical Reimbursement Plan, Eligible Medical Expenses of a Participant that is eligible for and elects to participate in a Health Savings Account shall be limited to expenses for:

N/A

Eligibility Requirements for Participation, if different than Item C.

a. An Employee must complete a Certification of Health Savings Account Eligibility which confirms that the Participant is an eligible individual who is entitled to establish a Health Savings Account in accordance with Code Section 223(c)(1).

b. Eligibility for the Health Savings Account shall begin on the later of (i) first day of the month coinciding with or next following the Employee's commencement of coverage under the High Deductible Health Plan, or (ii) the first day following the end of a Grace Period available to the Employee with respect to the Medical Reimbursement Accounts that are not limited to vision and dental expenses (unless the participant has a $0.00 balance on the last day of the plan year).

c. An Employee's eligibility for the Health Savings Account shall be determined monthly.

9. **Temporary COVID Relief Amendment**—The Plan permits the following Changes in accordance with Section XIV of the Plan, and as selected by the Employer.

CARES Act Claims Extension

CARES Act Carryover Increase

The Plan shall be construed, enforced, administered, and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974, (as amended) if applicable, the Internal Revenue Code of 1986 (as amended), and the laws of the State of California. Should any provision be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only, will be deemed not to include the provision determined to be void.

This Plan is hereby adopted 11-09-23 .

San Ysidro Elementary School District -
(Name of Employer)

Signed By: Gina A. Potter, Ed.D.

Title: Superintendent

APPENDIX A

Related Employers that have adopted this Plan

Name(s):
N/A

SECTION 125 FLEXIBLE BENEFIT PLAN

SECTION I

PURPOSE

The Employer is establishing this Flexible Benefit Plan in order to make a broader range of benefits available to its Employees and their Beneficiaries. This Plan allows Employees to choose among different types of benefits and select the combination best suited to their individual goals, desires, and needs. These choices include an option to receive certain benefits in lieu of taxable compensation.

In establishing this Plan, the Employer desires to attract, reward, and retain highly qualified, competent Employees, and believes this Plan will help achieve that goal.

It is the intent of the Employer to establish this Plan in conformity with Section 125 of the Internal Revenue Code of 1986, as amended, and in compliance with applicable rules and regulations issued by the Internal Revenue Service. This Plan will grant to eligible Employees an opportunity to purchase qualified benefits which, when purchased alone by the Employer, would not be taxable.

SECTION II

DEFINITIONS

The following words and phrases appear in this Plan and will have the meaning indicated below unless a different meaning is plainly required by the context:

2.01 **Administrator** The Employer unless another has been designated in writing by the Employer as Administrator within the meaning of Section 3(16) of ERISA (if applicable).

2.02 **Beneficiary** Any person or persons designated by a participating Employee to receive any benefit payable under the Plan on account of the Employee's death.

2.02a **Carryover** The amount equal to the lesser of (a) any unused amounts from the immediately preceding Plan Year or (b) an amount up to $610, as indexed for inflation, paralleling the indexing applicable to the limit on salary reduction contributions under Code Section 125(i) of the Code, except that in no event may the Carryover be less than five dollars ($5).

2.03 **Code** Internal Revenue Code of 1986, as amended.

2.04 **Dependent** Any of the following:

(a) Tax Dependent: A Dependent includes a Participant's spouse and any other person who is a Participant's dependent within the meaning of Code Section 152, provided that, with respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Participant's dependent (i) is any person within the meaning of Code Section 152, determined without regard to Subsections (b)(1), (b)(2), and

(d)(1)(B) thereof, and (ii) includes any child of the Participant to whom Code Section 152(e) applies (such child will be treated as a dependent of both divorced parents).

(b) Student on a Medically Necessary Leave of Absence: With respect to any plan that is considered a group health plan under Michelle's Law (and not a HIPAA excepted benefit under Code Sections 9831(b), (c) and 9832(c)) and to the extent the Employer is required by Michelle's Law to provide continuation coverage, a Dependent includes a child who qualifies as a Tax Dependent (defined in Section 2.04(a)) because of his or her full-time student status, is enrolled in a group health plan, and is on a medically necessary leave of absence from school. The child will continue to be a Dependent if the medically necessary leave of absence commences while the child is suffering from a serious illness or injury, is medically necessary, and causes the child to lose student status for purposes of the group health plan's benefits coverage. Written physician certification that the child is suffering from a serious illness or injury and that the leave of absence is medically necessary is required at the Administrator's request. The child will no longer be considered a Dependent as of the earliest date that the child is no longer on a medically necessary leave of absence, the date that is one year after the first day of the medically necessary leave of absence, or the date benefits would otherwise terminate under either the group health plan or this Plan. Terms related to Michelle's Law, and not otherwise defined, will have the meaning provided under the Michelle's Law provisions of Code Section 9813.

(c) Adult Children: With respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Dependent includes a child of a Participant who as of the end of the calendar year has not attained age 27. A 'child' for purpose of this Section 2.04(c) means an individual who is a son, daughter, stepson, or stepdaughter of the Participant, a legally adopted individual of the Participant, an individual who is lawfully placed with the Participant for legal adoption by the Participant, or an eligible foster child who is placed with the Participant by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction. An adult child described in this Section 2.04(c) is only a Dependent with respect to benefits provided after March 30, 2010 (subject to any other limitations of the Plan).

Dependent for purposes of the Dependent Care Reimbursement Plan is defined in Section 9.04(a).

2.05 **Effective Date** The effective date of this Plan as shown in Item B of the Adoption Agreement.

2.06 **Elective Contribution** The amount the Participant authorizes the Employer to reduce compensation for the purchase of benefits elected.

2.07 **Eligible Employee** Employee meeting the eligibility requirements for participation as shown in Item C of the Adoption Agreement.

2.08 **Employee** Any person employed by the Employer on or after the Effective Date.

2.09 **Employer** The entity shown in Item A of the Adoption Agreement, and any Related Employers authorized to participate in the Plan with the approval of the Employer. Related Employers who participate in this Plan are listed in Appendix A to the Adoption Agreement. For the purposes of Section 11.01 and 11.02, only the Employer as shown in Item A of the Adoption Agreement may amend or terminate the Plan.

2.10 **Employer Contributions** Amounts that have not been actually received by the Participant and are available to the Participant for the purpose of selecting benefits under the Plan. This term includes Non-Elective Contributions and Elective Contributions through salary reduction.

2.11 **Entry Date** The date that an Employee is eligible to participate in the Plan.

2.12 **ERISA** The Employee Retirement Income Security Act of 1974, Public Law 93-406 and all regulations and rulings issued thereunder, as amended (if applicable).

2.13 **Fiduciary** The named fiduciary shall mean the Employer, the Administrator and other parties designated as such, but only with respect to any specific duties of each for the Plan as may be set forth in a written agreement.

2.14 **Health Savings Account** A "health savings account" as defined in Section 223(d) of the Internal Revenue Code of 1986, as amended established by the Participant with the HSA Trustee.

2.15 **HSA Trustee** The Trustee of the Health Savings Account which is designated in Section F.8 of the Adoption Agreement.

2.16 **Highly Compensated** Any Employee who at any time during the Plan Year is a "highly compensated employee" as defined in Section 414(q) of the Code.

2.17 **High Deductible Health Plan** A health plan that meets the statutory requirements for annual deductibles and out-of-pocket expenses set forth in Code section 223(c)(2).

2.18 **HIPAA** The Health Insurance Portability and Accountability Act of 1996, as amended.

2.19 **Insurer** Any insurance company that has issued a policy pursuant to the terms of this Plan.

2.20 **Key Employee** Any Participant who is a "key employee" as defined in Section 416(i) of the Code.

2.21 **Non-Elective Contribution** A contribution amount made available by the Employer for the purchase of benefits elected by the Participant.

2.22 **Participant** An Employee who has qualified for Plan participation as provided in Item C of the Adoption Agreement.

2.23 **Plan** The Plan referred to in Item A of the Adoption Agreement as may be amended from time to time.

2.24 **Plan Year** The Plan Year as specified in Item D of the Adoption Agreement.

2.25 **Policy** An insurance policy issued as a part of this Plan.

2.26 **Preventative Care** Medical expenses which meet the safe harbor definition of "preventative care" set forth in IRS Notice 2004-23, which includes, but is not limited to, the following: (i) periodic health evaluations, such as annual physicals (and the tests and diagnostic procedures ordered in conjunction with such evaluations); (ii) well-baby and/or well-child care; (iii) immunizations for adults and children; (iv) tobacco cessation and obesity weight-loss programs; and (v) screening devices. However, preventative care does not generally include any service or benefit intended to treat an existing illness, injury or condition.

2.27 **Recordkeeper** The person designated by the Employer to perform recordkeeping and other ministerial duties with respect to the Medical Expense Reimbursement Plan and/or the Dependent Care Reimbursement Plan.

2.28 **Related Employer** Any employer that is a member of a related group of organizations with the Employer shown in Item A of the Adoption Agreement, and as specified under Code Section 414(b), (c) or (m).

SECTION III

ELIGIBILITY, ENROLLMENT, AND PARTICIPATION

3.01 ELIGIBILITY: Each Employee of the Employer who has met the eligibility requirements of Item C of the Adoption Agreement will be eligible to participate in the Plan on the Entry Date specified or the Effective Date of the Plan, whichever is later. Dependent eligibility to receive benefits under any of the plans listed in Item F of the Adoption Agreement will be described in the documents governing those benefit plans. To the extent a Dependent is eligible to receive benefits under a plan listed in Item F, an

Eligible Employee may elect coverage under this Plan with respect to such Dependent. Notwithstanding the foregoing, life insurance coverage on the life of a Dependent may not be elected under this Plan.

3.02 ENROLLMENT: An eligible Employee may enroll (or re-enroll) in the Plan by submitting to the Employer, during an enrollment period, an Election Form which specifies his or her benefit elections for the Plan Year and which meets such standards for completeness and accuracy as the Employer may establish. A Participant's Election Form shall be completed prior to the beginning of the Plan Year, and shall not be effective prior to the date such form is submitted to the Employer. Any Election Form submitted by a Participant in accordance with this Section shall remain in effect until the earlier of the following dates: the date the Participant terminates participation in the Plan; or, the effective date of a subsequently filed Election Form.

A Participant's right to elect certain benefit coverage shall be limited hereunder to the extent such rights are limited in the Policy. Furthermore, a Participant will not be entitled to revoke an election after a period of coverage has commenced and to make a new election with respect to the remainder of the period of coverage unless both the revocation and the new election are on account of and consistent with a change in status, or other allowable events, as determined by Section 125 of the Internal Revenue Code and the regulations thereunder.

3.03 TERMINATION OF PARTICIPATION: A Participant shall continue to participate in the Plan until the earlier of the following dates:

a. The date the Participant terminates employment by death, disability, retirement or other separation from service; or
b. The date the Participant ceases to work for the Employer as an eligible Employee; or
c. The date of termination of the Plan; or
d. The first date a Participant fails to pay required contributions while on a leave of absence.

3.04 SEPARATION FROM SERVICE: The existing elections of an Employee who separates from the employment service of the Employer shall be deemed to be automatically terminated and the Employee will not receive benefits for the remaining portion of the Plan Year.

3.05 QUALIFYING LEAVE UNDER FAMILY LEAVE ACT: Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying unpaid leave under the Family and Medical Leave Act of 1993 (FMLA), to the extent required by the FMLA, the Employer will continue to maintain the Participant's existing coverage under the Plan with respect to benefits under Section V and Section VIII of the Plan on the same terms and conditions as though he were still an active Employee. If the Employee opts to continue his coverage, the Employee may pay his Elective Contribution with after-tax dollars while on leave (or pre-tax dollars to the extent he receives compensation during the leave), or the Employee may be given the option to pre-pay all or a portion of his Elective Contribution for the expected duration of the leave on a pre-tax salary reduction basis out of his pre-leave compensation (including unused sick days or vacation) by making a special election to that effect prior to the date such compensation would normally be made available to him (provided, however, that pre-tax dollars may not be utilized to fund coverage during the next plan year), or via other arrangements agreed upon between the Employee and the Administrator (e.g., the Administrator may fund coverage during the leave and withhold amounts upon the Employee's return). Upon return from such leave, the Employee will be permitted to reenter the Plan on the same basis the Employee was participating in the Plan prior to his leave, or as otherwise required by the FMLA.

SECTION IV

CONTRIBUTIONS

4.01 EMPLOYER CONTRIBUTIONS: The Employer may pay the costs of the benefits elected under the Plan with funds from the sources indicated in Item E of the Adoption Agreement. The Employer Contribution may be made up of Non-Elective Contributions and/or Elective Contributions authorized by each Participant on a salary reduction basis.

4.02 IRREVOCABILITY OF ELECTIONS: A Participant may file a written election form with the Administrator before the end of the current Plan Year revising the rate of his contributions or discontinuing such contributions effective as of the first day of the next following Plan Year. The Participant's Elective Contributions will automatically terminate as of the date his employment terminates. Except as provided in this Section 4.02 and Section 4.03, a Participant's election under the Plan is irrevocable for the duration of the plan year to which it relates. The exceptions to the irrevocability requirement which would permit a mid-year election change in benefits and the salary reduction amount elected are set out in the Treasury regulations promulgated under Code Section 125, which include the following:

(a) Change in Status. A Participant may change or revoke his election under the Plan upon the occurrence of a valid change in status, but only if such change or termination is made on account of, and is consistent with, the change in status in accordance with the Treasury regulations promulgated under Section 125. The Employer, in its sole discretion as Administrator, shall determine whether a requested change is on account of and consistent with a change in status, as follows:

(1) Change in Employee's legal marital status, including marriage, divorce, death of spouse, legal separation, and annulment;
(2) Change in number of Dependents, including birth, adoption, placement for adoption, and death;
(3) Change in employment status, including any employment status change affecting benefit eligibility of the Employee, spouse or Dependent, such as termination or commencement of employment, change in hours, strike or lockout, a commencement or return from an unpaid leave of absence, and a change in work site. If the eligibility for either the cafeteria Plan or any underlying benefit plans of the Employer of the Employee, spouse or Dependent relies on the employment status of that individual, and there is a change in that individual's employment status resulting in gaining or losing eligibility under the Plan, this constitutes a valid change in status. This category only applies if benefit eligibility is lost or gained as a result of the event. If an Employee terminates and is rehired within 30 days, the Employee is required to step back into his previous election. If the Employee terminates and is rehired after 30 days, the Employee may either step back into the previous election or make a new election;
(4) Dependent satisfies, or ceases to satisfy, Dependent eligibility requirements due to attainment of age, gain or loss of student status, marriage or any similar circumstances; and
(5) Residence change of Employee, spouse or Dependent, affecting the Employee's eligibility for coverage.

(b) Special Enrollment Rights. If a Participant or his or her spouse or Dependent is entitled to special enrollment rights under a group health plan (other than an excepted benefit), as required by HIPAA under Code Section 9801(f), then a Participant may revoke a prior election for group health plan coverage and make a new election, provided that the election change corresponds with such HIPAA special enrollment right. As required by HIPAA, a special enrollment right will arise in the following circumstances: (i) a Participant or his or her spouse or Dependent declined to enroll in group health plan coverage because he or she had coverage, and eligibility for such coverage is subsequently lost because the coverage was provided under COBRA and the COBRA coverage was exhausted, or the

coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated; (ii) a new Dependent is acquired as a result of marriage, birth, adoption, or placement for adoption; (iii) the Participant's or his or her spouse's or Dependent's coverage under a Medicaid plan or under a children's health insurance program (CHIP) is terminated as a result of loss of eligibility for such coverage and the Participant requests coverage under the group health plan not later than 60 days after the date of termination of such coverage; or (iv) the Participant, his or her spouse or Dependent becomes eligible for a state premium assistance subsidy from a Medicaid plan or through a state children's insurance program with respect to coverage under the group health plan and the Participant requests coverage under the group health plan not later than 60 days after the date the Participant, his or her spouse or Dependent is determined to be eligible for such assistance. An election change under (iii) or (iv) of this provision must be requested within 60 days after the termination of Medicaid or state health plan coverage or the determination of eligibility for a state premium assistance subsidy, as applicable. Special enrollment rights under the health insurance plan will be determined by the terms of the health insurance plan.

(c) Certain Judgments, Decrees or Orders. If a judgment, decree or order resulting from a divorce, legal separation, annulment or change in legal custody (including a qualified medical child support order [QMCSO]) requires accident or health coverage for a Participant's child or for a foster child who is a dependent of the Participant, the Participant may have a mid-year election change to add or drop coverage consistent with the Order.

(d) Entitlement to Medicare or Medicaid. If a Participant, Participant's spouse or Participant's Dependent who is enrolled in an accident or health plan of the Employer becomes entitled to Medicare or Medicaid (other than coverage consisting solely of benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), the Participant may cancel or reduce health coverage under the Employer's Plan. Loss of Medicare or Medicaid entitlement would allow the Participant to add health coverage under the Employer's Plan.

(e) Family Medical Leave Act. If an Employee is taking leave under the rules of the Family Medical Leave Act, the Employee may revoke previous elections and re-elect benefits upon return to work.

(f) COBRA Qualifying Event. If an Employee has a COBRA qualifying event (a reduction in hours of the Employee, or a Dependent ceases eligibility), the Employee may increase his pre-tax contributions for coverage under the Employer's Plan if a COBRA event occurs with respect to the Employee, the Employee's spouse or Dependent. The COBRA rule does not apply to COBRA coverage under another Employer's Plan.

(g) Changes in Eligibility for Adult Children. To the extent the Employer amends a plan listed in Item F of the Adoption Agreement that provides benefits that are excluded from an Employee's income under Code Section 105 to provide that Adult Children (as defined in Section 2.04(c)) are eligible to receive benefits under the plan, an Eligible Employee may make or change an election under this Plan to add coverage for the Adult Child and to make any corresponding change to the Eligible Employee's coverage that is consistent with adding coverage for the Adult Child.

(h) Cancellation due to reduction in hours of service. A Participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:

(i) The Participant has been in an employment status under which the Participant was reasonably expected to average at least 30 hours of service per week and there is a change

in that Participant's status so that the Participant will reasonably be expected to average less than 30 hours of service per week after the change, even if that reduction does not result in the Participant ceasing to be eligible under the group health plan; and

(ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant, and any related individuals who cease coverage due to the cancellation, in another plan that provides minimum essential coverage with the new coverage effective no later than the first day of the second month following the month that includes the date the original coverage is cancelled.

(i) Cancellation due to enrollment in a Qualified Health Plan. A participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:

(i) The Participant is eligible for a Special Enrollment Period (as defined in Code Section 9801(f)) to enroll in a Qualified Health Plan (as described in section 1311 of the Patient Protection and Affordable Care Act (PPACA)) through a competitive marketplace established under section 1311(c) of PPACA (Marketplace), pursuant to guidance issued by the Department of Health and Human Services and any other applicable guidance, or the Participant seeks to enroll in a Qualified Health Plan through a Marketplace during the Marketplace's annual open enrollment period; and

(ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant and any related individuals who cease coverage due to the cancellation in a Qualified Health Plan through a Marketplace for new coverage that is effective beginning no later than the day immediately following the last day of the original coverage that is cancelled.

(j) Cancellation due to related individuals' enrollment in a Qualified Health Plan. For elections effective on or after January 1, 2023, a participant may cancel an election of family coverage under a group health plan (as that term is defined in Code Section 9832(a)), except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:

(i) One or more related individuals are eligible for a Special Enrollment Period (as defined in Code Section 9801(f)) to enroll in a Qualified Health Plan (as described in section 1311 of the Patient Protection and Affordable Care Act (PPACA)) through a competitive marketplace established under section 1311(c) of PPACA (Marketplace), pursuant to guidance issued by the Department of Health and Human Services and any other applicable guidance, or one or more already-covered related individuals seeks to enroll in a Qualified Health Plan through a Marketplace during the Marketplace's annual open enrollment period; and

(ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the related individual or related individuals who cease coverage due to the cancellation in a Qualified Health Plan through a Marketplace for new coverage that is effective beginning no later than the day

immediately following the last day of the original coverage that is cancelled. If the employee does not enroll in a Qualified Health Plan through an Exchange as set forth in Notice 2014-55, the employee must elect self-only coverage (or family coverage including one or more already-covered related individuals) under the group health plan.

Notwithstanding anything to the contrary in this Section 4.02, the change in election rules in this Section 4.02 do not apply to the Medical Expense Reimbursement Plan, or may not be modified with respect to the Medical Expense Reimbursement Plan if the Plan is being administered by a Recordkeeper other than the Employer, unless the Employer and the Recordkeeper otherwise agree in writing.

4.03 OTHER EXCEPTIONS TO IRREVOCABILITY OF ELECTIONS. Other exceptions to the irrevocability of election requirement permit mid-year election changes and apply to all qualified benefits except for Medical Expense Reimbursement Plans, as follows:

(a) Change in Cost. If the cost of a benefit package option under the Plan significantly increases during the plan year, Participants may (i) make a corresponding increase in their salary reduction amount, (ii) revoke their elections and make a prospective election under another benefit option offering similar coverage, or (iii) revoke election completely if no similar coverage is available, including in spouse or dependent's plan. If the cost significantly decreases, employees may elect coverage even if they had not previously participated and may drop their previous election for a similar coverage option in order to elect the benefit package option that has decreased in cost during the year. If the increased or decreased cost of a benefit package option under the Plan is insignificant, the participant's salary reduction amount shall be automatically adjusted.

(b) Significant curtailment of coverage.

(i) With no loss of coverage. If the coverage under a benefit package option is significantly curtailed or ceases during the Plan Year, affected Participants may revoke their elections for the curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage.

(ii) With loss of coverage. If there is a significant curtailment of coverage with loss of coverage, affected Participants may revoke election for curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage, or drop coverage if no similar benefit package option is available.

(c) Addition or Significant Improvement of Benefit Package Option. If during the Plan Year a new benefit package option is added or significantly improved, eligible employees, whether currently participating or not, may revoke their existing election and elect the newly added or newly improved option.

(d) Change in Coverage of a Spouse or Dependent Under Another Employer's Plan. If there is a change in coverage of a spouse, former spouse, or Dependent under another employer's plan, a Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of the spouse or Dependent. This rule applies if (1) mandatory changes in coverage are initiated by either the insurer of spouse's plan or by the spouse's employer, or (2) optional changes are initiated by the spouse's employer or by the spouse through open enrollment.

(e) Loss of coverage under other group health coverage. If during the Plan Year coverage is lost under any group health coverage sponsored by a governmental or educational institution, a Participant may

prospectively change his or her election to add group health coverage for the affected Participant or his or her spouse or dependent.

4.04 CASH BENEFIT: Available amounts not used for the purchase of benefits under this Plan may be considered a cash benefit under the Plan payable to the Participant as taxable income to the extent indicated in Item E of the Adoption Agreement.

4.05 PAYMENT FROM EMPLOYER'S GENERAL ASSETS: Payment of benefits under this Plan shall be made by the Employer from Elective Contributions which shall be held as a part of its general assets.

4.06 EMPLOYER MAY HOLD ELECTIVE CONTRIBUTIONS: Pending payment of benefits in accordance with the terms of this Plan, Elective Contributions may be retained by the Employer in a separate account or, if elected by the Employer and as permitted or required by regulations of the Internal Revenue Service, Department of Labor or other governmental agency, such amounts of Elective Contributions may be held in a trust pending payment.

4.07 MAXIMUM EMPLOYER CONTRIBUTIONS: With respect to each Participant, the maximum amount made available to pay benefits for any Plan Year shall not exceed the Employer's Contribution specified in the Adoption Agreement and as provided in this Plan.

SECTION V

GROUP MEDICAL INSURANCE BENEFIT PLAN

5.01 PURPOSE: These benefits provide the group medical insurance benefits to Participants.

5.02 ELIGIBILITY: Eligibility will be as required in Items F(1), F(3), and F(4) of the Adoption Agreement.

5.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Items F(1), F(3), and F(4) of the Adoption Agreement.

5.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.

5.05 COBRA: To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA, Participants and Dependents shall be entitled to continued participation in this Group Medical Insurance Benefit Plan by contributing monthly (from their personal assets previously subject to taxation) 102% of the amount of the premium for the desired benefit during the period that such individual is entitled to elect continuation coverage, provided, however, in the event the continuation period is extended to 29 months due to disability, the premium to be paid for continuation coverage for the 11 month extension period shall be 150% of the applicable premium.

5.06 SECTION 105 AND 106 PLAN: It is the intention of the Employer that these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 105 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention. It is also the intention of the Employer to comply with the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 as outlined in the policies identified in the Adoption Agreement.

5.07 CONTRIBUTIONS: Contributions for these benefits will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.

5.08 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT: Notwithstanding anything to the contrary herein, the Group Medical Insurance Benefit Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).

SECTION VI

DISABILITY INCOME BENEFIT PLAN

6.01 PURPOSE: This benefit provides disability insurance designated to provide income to Participants during periods of absence from employment because of disability.

6.02 ELIGIBILITY: Eligibility will be as required in Item F(2) of the Adoption Agreement.

6.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(2) of the Adoption Agreement.

6.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the Disability Income Benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.

6.05 SECTION 104 AND 106 PLAN: It is the intention of the Employer that the premiums paid for these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 104 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.

6.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.

SECTION VII

GROUP AND INDIVIDUAL LIFE INSURANCE PLAN

7.01 PURPOSE: This benefit provides group life insurance benefits to Participants and may provide certain individual policies as provided for in Item F(5) of the Adoption Agreement.

7.02 ELIGIBILITY: Eligibility will be as required in Item F(5) of the Adoption Agreement.

7.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(5) of the Adoption Agreement.

7.04 TERMS, CONDITIONS, AND LIMITATIONS: The terms, conditions, and limitations of the group life insurance are specifically described in the Policy identified in the Adoption Agreement.

7.05 SECTION 79 PLAN: It is the intention of the Employer that the premiums paid for the benefits described in Item F(5) of the Adoption Agreement shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan to the extent provided in Code Section 79, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.

7.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement. Any individual policies purchased by the Employer for the Participant will be owned by the Participant.

SECTION VIII

MEDICAL EXPENSE REIMBURSEMENT PLAN

8.01 PURPOSE: The Medical Expense Reimbursement Plan is designed to provide for reimbursement of Eligible Medical Expenses (as defined in Section 8.04) that are not reimbursed under an insurance plan, through damages, or from any other source. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Sections 105 and 106, for Participants who elect this benefit and all provisions of this Section VIII shall be construed in a manner consistent with that intention.

8.02 ELIGIBILITY: The eligibility provisions are set forth in Item F(7) of the Adoption Agreement.

8.03 TERMS, CONDITIONS, AND LIMITATIONS:

a. Accounts. The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Medical Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.

b. Maximum benefit. The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's Elective Contribution allocated to the program during the Plan Year, not to exceed the maximum amount set forth in Item F(7) of the Adoption Agreement.

c. Claim Procedure. In order to be reimbursed for any medical expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of expense as determined by the Reimbursement Recordkeeper. Forms for reimbursement of Eligible Medical Expenses must be submitted no later than the last day of the third month following the last day of the Plan Year during which the Eligible Medical Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.

d. Funding. The funding of the Medical Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administrative expenses become due and payable under this Medical Expense Reimbursement Plan.

e. Forfeiture. Subject to Section 8.06 and 8.07, any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Medical Expenses incurred during the Participant's participation during the Plan Year shall be forfeited and shall remain assets of the Plan. With respect to a Participant who terminates employment with the Employer and who has not elected to continue coverage under this Plan pursuant to COBRA rights referenced under Section 8.03(f) herein, such Participant shall not be entitled to reimbursement for Eligible Medical Expenses incurred after his termination date regardless if such Participant has any amounts of Employer Contributions remaining to his credit. Upon the death of any Participant who has any amounts of Employer Contributions remaining to his credit, a dependent of the Participant may elect to continue to claim reimbursement for Eligible Medical Expenses in the same manner as the Participant could have for the balance of the Plan Year.

f. COBRA. To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA ('COBRA"), a Participant and a Participant's Dependents shall be entitled to elect continued participation in this Medical Expense Reimbursement Plan only through the end of the plan year in which the qualifying event occurs, by contributing monthly (from their personal assets previously subject to taxation) to the Employer/Administrator, 102% of the amount of desired reimbursement through the end of the Plan Year in which the qualifying event occurs. Specifically, such individuals will be eligible for COBRA continuation coverage only if they have a positive Medical Expense Reimbursement Account balance on the date of the qualifying event. Participants who have a deficit balance in their Medical Expense Reimbursement Account on the

date of their qualifying event shall not be entitled to elect COBRA coverage. In lieu of COBRA, Participants may continue their coverage through the end of the current Plan Year by paying those premiums out of their last paycheck on a pre-tax basis.

g. Nondiscrimination. Benefits provided under this Medical Expense Reimbursement Plan shall not be provided in a manner that discriminates in favor of Employees or Dependents who are highly compensated individuals, as provided under Section 105(h) of the Code and regulations promulgated thereunder.

h. Uniform Coverage Rule. Notwithstanding that a Participant has not had withheld and credited to his account all of his contributions elected with respect to a particular Plan Year, the entire aggregate annual amount elected with respect to this Medical Expense Reimbursement Plan (increased by any Carryover to the Plan Year), shall be available at all times during such Plan Year to reimburse the participant for Eligible Medical Expenses with respect to this Medical Expense Reimbursement Plan. To the extent contributions with respect to this Medical Expense Reimbursement Plan are insufficient to pay such Eligible Medical Expenses, it shall be the Employer's obligation to provide adequate funds to cover any short fall for such Eligible Medical Expenses for a Participant; provided subsequent contributions with respect to this Medical Expense Reimbursement Plan by the Participant shall be available to reimburse the Employer for funds advanced to cover a previous short fall.

i. Uniformed Services Employment and Reemployment Rights Act. Notwithstanding anything to the contrary herein, this Medical Expense Reimbursement Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).

j. Proration of Limit. In the event that the Employer has purchased a uniform coverage risk policy from the Recordkeeper, then the Maximum Coverage amount specified in Section F.7 of the Adoption Agreement shall be pro rated with respect to (i) an Employee who becomes a Participant and enters the Plan during the Plan Year, and (ii) short plan years initiated by the Employer. Such Maximum Coverage amount will be pro rated by dividing the annual Maximum Coverage amount by 12, and multiplying the quotient by the number of remaining months in the Plan Year for the new Participant or the number of months in the short Plan Year, as applicable.

k. Continuation Coverage for Certain Dependent Children. In the event that benefits under the Medical Expense Reimbursement Plan does not qualify for the exception from the portability rules of HIPAA, then, effective for Plan Years beginning on or after October 9, 2009, notwithstanding the foregoing provisions, coverage for a Dependent child who is enrolled in the Medical Expense Reimbursement Plan as a student at a post-secondary educational institution will not terminate due to a medically necessary leave of absence before a date that is the earlier of:

- the date that is one year after the first day of the medically necessary leave of absence; or
- the date on which such coverage would otherwise terminate under the terms of the Plan.

For purposes of this paragraph, "medically necessary leave of absence" means a leave of absence of the child from a post-secondary educational institution, or any other change in enrollment of the child at the institution, that: (i) commences while the child is suffering from a serious illness or injury; (ii) is medically necessary; and (iii) causes the child to lose student status for purposes of coverage under the terms of the Plan. A written certification must be provided by a treating physician of the dependent child to the Plan in order for the continuation coverage requirement to

apply. The physician's certification must state that the child is suffering from a serious illness or injury and that the leave of absence (or other change in enrollment) is medically necessary.

8.04 ELIGIBLE MEDICAL EXPENSES:

a. Eligible Medical Expense in General. The phrase 'Eligible Medical Expense' means any expense incurred by a Participant or any of his Dependents (subject to the restrictions in Sections 8.04(b) and (c)) during a Plan Year that (i) qualifies as an expense incurred by the Participant or Dependents for medical care as defined in Code Section 213(d) and meets the requirements outlined in Code Section 125, (ii) is excluded from gross income of the Participant under Code Section 105(b), and (iii) has not been and will not be paid or reimbursed by any other insurance plan, through damages, or from any other source. Notwithstanding the above, capital expenditures are not Eligible Medical Expenses under this Plan.

b. Expenses Incurred After Commencement of Participation. Only medical care expenses incurred by a Participant or the Participant's Dependent(s) on or after the date such Participant commenced participation in the Medical Expense Reimbursement Plan shall constitute an Eligible Medical Expense.

c. Eligible Expenses Incurred by Dependents. For purposes of this Section, Eligible Medical Expenses incurred by Dependents defined in Section 2.04(c) are eligible for reimbursement if incurred after March 30, 2010; Eligible Medical Expenses incurred by Dependents defined in Sections 2.04(a) and (b) are eligible for reimbursement if incurred either before or after March 30, 2010 (subject to the restrictions of Section 8.04(b)).

d. Health Savings Accounts. If the Employer has elected in Item F.8 of the Adoption Agreement to allow Eligible Employees to contribute to Health Savings Accounts under the Plan, then for a Participant who is eligible for and elects to contribute to a Health Savings Accounts, Eligible Medical Expenses shall be limited as set forth in Item F.8 of the Adoption Agreement.

8.05 USE OF DEBIT CARD: In the event that the Employer elects to allow the use of debit cards ("Debit Cards") for reimbursement of Eligible Medical Expenses under the Medical Expense Reimbursement Plan, the provisions described in this Section shall apply.

a. Substantiation. The following procedures shall be applied for purposes of substantiating claimed Eligible Medical Expenses after the use of a Debit Card to pay the claimed Eligible Medical Expense:

(i) If the dollar amount of the transaction at a health care provider equals the dollar amount of the co-payment for that service under the Employer's major medical plan of the specific employee-cardholder, the charge is fully substantiated without the need for submission of a receipt or further review.

(ii) If the merchant, service provider, or other independent third-party (e.g., pharmacy benefit manager), at the time and point of sale, provides information to verify to the Recordkeeper (including electronically by e-mail, the internet, intranet, or telephone) that the charge is for a medical expense, the charge is fully substantiated without the need for submission of a receipt or further review.

b. Status of Charges. All charges to a Debit Card, other than co-payments and real-time substantiation as described in Subsection (a) above, are treated as conditional pending confirmation of the charge, and additional third-party information, such as merchant or service provider receipts, describing the service or product, the date of the service or sale, and the amount, must be submitted for review and substantiation.

c. Correction Procedures for Improper Payments. In the event that a claim has been reimbursed and is subsequently identified as not qualifying for reimbursement, one or all of the following procedures shall apply:

(i) First, upon the Recordkeeper's identification of the improper payment, the Eligible Employee will be required to pay back to the Plan an amount equal to the improper payment.

(ii) Second, where the Eligible Employee does not pay back to the Plan the amount of the improper payment, the Employer will have the amount of the improper payment withheld from the Eligible Employee's wages or other compensation to the extent consistent with applicable law.

(iii) Third, if the improper payment still remains outstanding, the Plan may utilize a claim substitution or offset approach to resolve improper claims payments.

(iv) If the above correction efforts prove unsuccessful, or are otherwise unavailable, the Eligible Employee will remain indebted to the Employer for the amount of the improper payment. In that event and consistent with its business practices, the Employer may treat the payment as it would any other business indebtedness.

(v) In addition to the above, the Employer and the Plan may take other actions they may deem necessary, in their sole discretion, to ensure that further violations of the terms of the Debit Card do not occur, including, but not limited to, denial of access to the Debit Card until the indebtedness is repaid by the Eligible Employee.

d. Intent to Comply with Rev. Rul. 2003-43. It is the Employer's intent that any use of Debit Cards to pay Eligible Medical Expenses shall comply with the guidelines for use of such cards set forth in Rev. Rul. 2003-43, and this Section 8.05 shall be construed and interpreted in a manner necessary to comply with such guidelines.

8.06 GRACE PERIOD: If the Employer elects in Section F.7 of the Adoption Agreement to permit a Grace Period with respect to the Medical Reimbursement Plan, the provisions of this Section 8.06 shall apply. Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2005-42, a Participant who has unused contributions relating to the Medical Reimbursement Plan from the immediately preceding Plan Year, and who incurs Eligible Medical Expenses for such qualified benefit during the Grace Period, may be paid or reimbursed for those Eligible Medical Expenses from the unused contributions as if the expenses had been incurred in the immediately preceding Plan Year. For purposes of this Section, 'Grace Period' shall mean the period extending to the 15th day of the third calendar month after the end of the immediately preceding Plan Year to which it relates. Eligible Medical Expenses incurred during the Grace Period shall be reimbursed first from unused contributions allocated to the Medical Reimbursement Plan for the prior Plan Year, and then from unused contributions for the current Plan Year, if participant is enrolled in current Plan Year.

8.07 CARRYOVER: If the Employer elects in Section F.7 of the Adoption Agreement to permit a Carryover with respect to the Medical Reimbursement Plan, the provisions of this Section 8.07 shall apply.

Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2013-71, the Carryover for a Participant who has an amount remaining unused as of the end of the run-off period for the Plan Year, may be used to pay or reimburse Eligible Medical Expenses during the following entire Plan Year. The Carryover does not count against or otherwise affect the Maximum benefit set forth in Section 8.03 (b). Eligible Medical Expenses incurred during a Plan Year shall be reimbursed first from unused contributions for the current Plan Year, and then from any Carryover carried over from the preceding Plan Year. Any unused amounts from the prior Plan Year that are used to reimburse a current Plan Year expense (a) reduce the amounts available to pay prior Plan Year expenses during the run-off period, (b) must be counted against any Carryover amount from the prior Plan Year, and (c) cannot exceed the maximum Carryover from the prior Plan Year. If the Employer elects to apply Section 8.06 in Section F.7 of the Adoption Agreement, this Section 8.07 shall not apply.

8.08 QUALIFIED RESERVIST DISTRIBUTIONS: Notwithstanding anything in the Plan to the contrary, an individual who, by reason of being a member of a reserve component (as defined in 37 U.S.C. § 101), is ordered or called to active duty for a period in excess of 179 days or for an indefinite period may elect to receive a distribution of all or a portion of the unused Elective Contributions in his or her Account relating to the Medical Expense Reimbursement Plan if the distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under the Plan for the Plan Year that includes the date of such order or call. If the distribution is for the entire amount of unused Elective Contributions available in the Medical Expense Reimbursement Plan, then no additional reimbursement requests will be processed for the remainder of the Plan Year.

SECTION IX

DEPENDENT CARE REIMBURSEMENT PLAN

9.01 PURPOSE: The Dependent Care Reimbursement Plan is designed to provide for reimbursement of certain employment-related dependent care expenses of the Participant. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Section 129, for Participants who elect this benefit, and all provisions of this Section IX shall be construed in a manner consistent with that intention.

9.02 ELIGIBILITY: The eligibility provisions are set forth in Item F(6) of the Adoption Agreement.

9.03 TERMS, CONDITIONS, AND LIMITATIONS:

a. Accounts. The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Dependent Care Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.

b. Maximum Benefit. The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's allocation to the program during the Plan Year not to exceed the maximum amount set forth in Item F(6) of the adoption agreement.

For purpose of this Section IX, the phrase "earned income" shall mean wages, salaries, tips and other employee compensation, but only if such amounts are includible in gross income for the taxable year. A Participant's spouse who is physically or mentally incapable of self-care as described in Section 9.04(a)(ii) or a spouse who is a full-time student within the meaning of Code Section 21(e)(7) shall be deemed to have earned income for each month in which such spouse is so disabled (or a full-time student). The amount of such deemed earned income shall be $250 per month in the case of one Dependent and $500 per month in the case of two or more Dependents.

c. Claim Procedure. In order to be reimbursed for any dependent care expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense from an independent third party acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of the expense as determined by the Reimbursement Recordkeeper. Claims for reimbursement of Eligible Dependent Care Expenses must be submitted no later than the last day of the third month following the last day of the Plan Year during which the Eligible Dependent Care Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of the incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.

d. Funding. The funding of the Dependent Care Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administration expenses become due and payable under this Dependent Care Expense Reimbursement Plan.

e. Forfeiture. Any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Dependent Care Expenses incurred during the Plan Year shall be forfeited and remain assets of the Plan.

f. Nondiscrimination. Benefits provided under this Dependent Care Reimbursement Plan shall not be provided in a manner that discriminates in favor of Highly Compensated Employees (as defined in Code Section 414(q)) or their dependents, as provided in Code Section 129. In addition, no more than 25 percent of the aggregate Eligible Dependent Care Expenses shall be reimbursed during a Plan Year to five percent owners, as provided in Code Section 129.

9.04 DEFINITIONS:

a. "Dependent" (for purposes of this Section IX) means any individual who is:

(i) a Participant's qualifying child (as defined in Code Section 152 (c)) who has not attained the age of 13; or

(ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively) or the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the taxpayer for more than half of the taxable year. For purposes of this Dependent Care Reimbursement Plan, an individual shall be considered physically or mentally incapable of self-care if, as a result of a physical or mental defect, the individual is incapable of caring for his or her hygienic or nutritional needs, or requires full-time attention of another person for his or her own safety or the safety of others.

b. "Dependent Care Center" (for purposes of this Section IX) shall be a facility which:

(i) provides care for more than six individuals (other than individuals who reside at the facility);
(ii) receives a fee, payment, or grant for providing services for any of the individuals (regardless of whether such facility is operated for profit); and
(iii) satisfies all applicable laws and regulations of a state or unit of local government.

c. "Eligible Dependent Care Expenses" (for purposes of this Section IX) shall mean expenses incurred by a Participant which are:

(i) incurred for the care of a Dependent of the Participant or for related household services;
(ii) paid or payable to a Dependent Care Service Provider; and
(iii) incurred to enable the Participant to be gainfully employed for any period for which there are one or more Dependents with respect to the Participant.

"Eligible Dependent Care Expenses" shall not include expenses incurred for services outside the Participant's household for the care of a Dependent unless such Dependent is (i) a qualifying child (as defined in Code Section 152 (c)) under the age of 13, or (ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively)), who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year, or (iii) the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year. Eligible Dependent Care Expenses shall be deemed to be incurred at the time the services to which the expenses relate are rendered.

d. "Dependent Care Service Provider" (for purposes of this Section IX) means:

(i) a Dependent Care Center, or
(ii) a person who provides care or other services described in Section 9.04(b) and who is not a related individual described in Section 129(c) of the Code.

SECTION X

HEALTH SAVINGS ACCOUNTS

10.01 PURPOSE: If elected by the Employer in Section F.8 of the Adoption Agreement, the Plan will permit pre-tax contributions to the Health Savings Account, and the provisions of this Article X shall apply.

10.02 BENEFITS: A Participant can elect benefits under the Health Savings Accounts portion of this Plan by electing to pay his or her Health Savings Account contributions on a pre-tax salary reduction basis. In addition, the Employer may make contributions to the Health Savings Account for the benefit of the Participant.

10.03 TERMS, CONDITIONS AND LIMITATION:

a. Maximum Benefit. The maximum annual contributions that may be made to a Participant's Health Savings Account under this Plan is set forth in Section F.8 of the Adoption Agreement.

b. Mid-Year Election Changes. Notwithstanding any to the contrary herein, a Participant election with respect to contributions for the Health Savings Account shall be revocable during the duration of the Plan Year to which the election relates. Consequently, a Participant may change his or her election with respect to contributions for the Health Savings Account at any time.

10.04 RESTRICTIONS ON MEDICAL REIMBURSEMENT PLAN: If the Employer has elected in Section F.8 of the Adoption Agreement both Health Savings Accounts under this Plan and the Medical Expense Reimbursement Plan, then the Eligible Medical Expenses that may be reimbursed under the Medical Reimbursement Plan for Participants who are eligible for and elect to participate in Health Savings Accounts shall be limited as set forth in Section F.8 of the Adoption Agreement.

10.05 NO ESTABLISHMENT OF ERISA PLAN: It is the intent of the Employer that the establishment of Health Savings Accounts are completely voluntary on the part of Participants, and that, in accordance with Department of Labor Field Assistance Bulletin 2004-1, the Health Savings Accounts are not "employee welfare benefit plans" for purposes of Title I of ERISA.

SECTION XI

AMENDMENT AND TERMINATION

11.01 AMENDMENT: The Employer shall have the right at any time, and from time to time, to amend, in whole or in part, any or all of the provisions of this Plan, provided that no such amendment shall change the terms and conditions of payment of any benefits to which Participants and covered dependents otherwise have become entitled to under the provisions of the Plan, unless such amendment is made to comply with federal or local laws or regulations. The Employer also shall have the right to make any amendment retroactively which is necessary to bring the Plan into conformity with the Code. In addition, the Employer may amend any provisions or any supplements to the Plan and may merge or combine supplements or add additional supplements to the Plan, or separate existing supplements into an additional number of supplements.

11.02 TERMINATION: The Employer shall have the right at any time to terminate this Plan, provided that such termination shall not eliminate any obligations of the Employer which therefore have arisen under the Plan.

SECTION XII

ADMINISTRATION

12.01 NAMED FIDUCIARIES: The Administrator shall be the fiduciary of the Plan.

12.02 APPOINTMENT OF RECORDKEEPER: The Employer may appoint a Reimbursement Recordkeeper which shall have the power and responsibility of performing recordkeeping and other ministerial duties arising under the Medical Expense Reimbursement Plan and the Dependent Care Reimbursement Plan provisions of this Plan. The Reimbursement Recordkeeper shall serve at the pleasure of, and may be removed by, the Employer without cause. The Recordkeeper shall receive reasonable compensation for its services as shall be agreed upon from time to time between the Administrator and the Recordkeeper.

12.03 POWERS AND RESPONSIBILITIES OF ADMINISTRATOR:

a. General. The Administrator shall be vested with all powers and authority necessary in order to amend and administer the Plan, and is authorized to make such rules and regulations as it may deem necessary to carry out the provisions of the Plan. The Administrator shall determine any questions arising in the administration (including all questions of eligibility and determination of amount, time and manner of payments of benefits), construction, interpretation and application of the Plan, and the decision of the Administrator shall be final and binding on all persons.

b. Recordkeeping. The Administrator shall keep full and complete records of the administration of the Plan. The Administrator shall prepare such reports and such information concerning the Plan and the administration thereof by the Administrator as may be required under the Code or ERISA and the regulations promulgated thereunder.

c. Inspection of Records. The Administrator shall, during normal business hours, make available to each Participant for examination by the Participant at the principal office of the Administrator a copy of the Plan and such records of the Administrator as may pertain to such Participant. No Participant shall have the right to inquire as to or inspect the accounts or records with respect to other Participants.

12.04 COMPENSATION AND EXPENSES OF ADMINISTRATOR: The Administrator shall serve without compensation for services as such. All expenses of the Administrator shall be paid by the Employer. Such expenses shall include any expense incident to the functioning of the Plan, including, but not limited to, attorneys' fees, accounting and clerical charges, actuary fees and other costs of administering the Plan.

12.05 LIABILITY OF ADMINISTRATOR: Except as prohibited by law, the Administrator shall not be liable personally for any loss or damage or depreciation which may result in connection with the exercise of duties or of discretion hereunder or upon any other act or omission hereunder except when due to willful misconduct. In the event the Administrator is not covered by fiduciary liability insurance or similar insurance arrangements, the Employer shall indemnify and hold harmless the Administrator from any and all claims, losses, damages, expenses (including reasonable counsel fees approved by the Administrator) and liability (including any reasonable amounts paid in settlement with the Employer's approval) arising from any act or omission of the Administrator, except when the same is determined to be due to the willful misconduct of the Administrator by a court of competent jurisdiction.

12.06 DELEGATIONS OF RESPONSIBILITY: The Administrator shall have the authority to delegate, from time to time, all or any part of its responsibilities under the Plan to such person or persons as it may deem advisable and in the same manner to revoke any such delegation of responsibilities which shall have the same force and effect for all purposes hereunder as if such action had been taken by the Administrator. The Administrator shall not be liable for any acts or omissions of any such delegate. The delegate shall report periodically to the Administrator concerning the discharge of the delegated responsibilities.

12.07 RIGHT TO RECEIVE AND RELEASE NECESSARY INFORMATION: The Administrator may release or obtain any information necessary for the application, implementation and determination of this Plan or other Plans without consent or notice to any person. This information may be released to or obtained from any insurance company, organization, or person subject to applicable law. Any individual claiming benefits under this Plan shall furnish to the Administrator such information as may be necessary to implement this provision.

12.08 CLAIM FOR BENEFITS: To obtain payment of any benefits under the Plan a Participant must comply with the rules and procedures of the particular benefit program elected pursuant to this Plan under which the Participant claims a benefit.

12.09 GENERAL CLAIMS REVIEW PROCEDURE: This provision shall apply only to the extent that a claim for benefits is not governed by a similar provision of a benefit program available under this Plan or is not governed by Section 12.10.

a. Initial Claim for Benefits. Each Participant may submit a claim for benefits to the Administrator as provided in Section 12.08. A Participant shall have no right to seek review of a denial of benefits, or to bring any action in any court to enforce a claim for benefits prior to his filing a claim for benefits and exhausting his rights to review under this section.

When a claim for benefits has been filed properly, such claim for benefits shall be evaluated and the claimant shall be notified of the approval or the denial within (90) days after the receipt of such claim unless special circumstances require an extension of time for processing the claim. If such an extension of time for processing is required, written notice of the extension shall be furnished to the claimant prior to the termination of the initial ninety (90) day period which shall specify the special circumstances requiring an extension and the date by which a final decision will be reached (which date shall not be later than one hundred and eighty (180) days after the date on which the claim was filed.) A claimant shall be given a written notice in which the claimant shall be advised as to whether the claim is granted or denied, in whole or in part. If a claim is denied, in whole or in part, the claimant shall be given written notice which shall contain (a) the specific reasons for the denial, (b) references to pertinent plan provisions upon which the denial is based, (c) a description of any additional material or information necessary to perfect the claim and an explanation of why such material or information is necessary, and (d) the claimant's rights to seek review of the denial.

b. Review of Claim Denial. If a claim is denied, in whole or in part, the claimant shall have the right to request that the Administrator review the denial, provided that the claimant files a written request for review with the Administrator within sixty (60) days after the date on which the claimant received written notification of the denial. A claimant (or his duly authorized representative) may review pertinent documents and submit issues and comments in writing to the Administrator. Within sixty (60) days after a request is received, the review shall be made and the claimant shall be advised in writing of the decision on review , unless special circumstances require an extension of time for processing the review, in which case the claimant shall be given a written notification within such initial sixty (60) day period specifying the reasons for the extension and when such review shall be completed (provided that such review shall be completed within one hundred and twenty (120) days after the date on which the request for review was filed.) The decision on review shall be forwarded to the claimant in writing and shall include specific reasons for the decision and references to plan provisions upon which the decision is based. A decision on review shall be final and binding on all persons.

c. Exhaustion of Remedies. If a claimant fails to file a request for review in accordance with the procedures herein outlined, such claimant shall have no rights to review and shall have no right to bring action in any court and the denial of the claim shall become final and binding on all persons for all purposes.

12.10 SPECIAL CLAIMS REVIEW PROCEDURE: The provisions of this Section 12.10 shall be applicable to claims under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan, effective on the first day of the first Plan Year beginning on or after July 1, 2002, but in no event later than January 1, 2003, provided such plans are subject to ERISA.

a. Benefit Denials: The Administrator is responsible for evaluating all claims for reimbursement under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan.

The Administrator will decide a Participant's claim within a reasonable time not longer than 30 days after it is received. This time period may be extended for an additional 15 days for matters beyond the control of the Administrator, including in cases where a claim is incomplete. The Participant will receive written notice of any extension, including the reasons for the extension and information on the date by which a decision by the Administrator is expected to be made. The Participant will be given 45 days in which to complete an incomplete claim. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the claim.

If the Administrator denies the claim, in whole or in part, the Participant will be furnished with a written notice of adverse benefit determination setting forth:

1. the specific reason or reasons for the denial;

2. reference to the specific Plan provision on which the denial is issued;

3. a description of any additional material or information necessary for the Participant to complete his claim and an explanation of why such material or information is necessary, and

4. appropriate information as to the steps to be taken if the Participant wishes to appeal the Administrator's determination, including the participant's right to submit written comments and have them considered, his right to review (on request and at no charge) relevant documents and other information, and his right to file suit under ERISA with respect to any adverse determination after appeal of his claim.

b. Appealing Denied Claims: If the Participant's claim is denied in whole or in part, he may appeal to the Administrator for a review of the denied claim. The appeal must be made in writing within 180 days of the Administrator's initial notice of adverse benefit determination, or else the participant will lose the right to appeal the denial. If the Participant does not appeal on time, he will also lose his right to file suit in court, as he will have failed to exhaust his internal administrative appeal rights, which is generally a prerequisite to bringing suit.

A Participant's written appeal should state the reasons that he feels his claim should not have been denied. It should include any additional facts and/or documents that the Participant feels support his claim. The Participant may also ask additional questions and make written comments, and may review (on request and at no charge) documents and other information relevant to his appeal. The Administrator will review all written comment the Participant submits with his appeal.

c. Review of Appeal: The Administrator will review and decide the Participant's appeal within a reasonable time not longer than 60 days after it is submitted and will notify the Participant of its decision in writing. The individual who decides the appeal will not be the same individual who decided the initial claim denial and will not be that individual's subordinate. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the appeal, except that any medical expert consulted in connection with the appeal will be different from any expert consulted in connection with the initial claim. (The identity of a medical expert consulted in connection with the Participant's appeal will be provided.) If the decision on appeal affirms the initial denial of the Participant's claim, the Participant will be furnished with a notice of adverse benefit determination on review setting forth:

1. The specific reason(s) for the denial,

2. The specific Plan provision(s) on which the decision is based,

3. A statement of the Participant's right to review (on request and at no charge) relevant documents and other information,

4. If the Administrator relied on an "internal rule, guideline, protocol, or other similar criterion" in making the decision, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge to the Participant upon request," and

5. A statement of the Participant's right to bring suit under ERISA § 502(a).

12.11 PAYMENT TO REPRESENTATIVE: In the event that a guardian, conservator or other legal representative has been duly appointed for a Participant entitled to any payment under the Plan, any such payment due may be made to the legal representative making claim therefor, and such payment so made shall be in complete discharge of the liabilities of the Plan therefor and the obligations of the Administrator and the Employer.

12.12 PROTECTED HEALTH INFORMATION. The provisions of this Section will apply only to those portions of the Plan that are considered a group health plan for purposes of 45 CFR Parts 160 and 164. The Plan may disclose PHI to employees of the Employer, or to other persons, only to the extent such disclosure is required or permitted pursuant to 45 CFR Parts 160 and 164. The Plan has implemented administrative, physical, and technical safeguards to reasonably and appropriately protect, and restrict access to and use of, electronic PHI, in accordance with Subpart C of 45 CFR Part 164. The applicable claims procedures under the Plan shall be used to resolve any issues of non-compliance by such individuals. The Employer will:

- not use or disclose PHI other than as permitted or required by the plan documents and permitted or required by law;
- reasonably and appropriately safeguard electronic PHI created, received, maintained, or transmitted to or by the it on behalf of the Plan, in accordance with Subpart C of 45 CFR Part 164;
- implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI that it creates, receives, maintains, or transmits on behalf of the Plan;
- ensure that any agents including a subcontractors to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Employer with respect to such information;
- not use or disclose PHI for employment-related actions and decisions or in connection with any other employee benefit plan of the Employer;
- report to the Plan any use or disclosure of the information that is inconsistent with the permitted uses or disclosures provided for of which it becomes aware;
- make available PHI in accordance with 45 CFR Section 164.524;
- make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR Section 164.526;

- make available the information required to provide an accounting of disclosures in accordance with 45 CFR Section 164.528;
- make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services or his designee upon request for purposes of determining compliance with 45 CFR Section 164.504(f);
- if feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purposes for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and,
- ensure that the adequate separation required in paragraph (f)(2)(iii) of 45 CFR Section 164.504 is established.

For purposes of this Section, "PHI" is "Protected Health Information" as defined in 45 CFR Section 160.103, which means individually identifiable health information, except as provided in paragraph (2) of the definition of "Protected Health Information" in 45 CFR Section 160.103, that is transmitted by electronic media; maintained in electronic media; or transmitted or maintained in any other form or medium by a covered entity, as defined in 45 CFR Section 164.104.

SECTION XIII

MISCELLANEOUS PROVISIONS

13.01 INABILITY TO LOCATE PAYEE: If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited following a reasonable time after the date any such payment first became due.

13.02 FORMS AND PROOFS: Each Participant or Participant's Beneficiary eligible to receive any benefit hereunder shall complete such forms and furnish such proofs, receipts, and releases as shall be required by the Administrator.

13.03 NO GUARANTEE OF TAX CONSEQUENCES: Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant or a Dependent under the Plan will be excludable from the Participant's or Dependent's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant or Dependent.

13.04 PLAN NOT CONTRACT OF EMPLOYMENT: The Plan will not be deemed to constitute a contract of employment between the Employer and any Participant nor will the Plan be considered an inducement for the employment of any Participant or employee. Nothing contained in the Plan will be deemed to give any Participant or employee the right to be retained in the service of the Employer nor to interfere with the right of the Employer to discharge any Participant or employee at any time regardless of the effect such discharge may have upon that individual as a Participant in the Plan.

13.05 NON-ASSIGNABILITY: No benefit under the Plan shall be liable for any debt, liability, contract, engagement or tort of any Participant or his Beneficiary, nor be subject to charge, anticipation, sale, assignment, transfer, encumbrance, pledge, attachment, garnishment, execution or other voluntary or involuntary alienation or other legal or equitable process, nor transferability by operation of law.

13.06 SEVERABILITY: If any provision of the Plan will be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof will continue to be fully effective.

13.07 CONSTRUCTION:

a. Words used herein in the masculine or feminine gender shall be construed as the feminine or masculine gender, respectively where appropriate.

b. Words used herein in the singular or plural shall be construed as the plural or singular, respectively, where appropriate.

13.08 NONDISCRIMINATION: In accordance with Code Section 125(b)(1), (2), and (3), this Plan is intended not to discriminate in favor of Highly Compensated Participants (as defined in Code Section 125(e)(1)) as to contributions and benefits nor to provide more than 25% of all qualified benefits to Key Employees. If, in the judgment of the Administrator, more than 25% of the total nontaxable benefits are provided to Key Employees, or the Plan discriminates in any other manner (or is at risk of possible discrimination), then, notwithstanding any other provision contained herein to the contrary, and, in accordance with the applicable provisions of the Code, the Administrator shall, after written notification to affected Participants, reduce or adjust such contributions and benefits under the Plan as shall be necessary to insure that, in the judgment of the Administrator, the Plan shall not be discriminatory.

13.09 ERISA. The Plan shall be construed, enforced, and administered and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974 (as amended), the Internal Revenue Code of 1986 (as amended), and the laws of the State indicated in the Adoption Agreement. Notwithstanding anything to the contrary herein, the provisions of ERISA will not apply to this Plan if the Plan is exempt from coverage under ERISA. Should any provisions be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only will be deemed not to include the provision determined to be void.

SECTION XIV

TEMPORARY COVID RELIEF AMENDMENT

14.01 PURPOSE: In accordance with changes permitted under The Coronavirus Aid, Relief, and Economic Security Act, 2020, IRS Notice 2020-29, The Consolidated Appropriations Act, 2021, and IRS Notice 2021-15, Employer selected modifications to Plan language and procedures consistent with the following Plan options, as applicable. Notwithstanding any provision of the Plan to the contrary, as elected by the Employer in Item F of the Adoption Agreement, the Plan is hereby amended to adopt the following:

a. Extended Claims Period: For unused amounts remaining in a Medical Expense Reimbursement Plan or a Dependent Care Reimbursement Plan under the Section 125 Plan as of the end of a grace period or plan year ending in 2020, the Participants may apply those unused amounts to pay or reimburse medical care expenses or dependent care expenses, respectively, incurred through December 31, 2020.

b. Mid-Year Election Changes: Each Participant who is eligible to make salary reduction contributions under the Plan may make prospective election changes (including an initial election) during calendar year 2020 regarding Group Medical Insurance, a Medical Expense Reimbursement Plan, or a Dependent Care Reimbursement Plan, regardless of whether the basis for the election change satisfies the criteria set forth in regular election change rules.

c. Mid-Year Election Changes for Medical Expense Reimbursement Plan: For plan years ending in 2021, Participants may modify their Medical Expense Reimbursement Plan elections on a prospective basis at any time during the year. No qualifying event is required.

d. Mid-Year Election Changes for Dependent Care Reimbursement Plan: For plan years ending in 2021, Participants may modify their Dependent Care Reimbursement Plan elections on a prospective basis at any time during the year. No qualifying event is required.

e. Extended Grace Period: For plan years ending in 2020 and/or 2021, the grace period for Medical Expense Reimbursement Plan and/or Dependent Care Reimbursement Plan is extended to 12 months.

f. Unlimited Carryover for Medical Expense Reimbursement Plan: All unused funds in the Medical Expense Reimbursement Plan may be carried over to 2021 (from plan year 2020) and/or 2022 (from plan year 2021). There is no carryover maximum.

g. Dependent Care Reimbursement Plan Age Increase: For Participants enrolled in the Dependent Care Reimbursement Plan for the 2020 Plan Year, the maximum age for children is extended from age 12 to age 13 when paying or reimbursing dependent care expenses incurred during the 2020 Plan Year. Additionally, amounts remaining at the end of the run-out period for the 2020 Plan Year shall be available to pay or reimburse otherwise-eligible dependent care expenses incurred during the 2021 Plan Year for a child who attained age 13 during the 2020 Plan Year (until the child turns age 14) or for another child who turns age 13 during the 2021 Plan Year.

h. Reimbursement for Non-Active Participants: Participants who cease participation in a Medical Expense Reimbursement Plan during 2020 or 2021 (for example, due to termination of employment) may continue to receive reimbursements from unused balances through the end of the plan year in which such participation ceased (including any grace period).

i. Dependent Care Reimbursement Plan Maximum Increase: For the 2021 calendar year only, Dependent Care Reimbursement Plan maximums may be increased to $10,500 per family ($5,250 for married individuals filing a joint return).

SAN YSIDRO SCHOOL DISTRICT

GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Child Nutrition Department
Dr. Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH BRIGAID

BACKGROUND INFORMATION:
Brigade, a highly reputable and experienced company in the field of kitchen facility consulting and culinary services, has proposed to provide our organization with their expertise in kitchen facility consulting, staff training, and item sourcing.

Term: November 10, 2023 to November 9, 2024

RECOMMENDATION:
Approve the agreement with Brigaid to enhance the schools' kitchen operations and dining services for an estimated total of $45,600.00 to be paid from the Child Nutrition KIT funds.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☐ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$45,600.00	Child Nutrition KIT Funds
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

PROFESSIONAL SERVICES AGREEMENT

This agreement is made and entered into this 10th day of November, 2023, by and between the San Ysidro School District, hereinafter called the "District", and

BRIGAID	(202) 774-0330
Company/Consultant	Telephone Number
515 Centerpoint Dr. #404, Middletown, CT 06457	Chefsbrigaid.com
Address	Website

hereinafter referred to as "Consultant."

1 SCOPE AND TERMS

1.1 SCOPE OF SERVICES

Scope of Services. In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the Consultant Services Documentation ("attached documents") attached hereto as ***Exhibit "A"*** and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the District entering into this Agreement, Consultant represents and warrants that Consultant is a provider of first class work and services and Consultant is experienced in performing the work and services contemplated herein and, in light of such status and experience, Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials shall be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

Compliance with Law. All services rendered hereunder shall be provided in accordance with any and all applicable ordinances, resolutions, statutes, rules, and regulations of the District, City and any Federal, State or local governmental agency having jurisdiction in effect at the time service is rendered. Each and every provision required by law to be included in this Agreement shall be deemed to be included by this reference, and this Agreement shall be read and enforced as though they were included.

Licenses, Permits, Fees and Assessments. Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless District against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against District hereunder.

1.2 TERM

From: November 10, 2023 To November 9, 2024

The Term of this Agreement as noted, unless earlier terminated as provided herein. The Parties may mutually agree to extend this term only by written amendment. Should the Parties agree to extend the term of this Agreement; the Agreement can only be extended on a year-to-year basis with written approval unless otherwise indicated in writing and in accordance with the law. Agreements are limited to a total of 5 years at which point a new Agreement will be needed.

2 FEES AND PAYMENTS

2.1 FEES

District shall pay Consultant for the specified services as reflected on ***Exhibit A*** during this contract term.

2.2 PAYMENTS

Consultant shall submit to District an itemized invoice which indicates work completed by Consultant. District shall review each invoice and/or receipts submitted to determine that the work performed, and expenses incurred are in compliance with the provisions of this Agreement. District shall pay Consultant within 30-days of receipt of an acceptable invoice from Consultant.

3. ADDITIONAL SERVICES.

District shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work as described herein. No such extra work may be undertaken unless a written order is first given by the District Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval or ratification of the Contract Officer. However, any increase in compensation beyond the Contract Sum, for services beyond what is contemplated in the Contract, must be approved or ratified by the Board of Education in a signed writing prior to any payment. Additionally, any other increases, extensions or renewals must be approved in writing by the Board of Education. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services or reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefore unless specifically authorized pursuant to the terms of this section.

4 RESPONSIBLIITIES OF CONSULTANT

4.1 ORGANIZATION

Consultant shall assign a Company Contact as Project Manager. The Project manager shall not be removed from the Project or reassigned without the prior written consent of District, which consent shall not be unreasonably withheld. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement.

4.2 COORDINATION OF SERVICES

Consultant agrees to work closely with the District staff in the performance of Services and shall be available to the District staff, consultants and other staff at all reasonable times.

4.3 STANDARD OF CARE:

Consultant shall perform all Services under this Agreement in a skillful, competent and timely manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant warrants that all of Consultant's employees and subconsultants shall have sufficient skill and experience to perform the Services assigned to them. Consultant further represents that it, its employees and subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Any of Consultant's employees who are determined by District to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any of Consultant's employees who fail or refuse to perform the Services in a manner acceptable to District, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

4.4 INDEPENDENT CONSULTANT & ADDITIONAL PERSONNEL

Consultant is retained as an independent consultant and is not an agent or employee of the District. No employee or agent of Consultant shall by this Agreement become an agent or employee of the District. The work to be performed shall be in accordance with the work described herein, subject to such direction and amendments from District as herein provided. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind District to any obligation whatsoever, except as specifically provided in writing by District. Any additional personnel performing the Services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law.

4.5 LAWS AND REGULATIONS

The Contractor shall be subject to, and shall comply with, all federal, state, and local laws and regulations applicable to its performance under this Agreement including, but not limited to: licensing, employment, purchasing practices, wages, hours, and conditions of employment, including non-discrimination. Consultant shall be liable for all violations of such laws and regulations in connection with Services.

4.6 MAINTENANCE OF ACCOUNTING RECORDS

Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of the District during normal business hours with reasonable notice to examine, audit and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of five (5) years from the date of final payment under this Agreement.

4.7 INSURANCE – Consultant shall comply with the following insurance provisions, unless one or more paragraphs are specifically waived by the District in writing.

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to District that it has secured all insurance required under this Section. In addition, Consultant shall not allow any subconsultant or employee to commence work until it has provided evidence satisfactory to the District.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law.

MINIMUM SCOPE OF INSURANCE - Coverage shall be at least as broad as:

1. **Commercial General Liability** (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, sexual misconduct and personal & advertising injury with limits no less than **$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **$2,000,000** the required occurrence limit.
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than **$1,000,000** per accident for bodily injury and property damage. (If Personal transportation vehicles (private passenger vehicles) will be used and are driven onto and parked on school property they shall maintain California State minimum requirements.
3. **Workers' Compensation (Employer's Insurance if applicable):** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease. Coverage shall include waiver of subrogation endorsement in favor of San Ysidro School District.
4. **Professional Liability (Errors and Omissions):** Insurance appropriates to the Consultant's profession, with limit no less than $1,000,000 per occurrence or claim, $2,000,000 aggregate. *(If applicable – see footnote next page)* **District waives _____**
5. **Improper Sexual Conduct:** $1,000,000 per occurrence with an aggregate of not less than $2,000,000 for damages because of bodily injury by reason of negligent hiring and supervision. May be included under General Liability. **District waives _____**
6. **Cyber Security Liability:** Coverage for both electronic and non-electronic data breach of $2,000,000 per occurrence with an aggregate limit of not less than $5,000,000 and shall cover all of Consultant's employees, officials and agents. Coverage shall apply to any dishonest, fraudulent, malicious or criminal use of Consultants or computer system or to obtain financial benefit for any party; to steal, take or provide unauthorized access of electronic data, including publicizing confidential electronic data or causing confidential electronic data to be accessible to unauthorized persons; transfer and for Third-Party Liability encompassing judgements or settlement and defense costs arising out of litigation due to a data breach and data breach response costs for customer notification and credit monitoring service fees. **District waives _____**

If the Consultant maintains higher limits than the minimums shown above, the District requires and shall be entitled to coverage for the higher limits maintained by the Consultant.

Additional Insured Status - Endorsement

The San Ysidro School District, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy and Professional Liability (Errors & Omissions) with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. The additional insured coverage must be provided in the form of an **Additional Insured Endorsement** to the Consultant's/SubConsultant's/Subcontractors' insurance. If Blanket Endorsement, it must include policy number and insured's name.

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

The Provider shall file, with the District, Certificates of Insurance indicating a thirty-day (30) cancellation notice. If not stated on the Certificates of Insurance, it is understood that a 30-day cancellation notice will be provided and failure to mail such notice shall impose obligation and liability upon the company/insured, its agents or representative.

Waiver of Subrogation

Consultant/SubConsultant/Subcontractor hereby grants to the San Ysidro School District a waiver of any right to subrogation which any insurer of said Consultant may acquire against the District by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the District has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the District. The District may require the Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to the District.

Claims Made Policies (note – should be applicable only to professional liability, see below)

If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided ***for at least five (5) years after completion of the contract of work.***
3. If coverage is canceled or non-renewed, and not replaced ***with another claims-made policy form with a Retroactive Date prior to*** the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of ***five (5)*** years after completion of work.

Verification of Coverage

Consultant/SubConsultant/Subcontractor shall furnish the District with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. **All certificates and endorsements are to be received and approved by the District before work/services commences**. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The District reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

5 GENERAL PROVISIONS

5.1 DELAYS IN PERFORMANCE

(1) Neither District nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other disturbances; sabotage or judicial restraint.

(2) Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

5.2 SUSPENSION OF SERVICES

The District may, in its sole discretion, suspend all or any part of Services provided hereunder with cost to date of suspension. Consultant may not suspend its services without District's express written consent.

5.3 TERMINATION OF AGREEMENT

(1) Termination. District may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those services which have been adequately rendered to District to date of the notice of termination and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

(2) Consultant's Termination for Cause. This Agreement may be terminated by the Consultant upon thirty (30) days written notice to the District only when the District has substantially failed to perform its obligations under this Agreement. The written notice shall include a detailed description of the District's failure to perform, status of the work completed as of the date of termination together with a description and a cost estimate of the effort necessary to complete work in progress. In such event, the Consultant shall be compensated for services completed to the date of termination, together with compensation for such approved Additional Services performed after termination which are authorized by the District to conclude the work performed to the date of termination. Upon the District's request and authorization, Consultant shall perform any and all Additional Services necessary to wind up the work performed to the date of termination.

(3) Effect of Termination. If this Agreement is terminated as provided in this Section, District may require Consultant to provide all finished or unfinished documents, date, programming source code, reports or any other items prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such documents and other information within fifteen (15) days of the request.

(4) Terminated Services. In the event this Agreement is terminated in whole or in part as provided herein, District may procure, upon such terms and in such manner as it may determine appropriate, services similar or identical to those terminated.

5.4 OWNERSHIP OF MATERIALS AND CONFIDENTIALITY

(1) All materials and data, including but not limited to, data on electronic or magnetic media and any materials, documents and data required to be made or kept pursuant to federal, state or local laws, rules or regulations, prepared or collected by Consultant pursuant to this Agreement, shall be the sole property of the District, except that Consultant shall have the right to retain copies of all such documents and data for its records. District shall not be limited in any way in its use of such materials and data at any time, provided that any such use not within the purposes intended by this Agreement shall be at District's sole risk and provided that Consultant shall be indemnified against any damages resulting from such use, including the release of this material to third parties for a use not intended by this Agreement.

(2) All such materials and data shall be provided to the District, or such other agency or District as directed by District or required by law, rule or regulation, as they become due during the term of this Agreement as direct by District.

(3) The District is a California public entity subject to all state and federal laws governing education, including but not limited to California Assembly Bill 1584 (AB 1584), the California Education Code, the Children's Online Privacy and

Protection Act (COPPA), the Family Educational Rights and Privacy Act (FERPA), and HIPAA Privacy regulations and any other privacy laws, policies and regulations that may apply such as American Recovery and Reinvestment Act of 2009 ("ARRA") and the Health Information Technology and Economic Clinical Health Act of 2009 ("HITECH").

AB1584 requires, in part, that any agreement entered into, renewed or amended after January 1, 2015 between a local education agency (LEA) and a third-party service provider must include certain terms; and the LEA and the Service Provider desire to have this Agreement and the services provided comply with AB1584. This includes to all forms of protected health information, including paper, oral, and electronic, etc. Furthermore, only the minimum health information necessary to conduct business is to be used or shared.

- Pupil records obtained by the Consultant/Service Provider from LEA/District continue to be the property of and under the control of the District. The Consultant will obtain information regarding disciplinary and/or behavioral events for the purpose of allowing District personnel to improve and provide services to pupils. The Consultant will not be obtaining pupil-generated content.
- In the event of an unauthorized disclosure of a pupil's records, the Consultant shall report to an affected parent, legal guardian, or eligible pupil pursuant to the following procedure; written communication to the District's Superintendent, Deputy Superintendent and/or designee.
- The Consultant shall not use any information in a pupil record for any purpose other than those required or specifically permitted by this Professional Services Agreement.
- Consultant certifies that a pupil's records shall not be retained or available to the Consultant upon completion of the terms of this Professional Services Agreement.
- District agrees to work with Consultant to ensure compliance with FERPA.
- Consultant shall not use personally identifiable information in pupil records to engage in targeted advertising.
- Pupil records include any information directly related to a pupil that is maintained by the District or acquired directly from the pupil through the use of instructional software or applications assigned to the pupil by a teacher or other District employees. Pupil records does not include/not mean de-identified information (information that cannot be used to identify an individual pupil) used by the third party to (1) improve educational products for adaptive learning purposes and for customized pupil learning; De-identified information, including aggregated de-identified information. (2) Demonstrate the effectiveness of the operator's products in the marketing of those products; or for the development and improvement of educational sites, services, or applications.

5.5 SAFETY

Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed.

5.6 PROJECT STAFFING

Consultant shall provide adequate staff and resources to facilitate all Consultant activity. Should Consultant fail to adequately staff a project, the District may, at its sole discretion, retain third party consulting services and back charge Consultant for all third-party fees.

5.7 INDEMNIFICATION

Indemnification: To the fullest extent permitted by law, Consultant shall defend (with counsel of District's choosing), indemnify and hold the District, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the District, its officials, officers, employees, agents, or volunteers.

If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance as a **"design professional"** (as that term is defined under Civil Code section 2782.8), then, and only to the extent required

by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

5.8 AMENDMENTS

This Agreement may not be amended except in writing signed by both Parties.

5.9 SEVERABILITY

If any section, subsection, sentence, clause or phrases of this Agreement, or the application thereof to any of the Parties, is for any reason held invalid or unenforceable, the validity of the remainder of the Agreement shall not be affected thereby and may be enforced by the Parties to this Agreement.

5.10 GOVERNING LAW

This Agreement shall be governed by the laws of the State of California. Any action brought to enforce the terms of this Agreement shall be brought in a state or federal court located in the County of San Diego, State of California, but only after dispute resolution as provided herein.

5.11 CONFLICT OF INTEREST

For the term of this Agreement, no member, officer, or employee of District, during the term of his or her service with District, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

5.12 SCHOOL SAFETY, FINGERPRINTING AND BACKGROUND INVESTIGATION REQUIREMENTS:

As a Contractor/Vendor of the District, you are responsible for ensuring that your agents and employees are complying with applicable state, county and District guidelines whenever services are performed on all District operated facilities.

Consultant agrees with the provisions of Education Code Section 45125.1 regarding the submission of fingerprints to the California Department of Justice. Consultant shall not be permitted to have any contact with District pupils until such time as Consultant has verified in writing to the District that they have complied with Educational Code Section 45125.1. (**Please complete attached School Safety Certification Form. Attachment 1)**

Per Ed Code 49406 and Assembly Bill 1667, the District requires Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils. Please submit TB Clearance to the Business Services Office. This section may be waived if the District determines that the Consultant and/or its employees will have limited contact with District pupils or if Consultant and/or its employees will be supervised at all times by District staff. **District is waiving this requirement _____ .**

5.13 DRUG/ALCOHOL/TOBACCO-FREE FACILITIES:

ALL DISTRICT FACILITIES ARE DRUG AND TOBACCO-FREE FACILITIES. ANY DRUG, ALCOHOL AND/OR TOBACCO USE (SMOKED OR SMOKELESS) IS PROHIBITED AT ALL TIMES ON ALL AREAS OF THE DISTRICT FACILITIES.

5.14 NOTICES / CONTACT INFORMATION

All notices or demands to be given under this Agreement by either party to the other shall be in writing and given either by: (a) personal service, (b) email or (c) by U.S. Mail, mailed certified mail with return receipt requested, addressed to the following entities.

CONSULTANT:	**Brigaid**	
Name:	Dan Giusti	
Title:	Founder & CEO	
Address:	515 Centerpoint Dr., Suite 404	
City/State/Zip Code:	Middletown, CT 06457	
Telephone:	(202) 774-0330	
Email:	dg@chefsbrigaid.com	

DISTRICT:	**San Ysidro School District**	
Name:	Marilyn Adrianzen	Jose Iniguez
Title:	Chief Business Official	Assistant Superintendent
Address:	4350 Otay Mesa Road	4350 Otay Mesa Road
City/State/Zip code:	San Ysidro, CA 92173	San Ysidro, CA 92173
Telephone:	(619) 428-4476	(619) 428-4476 x3065
Email:	Marilyn.adrianzen@sysdschools.org	Jose.iniguez@sysdschools.org

6 ENTIRE AGREEMENT

This Agreement represents the entire understanding of District and Consultant as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. To the extent that any provision or clause contained in an attachment or Exhibit to this Agreement conflicts with a provision or clause in the Agreement, the provision or clause in this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

7 WARRANTY OF AUTHORITY:

Each of the parties signing this Agreement warrants to the other that he or she has the full authority to enter into agreement on behalf of the Party for which his or her signature is made.//

CONSULTANT

Brigaid
Firm Name

Signature of Authorized Agent (Wet Signature)

Print Name, Title

Date:

DISTRICT

San Ysidro School District
Firm Name

Signature

Gina A. Potter, Ed.D., Superintendent
Print Name, Title

Date

Board Approved:

Revised 08-01-2020

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

SCHOOL SAFETY CERTIFICATION FORM

CERTIFICATION PURSUANT TO EDUCATION CODE ECTION 45125.1 and
Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c)
Fingerprinting and Criminal Background Investigation Requirements

The San Ysidro School District (District) has determined under Education Code Section 45125.1, subdivision (c) that in performing services under this contract, **Contractor/Consultant's employees and/or subconsultants/subcontractors may have potential contact with pupils, minors and/or persons in an incapacitated state**.

_____(*Initial*) As required under Education Code Section 45125.1, subdivision (a), Consultant shall require their employees, including the employees of any sub-consultant and/or subcontractor, who will provide services pursuant to this contract to submit their fingerprints in a manner authorized by the Department of Justice in order to conduct a criminal background check to determine whether such employees have been convicted of or have charges pending for a felony as defined under Education Code Section 45122.1.

_____(*Initial*) Consultant shall not permit any employee to perform services that may come in contact with pupils under this contract until the Department of Justice has determined that the employee has not been convicted of a felony or has no criminal charges pending for a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____(*Initial*) Consultant certifies that all of its employees who may come in contact with pupils have not been convicted of or have no criminal charges pending for a felony, as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____*(Initial)* Consultant certifies and agrees that services provided during the term of this agreement will be supervised by school certificated staff and/or a parent or legal guardian must be present during each contact with pupils (visit, treatment, evaluation, therapy, etc.)

_____(*Initial*) Consultant shall defend, indemnify, protect and hold the District and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property which arise from or are connected with or are caused or claimed to be caused by Consultant's failure to comply with all of the requirements contained in Education Code Section 45125.1, including, but not limited to, the requirements prohibiting Consultant from using employees who may have contact with pupils who have been convicted or have charges pending for a felony in Education Code Section 45122.1.

_____(*Initial*) Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils.

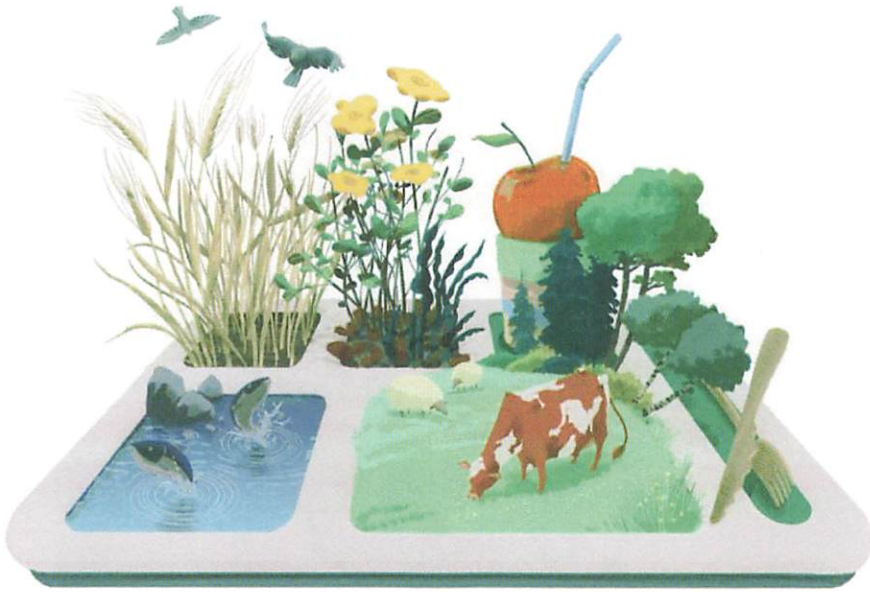
_____(*Initial*) Consultant's individuals/employees and/or Subconsultants/Subcontractors who may come in contact with pupils in the performance of services in this contract agree to provide fingerprint (DOJ/FBI) and TB Clearances (at their own expense) to be in compliance with the above-mentioned Ed Codes before commencement of any services under this contract. The District will provide LiveScan form if necessary.

- I certify to the District's Governing Board that I have read and understand the above terms and conditions and will report any changes that may affect the performance services of this contract.
- I certify to the District's Governing Board that none of the Consultant's employees/individuals and/or Subconsultants/subcontractors performing services under this agreement have been convicted of a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).
- I certify to the District's Governing Board that all of the Consultant's and Subconsultant's/Subcontractor's employees-individuals performing services under this agreement are clear of tuberculosis (TB) as defined on Education Code Section 49406 and Assembly Bill 1667.

Company Name:_____

Name/title of authorized representative *(Print)* _____

Signature _____Date _____



Project Proposal

Brigaid as a San Ysidro School District partner for change

PROJECT GOAL: Through the Program Assessment, we hope to work in partnership with San Ysidro School District food service to establish a comprehensive picture of the program's current operations. To conclude this work, we will present you with the Program Assessment Report which will outline our findings and provide recommendations on how to begin working towards the program's goals. Using the Program Assessment as a foundation, we will develop 2 NSLP-compliant recipes in collaboration with district leadership and staff. We will then create a 14-day Custom Training Program to train district staff on the new recipes.

Point of contact: **Dan Giusti,** Founder & CEO dg@chefsbrigaid.com

PROGRAM ASSESSMENT

To gain a detailed understanding of the current San Ysidro School District food service program, we will conduct a comprehensive in-person Program Assessment. This will give our team all the information they will need to be an effective part of San Ysidro School District reaching the program's goals. The Program Assessment will include an operational evaluation and a comprehensive equipment inventory of each kitchen site as well as meetings with the San Ysidro School District leadership team and other district stakeholders. Although dependent on a variety of factors, we estimate that there will be between two to three day-long research visits to complete the Program Assessment. This Program Assessment will be the starting point of our work with your organization and will allow us, together, to develop goals to work toward.

Through our research visits we will:

- Meet with food service leadership and key district stakeholders to:
    - Establish core goals of the project, breakdown the timeline of our work together and confirm our collective approach
    - Review the existing program, giving our team a deep understanding of current participation, limitations and challenges
- Assess each San Ysidro School District kitchen site and their respective teams in order to:
    - Understand their capabilities from an infrastructural stand point
    - Audit key protocols (HACCP, cleanliness standards, etc)
    - Inventory equipment while assessing working condition
    - Evaluate kitchen configuration, as it relates to operational efficiency

Key questions we'll ask ourselves (and you) throughout this process:

- What is currently holding the San Ysidro School District food service program back from reaching the program's goals?
- Are the goals of the San Ysidro School District food service program currently being supported by the existing labor model? By the kitchen site infrastructure? By the way kitchen staff are trained?
- Are San Ysidro School District current menu offerings in accordance with the program's capabilities? If not, how can this gap be closed?
- What opportunities for San Ysidro School District food service have yet to be unlocked?

With you as our guide, we will do our best to gain as many insights as we can about your current program. If there are additional stakeholders you'd like us to meet with, interviews you'd like us to conduct with students or any other research you'd like us to do, in effort to deepen our understanding of your program, we will be enthusiastic to do so. This is the chance to gather all the information possible, before collectively setting meaningful goals for the San Ysidro School District food service program.

Deliverables: To conclude this work, we will present you with a Program Assessment Report, District Data Spreadsheet, and Top Priorities Document. Together, these documents will present a detailed overview of your program's current operations, analysis and key takeaways gathered during our research visits, and strategic recommendations outlining a potential future for the program.

RECIPE DEVELOPMENT

Working with our findings from the Program Assessment, we will collaborate with San Ysidro School District food service leadership and staff to develop 2 NSLP-compliant lunch entree recipes. Developing these recipes following the Program Assessment will ensure they are written in a way that compliments the district's capabilities and facilities. Staff and student feedback will be valuable inputs to this process.

We will also work with food service leadership to identify sources for any new ingredients required by the custom developed recipes.

CUSTOM TRAINING PROGRAM

To ensure the newly developed recipes are well executed across all San Ysidro School District sites, we will administer a Custom Training Program. The primary goal will be to train all staff on the new entree recipes; foundational topics (like knife skills, how to follow a recipe, weights and measures, etc.) will be highlighted throughout the Custom Training Program.

Before administering the Custom Training Program we will be sure to think through the following questions with you:

- What ways can the Custom Training Program empower kitchen staff and managers to support the goals of San Ysidro School District as best as possible?
- How can improved culinary technique, storage standards, food safety practices, and operational efficiency be implemented in the district to improve outcomes for everyone involved (staff, students, faculty, etc.)?
- How can the Custom Training Program set district staff up for success moving forward in the best possible way?
- Taking into account the current standing of the district, how can the Custom Training Program be developed to maximize the capabilities of the district's staff, infrastructure, equipment, and operations?

We will develop the Custom Training Program as we discuss the above questions with you. Although dependent on the specifics we determine through the Program Assessment, Recipe Development, and during our goal-setting conversations, the Custom Training Program will be comprised of the following elements:

- 14 7-hour training days. Each site will have 1 day of training for each recipe, resulting in 2 total days of training at each site.
- All food prepared during each training day will be served (whether to students, faculty, staff, etc.); so as to reduce waste and to bring all possible real-world elements (for example: scale) into our training.
    - Food prepared during training can also be served to students as part of a reimbursable meal or in a tasting-style setting.
- Our approach is always hand-on first. Working side by side with your staff, we will be able to train at high degrees of detail without losing sight of the bigger goals and tasks at hand. Drawing from our findings from the Program Assessment, we will tailor our approach to best meet your staff where they are.

COST

There will be a one-time fee for the Program Assessment of $9,750. There will be a one-time fee for the Recipe Development of $6,350. There will be a one-time fee for the 14-day Custom Training Program of $29,500. These prices are determined by the size and complexity of your program, as well as the desired scope of the Custom Training Program.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Special Education Department
Oscar Madera, Director

☐ Informational
☒ Action

AGENDA ITEM: AGREEMENT WITH CLUB XCITE

BACKGROUND INFORMATION:
As the result of Settlement Agreements and General Releases, Club Xcite will be providing one-on-one academic home/online tutoring for students with special needs.

Cost Implication: $100.00 per hour (In-Person)
$90.00 per hour (Virtual)

Term: November 1, 2023 to June 30, 2024

RECOMMENDATION:
Approve the agreement with Club Xcite to provide one-on-one home and online tutoring for school year 2023-2024 at a rate from $90.00 to $100.00 per hour to be paid from the Special Education fund.

LCAP GOAL AND ACTION/SERVICE:
Goal 1, Item 1.21: Continue to provide site and/or district based academic intervention programs to serve the districts unduplicated student groups (i.e., English Learners, Socio-Economically Disadvantaged, Students with Disabilities, etc.) and educationally disadvantaged students in Comprehensive Support and Improvements Schools.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

$90.00/100.00/hr	Special Education
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

PROFESSIONAL SERVICES AGREEMENT

This agreement is made and entered into this 1st day of November, 2023, by and between the San Ysidro School District, hereinafter called the "District", and

Club Xcite	(619) 203 – 7447
Company/Consultant	Telephone Number
10855 Sorrento Valley Road, Suite 204, San Diego, CA 92121	www.exciteway.com
Address	Website

hereinafter referred to as "Consultant."

1 SCOPE AND TERMS

1.1 SCOPE OF SERVICES

Scope of Services. In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the Consultant Services Documentation ("attached documents") attached hereto as ***Exhibit "A"*** and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the District entering into this Agreement, Consultant represents and warrants that Consultant is a provider of first class work and services and Consultant is experienced in performing the work and services contemplated herein and, in light of such status and experience, Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials shall be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

Compliance with Law. All services rendered hereunder shall be provided in accordance with any and all applicable ordinances, resolutions, statutes, rules, and regulations of the District, City and any Federal, State or local governmental agency having jurisdiction in effect at the time service is rendered. Each and every provision required by law to be included in this Agreement shall be deemed to be included by this reference, and this Agreement shall be read and enforced as though they were included.

Licenses, Permits, Fees and Assessments. Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless District against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against District hereunder.

1.2 TERM

From: November 1, 2023 To: June 30, 2024

The Term of this Agreement as noted, unless earlier terminated as provided herein. The Parties may mutually agree to extend this term only by written amendment. Should the Parties agree to extend the term of this Agreement; the Agreement can only be extended on a year-to-year basis with written approval unless otherwise indicated in writing and in accordance with the law. Agreements are limited to a total of 5 years at which point a new Agreement will be needed.

2 FEES AND PAYMENTS

2.1 FEES
District shall pay Consultant for the specified services as reflected on ***Exhibit A*** during this contract term.

2.2 PAYMENTS
Consultant shall submit to District an itemized invoice which indicates work completed by Consultant. District shall review each invoice and/or receipts submitted to determine that the work performed, and expenses incurred are in compliance with the provisions of this Agreement. District shall pay Consultant within 30-days of receipt of an acceptable invoice from Consultant.

3. ADDITIONAL SERVICES.

District shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work as described herein. No such extra work may be undertaken unless a written order is first given by the District Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval or ratification of the Contract Officer. However, any increase in compensation beyond the Contract Sum, for services beyond what is contemplated in the Contract, must be approved or ratified by the Board of Education in a signed writing prior to any payment. Additionally, any other increases, extensions or renewals must be approved in writing by the Board of Education. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services or reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefore unless specifically authorized pursuant to the terms of this section.

4 RESPONSIBLIITIES OF CONSULTANT

4.1 ORGANIZATION
Consultant shall assign a Company Contact as Project Manager. The Project manager shall not be removed from the Project or reassigned without the prior written consent of District, which consent shall not be unreasonably withheld. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement.

4.2 COORDINATION OF SERVICES
Consultant agrees to work closely with the District staff in the performance of Services and shall be available to the District staff, consultants and other staff at all reasonable times.

4.3 STANDARD OF CARE:
Consultant shall perform all Services under this Agreement in a skillful, competent and timely manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant warrants that all of Consultant's employees and subconsultants shall have sufficient skill and experience to perform the Services assigned to them. Consultant further represents that it, its employees and subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Any of Consultant's employees who are determined by District to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any of Consultant's employees who fail or refuse to perform the Services in a manner acceptable to District, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

4.4 INDEPENDENT CONSULTANT & ADDITIONAL PERSONNEL
Consultant is retained as an independent consultant and is not an agent or employee of the District. No employee or agent of Consultant shall by this Agreement become an agent or employee of the District. The work to be performed shall be in accordance with the work described herein, subject to such direction and amendments from District as herein provided. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind District to any obligation whatsoever, except as specifically provided in writing by District. Any additional personnel

performing the Services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law.

4.5 LAWS AND REGULATIONS
The Contractor shall be subject to, and shall comply with, all federal, state, and local laws and regulations applicable to its performance under this Agreement including, but not limited to: licensing, employment, purchasing practices, wages, hours, and conditions of employment, including non-discrimination and COVID requirements as stated in **Attachment No. 2** to this agreement. Consultant shall be liable for all violations of such laws and regulations in connection with Services.

4.6 MAINTENANCE OF ACCOUNTING RECORDS
Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of the District during normal business hours with reasonable notice to examine, audit and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of five (5) years from the date of final payment under this Agreement.

4.7 INSURANCE – Consultant shall comply with the following insurance provisions, unless one or more paragraphs are specifically waived by the District in writing.

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to District that it has secured all insurance required under this Section. In addition, Consultant shall not allow any subconsultant or employee to commence work until it has provided evidence satisfactory to the District.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law.

MINIMUM SCOPE OF INSURANCE - Coverage shall be at least as broad as:

1. **Commercial General Liability** (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, sexual misconduct and personal & advertising injury with limits no less than **$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **$2,000,000** the required occurrence limit.
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than **$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation (Employer's Insurance if applicable):** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease. Coverage shall include waiver of subrogation endorsement in favor of San Ysidro School District.
4. **Professional Liability (Errors and Omissions):** Insurance appropriates to the Consultant's profession, with limit no less than $1,000,000 per occurrence or claim, $2,000,000 aggregate. *(If applicable – see footnote next page)* **District waives _____**
5. **Improper Sexual Conduct:** $1,000,000 per occurrence with an aggregate of not less than $2,000,000 for damages because of bodily injury by reason of negligent hiring and supervision. May be included under General Liability. **District waives _____**
6. **Cyber Security Liability:** Coverage for both electronic and non-electronic data breach of $2,000,000 per occurrence with an aggregate limit of not less than $5,000,000 and shall cover all of Consultant's employees, officials and agents. Coverage shall apply to any dishonest, fraudulent, malicious or criminal use of Consultants or computer system or to obtain financial benefit for any party; to steal, take or provide unauthorized access of electronic data, including publicizing confidential electronic data or causing confidential electronic data to be accessible to unauthorized persons; transfer and for Third-Party Liability encompassing judgements or settlement and defense costs arising out of litigation due to a data

breach and data breach response costs for customer notification and credit monitoring service fees.
District waives _____

If the Consultant maintains higher limits than the minimums shown above, the District requires and shall be entitled to coverage for the higher limits maintained by the Consultant.

Additional Insured Status - Endorsement

The San Ysidro School District, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy and Professional Liability (Errors & Omissions) with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. The additional insured coverage must be provided in the form of an **Additional Insured Endorsement** to the Consultant's/SubConsultant's/Subcontractors' insurance. If Blanket Endorsement, it must include policy number and insured's name.

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

The Provider shall file, with the District, Certificates of Insurance indicating a thirty-day (30) cancellation notice. If not stated on the Certificates of Insurance, it is understood that a 30-day cancellation notice will be provided and failure to mail such notice shall impose obligation and liability upon the company/insured, its agents or representative.

Waiver of Subrogation

Consultant/SubConsultant/Subcontractor hereby grants to the San Ysidro School District a waiver of any right to subrogation which any insurer of said Consultant may acquire against the District by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the District has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the District. The District may require the Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to the District.

Claims Made Policies (note – should be applicable only to professional liability, see below)

If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided ***for at least five (5) years after completion of the contract of work.***
3. If coverage is canceled or non-renewed, and not replaced ***with another claims-made policy form with a Retroactive Date prior to*** the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of ***five (5)*** years after completion of work.

Verification of Coverage

Consultant/SubConsultant/Subcontractor shall furnish the District with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. **All certificates and endorsements are to be received and approved by the District before work/services commences**. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The District reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

5 GENERAL PROVISIONS

5.1 DELAYS IN PERFORMANCE

(1) Neither District nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other disturbances; sabotage or judicial restraint.

(2) Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

5.2 SUSPENSION OF SERVICES

The District may, in its sole discretion, suspend all or any part of Services provided hereunder with cost to date of suspension. Consultant may not suspend its services without District's express written consent.

5.3 TERMINATION OF AGREEMENT

(1) Termination. District may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those services which have been adequately rendered to District to date of the notice of termination and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

(2) Consultant's Termination for Cause. This Agreement may be terminated by the Consultant upon thirty (30) days written notice to the District only when the District has substantially failed to perform its obligations under this Agreement. The written notice shall include a detailed description of the District's failure to perform, status of the work completed as of the date of termination together with a description and a cost estimate of the effort necessary to complete work in progress. In such event, the Consultant shall be compensated for services completed to the date of termination, together with compensation for such approved Additional Services performed after termination which are authorized by the District to conclude the work performed to the date of termination. Upon the District's request and authorization, Consultant shall perform any and all Additional Services necessary to wind up the work performed to the date of termination.

(3) Effect of Termination. If this Agreement is terminated as provided in this Section, District may require Consultant to provide all finished or unfinished documents, date, programming source code, reports or any other items prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such documents and other information within fifteen (15) days of the request.

(4) Terminated Services. In the event this Agreement is terminated in whole or in part as provided herein, District may procure, upon such terms and in such manner as it may determine appropriate, services similar or identical to those terminated.

5.4 OWNERSHIP OF MATERIALS AND CONFIDENTIALITY

(1) All materials and data, including but not limited to, data on electronic or magnetic media and any materials, documents and data required to be made or kept pursuant to federal, state or local laws, rules or regulations, prepared or collected by Consultant pursuant to this Agreement, shall be the sole property of the District, except that Consultant shall have the right to retain copies of all such documents and data for its records. District shall not be limited in any way in its use of such materials and data at any time, provided that any such use not within the purposes intended by this Agreement shall be at District's sole risk and provided that Consultant shall be indemnified against any damages resulting from such use, including the release of this material to third parties for a use not intended by this Agreement.

(2) All such materials and data shall be provided to the District, or such other agency or District as directed by District or required by law, rule or regulation, as they become due during the term of this Agreement as direct by District.

(3) The District is a California public entity subject to all state and federal laws governing education, including but not limited to California Assembly Bill 1584 (AB 1584), the California Education Code, the Children's Online Privacy and

Protection Act (COPPA), the Family Educational Rights and Privacy Act (FERPA), and HIPAA Privacy regulations and any other privacy laws, policies and regulations that may apply such as American Recovery and Reinvestment Act of 2009 ("ARRA") and the Health Information Technology and Economic Clinical Health Act of 2009 ("HITECH").

AB1584 requires, in part, that any agreement entered into, renewed or amended after January 1, 2015 between a local education agency (LEA) and a third-party service provider must include certain terms; and the LEA and the Service Provider desire to have this Agreement and the services provided comply with AB1584. This includes to all forms of protected health information, including paper, oral, and electronic, etc. Furthermore, only the minimum health information necessary to conduct business is to be used or shared.

- Pupil records obtained by the Consultant/Service Provider from LEA/District continue to be the property of and under the control of the District. The Consultant will obtain information regarding disciplinary and/or behavioral events for the purpose of allowing District personnel to improve and provide services to pupils. The Consultant will not be obtaining pupil-generated content.
- In the event of an unauthorized disclosure of a pupil's records, the Consultant shall report to an affected parent, legal guardian, or eligible pupil pursuant to the following procedure; written communication to the District's Superintendent, Deputy Superintendent and/or designee.
- The Consultant shall not use any information in a pupil record for any purpose other than those required or specifically permitted by this Professional Services Agreement.
- Consultant certifies that a pupil's records shall not be retained or available to the Consultant upon completion of the terms of this Professional Services Agreement.
- District agrees to work with Consultant to ensure compliance with FERPA.
- Consultant shall not use personally identifiable information in pupil records to engage in targeted advertising.
- Pupil records include any information directly related to a pupil that is maintained by the District or acquired directly from the pupil through the use of instructional software or applications assigned to the pupil by a teacher or other District employees. Pupil records does not include/not mean de-identified information (information that cannot be used to identify an individual pupil) used by the third party to (1) improve educational products for adaptive learning purposes and for customized pupil learning; De-identified information, including aggregated de-identified information. (2) Demonstrate the effectiveness of the operator's products in the marketing of those products; or for the development and improvement of educational sites, services, or applications.

5.5 SAFETY

Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed.

5.6 PROJECT STAFFING

Consultant shall provide adequate staff and resources to facilitate all Consultant activity. Should Consultant fail to adequately staff a project, the District may, at its sole discretion, retain third party consulting services and back charge Consultant for all third-party fees.

5.7 INDEMNIFICATION

Indemnification: To the fullest extent permitted by law, Consultant shall defend (with counsel of District's choosing), indemnify and hold the District, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the District, its officials, officers, employees, agents, or volunteers.

If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance as a **"design professional"** (as that term is defined under Civil Code section 2782.8), then, and only to the extent required

by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

5.8 AMENDMENTS

This Agreement may not be amended except in writing signed by both Parties.

5.9 SEVERABILITY

If any section, subsection, sentence, clause or phrases of this Agreement, or the application thereof to any of the Parties, is for any reason held invalid or unenforceable, the validity of the remainder of the Agreement shall not be affected thereby and may be enforced by the Parties to this Agreement.

5.10 GOVERNING LAW

This Agreement shall be governed by the laws of the State of California. Any action brought to enforce the terms of this Agreement shall be brought in a state or federal court located in the County of San Diego, State of California, but only after dispute resolution as provided herein.

5.11 CONFLICT OF INTEREST

For the term of this Agreement, no member, officer or employee of District, during the term of his or her service with District, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

5.12 SCHOOL SAFETY, FINGERPRINTING AND BACKGROUND INVESTIGATION REQUIREMENTS:

As a Contractor/Vendor of the District, you are responsible for ensuring that your agents and employees are complying with applicable state, county and District guidelines whenever services are performed on all District operated facilities.

Consultant agrees with the provisions of Education Code Section 45125.1 regarding the submission of fingerprints to the California Department of Justice. Consultant shall not be permitted to have any contact with District pupils until such time as Consultant has verified in writing to the District that they have complied with Educational Code Section 45125.1. (**Please complete attached School Safety Certification Form. Attachment 1)**

Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils. Please submit TB Clearance to the Business Services Office. This section may be waived if the District determines that the Consultant and/or its employees will have limited contact with District pupils or if Consultant and/or its employees will be supervised at all times by District staff.

District is waiving this requirement _____ .

5.13 DRUG/ALCOHOL/TOBACCO-FREE FACILITIES:

ALL DISTRICT FACILITIES ARE DRUG AND TOBACCO-FREE FACILITIES. ANY DRUG, ALCOHOL AND/OR TOBACCO USE (SMOKED OR SMOKELESS) IS PROHIBITED AT ALL TIMES ON ALL AREAS OF THE DISTRICT FACILITIES.

5.14 NOTICES / CONTACT INFORMATION

All notices or demands to be given under this Agreement by either party to the other shall be in writing and given either by: (a) personal service, (b) email or (c) by U.S. Mail, mailed certified mail with return receipt requested, addressed to the following entities.

CONSULTANT:	**Club Xcite**
Name:	Stefan Hochfilzer
Title:	President
Address:	10855 Sorrento Valley Road, Suite 204
City/State/Zip Code:	San Diego, CA 92121
Telephone:	(619) 203 – 7447
Email:	stefan@exciteway.com

DISTRICT:	San Ysidro School District	
Name:	Marilyn Adrianzen	Oscar Madera
Title:	Chief Business Official	Director of Special Education
Address:	4350 Otay Mesa Road	4350 Otay Mesa Road
City/State/Zip code:	San Ysidro, CA 92173	San Ysidro, CA 92173
Telephone:	(619) 428-4476	(619) 428-4476
Email:	Marilyn.adrianzen@sysdschools.org	Oscar.madera@sysdschools.org

6 ENTIRE AGREEMENT

This Agreement represents the entire understanding of District and Consultant as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. To the extent that any provision or clause contained in an attachment to this Agreement conflicts with a provision or clause in the Agreement, the provision or clause in this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

7 WARRANTY OF AUTHORITY:

Each of the parties signing this Agreement warrants to the other that he or she has the full authority to enter into agreement on behalf of the Party for which his or her signature is made.//

CONSULTANT

Club Xcite
Firm Name

Signature of Authorized Agent

Stefan Hochfilzer, President
Print Name, Title

November 3 2023
Date:

DISTRICT

San Ysidro School District
Firm Name

Signature

Gina A. Potter, Ed.D., Superintendent
Print Name, Title

11/10/2023
Date

Board Approved: 11-09-23

Revised 08-01-2020

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

ATTACHMENT NO. 1

SCHOOL SAFETY CERTIFICATION FORM

CERTIFICATION PURSUANT TO EDUCATION CODE ECTION 45125.1 and
Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c)
Fingerprinting and Criminal Background Investigation Requirements

The San Ysidro School District (District) has determined under Education Code Section 45125.1, subdivision (c) that in performing services under this contract, **Contractor/Consultant's employees and/or Subconsultants/Subcontractors may have contact with pupils**.

_____(*Initial*) As required under Education Code Section 45125.1, subdivision (a), Consultant shall require their employees, including the employees of any sub-consultant and/or subcontractor, who will provide services pursuant to this contract to submit their fingerprints in a manner authorized by the Department of Justice in order to conduct a criminal background check to determine whether such employees have been convicted of or have charges pending for a felony as defined under Education Code Section 45122.1.

_____(*Initial*) Consultant shall not permit any employee to perform services that may come in contact with pupils under this contract until the Department of Justice has determined that the employee has not been convicted of a felony or has no criminal charges pending for a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____(*Initial*) Consultant certifies that all of its employees who may come in contact with pupils have not been convicted of or have no criminal charges pending for a felony, as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____(*Initial*) Consultant shall defend, indemnify, protect and hold the District and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property which arise from or are connected with or are caused or claimed to be caused by Consultant's failure to comply with all of the requirements contained in Education Code Section 45125.1, including, but not limited to, the requirements prohibiting Consultant from using employees who may have contact with pupils who have been convicted or have charges pending for a felony in Education Code Section 45122.1.

_____(*Initial*) Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils.

_____(*Initial*) Consultant's individuals/employees and/or Subconsultants/Subcontractors who may come in contact with pupils in the performance of services in this contract agree to provide fingerprint (DOJ/FBI) and TB Clearances (at their own expense) to be in compliance with the above-mentioned Ed Codes before commencement of any services under this contract. The District will provide LiveScan form if necessary.

- I certify to the District's Governing Board that I have read and understand the above terms and conditions and will report any changes that may affect the performance services of this contract.
- I certify to the District's Governing Board that none of the Consultant's employees/individuals and/or Subconsultants/subcontractors performing services under this agreement have been convicted of a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).
- I certify to the District's Governing Board that all of the Consultant's and Subconsultant's/Subcontractor's employees-individuals performing services under this agreement are clear of tuberculosis (TB) as defined on Education Code Section 49406 and Assembly Bill 1667.

Company Name: Club Xcite

Name/title of authorized representative *(Print)* Stefan Hochfilzer

Signature _____ Date Nov 3 2023

REVISED 09-13-18

ATTACHMENT NO. 2

COVID-19 Vaccination & Testing Requirements

The San Ysidro School District ("District") is a public agency that has a duty to implement health and safety protocols to address COVID-19 in accordance with all state and local regulations. As a Contractor/Vendor for the District, you are responsible for ensuring that your agents and employees are complying with applicable state, county and District guidelines whenever services are performed on all District operated facilities.

It is the responsibility of the Contractor/Vendor to ensure there is no interruption of service to District if the Contractor/Vendor and any employee, volunteer and/or agent of the Contractor/Vendor fails to adhere to COVID-19 state and local regulations. Failure by the Contractor/Vendor to comply with the terms of this Addendum or any applicable county or state health order, may result in termination of the agreement to provide services.

This Addendum is hereby incorporated into the Agreement as though fully set forth. No other terms or conditions of the Agreement are changed, and in the event of a conflict the terms of this Attachment No. 2 shall prevail.

EXHIBIT A

SCOPE OF WORK

Club Xcite will be providing special education teaching staff and one on one academic home tutoring instructors (in person/online) to students with special needs at a rate between $90.00 and $100.00.

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Special Education Department
Oscar Madera, Director

☐ Informational
☒ Action

AGENDA ITEM: SAN DIEGO COUNTY NONPUBLIC AGENCY MASTER CONTRACT WITH CLUB XCITE

BACKGROUND INFORMATION:
Club Xcite a nonpublic agency, approved by SELPA, will be providing the following services to a growing population of students with special needs in the district as indicated in their Individualized Education Program (IEP), and to meet the State and Federal guidelines and compliance:

Cost Implications: Individual Counseling: $90.00 per hour
Counseling & Guidance: $90.00 per hour
Parent Counseling: $90.00 per hour
Behavior Intervention Services: $90.00 per hour
Behavior Intervention Services Aide: $30.00 per hour
Registered Behavior Technician: $63.00 per hour
Psychological Services: $91.05 per hour

RECOMMENDATION:
Approve the agreement with Club Xcite for school year 2023-2024, to provide several special education services for students with special needs. Cost implications will be paid from the Special Education Fund

LCAP GOAL AND ACTION/SERVICE:
Goal 1: Student Achievement, Action 1.3: Provide certificated and classified staffing to support students, including teachers, site and district office staff, instructional aides, speech therapists, health care assistants, LVNs, behavioral specialists, and site and district administrators.

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

To be determined	Special Education
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

2023-2024
San Diego County Nonpublic Master Contract

Directions:

- *Main document **must** be completed for every Nonpublic School/Agency or Room & Board Contract.*
- *Complete and attach Appendices A: School, B: Agency, C: Room & Board as appropriate.*

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MAIN DOCUMENT

APPENDIX A: SCHOOLS

APPENDIX B: AGENCIES

APPENDIX C: ROOM AND BOARD

Directions:

- *Main document **must** be completed for every Nonpublic School/Agency or Room & Board Contract*
- *Complete and attach Appendices A: School, B: Agency, C: Room & Board as appropriate.*

2023-2024
Nonpublic
Master Contract

Main Document

San Diego County Nonpublic Master Contract
Main Document

2023-2024

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San Diego County Nonpublic Master Contract
Main Document

2023-2024

This contract ("Master Contract") is entered into by and between San Ysidro School District ("LEA") and Club Xcite ("CONTRACTOR") (collectively "Parties") pursuant to California Education Code section 56366 and California Code of Regulations section 5 CCR 3062 for the provision of special education and/or related services for 2023-2024 academic year.

SECTION 1: TERM

The term of this Master Contract shall be for the period of July 1, 2023, to June 30, 2024. The Parties agree to use their best efforts during the term of this Master Contract to negotiate a successor agreement prior to its expiration. If the Parties execute this contract after July 1, 2023, then the provisions of this Master Contract shall be retroactive to the beginning of the Master Contract Term (July 1, 2023), to cover services provided by CONTRACTOR to LEA pupils, unless otherwise mutually agreed upon by both parties.

SECTION 2: CONTRACT DOCUMENTS

The documents that make up the Master Contract shall include this Main Document and Appendices A (Schools), B (Agencies), and C (Room and Board), as applicable.

SECTION 3: SERVICES PROVIDED TO PUPILS

3.1 INDIVIDUAL SERVICES AGREEMENT

The LEA and CONTRACTOR shall enter into an Individual Services Agreement ("ISA") for each pupil for whom the LEA requests and CONTRACTOR agrees to provide special education and/or related services. The LEA is responsible for completing each pupil's ISA. The ISA for each such pupil shall identify the services to be provided to the pupil pursuant to the pupil's Individualized Education Program ("IEP") or Individualized Family Service Plan ("IFSP"), and the provider of each service identified therein. It is understood that this Master Contract does not commit the CONTRACTOR to provide special education and/or related services to any individual unless and until an Individual Services Agreement (ISA) is executed between the LEA and the CONTRACTOR on behalf of such individual or interim written approval is given to the CONTRACTOR by an authorized representative of the LEA's Special Education Unit.

3.2 INTERIM WRITTEN APPROVAL

The LEA may provide interim written approval for CONTRACTOR to provide services to a pupil pending completion of an ISA and Master Contract. The interim written approval may be for a maximum period of one hundred and eighty (180) days, beginning with the anticipated pupil start date. If an Individual Services Agreement is not completed and executed by the LEA and the CONTRACTOR within this one hundred and eighty (180) day period, the LEA or the CONTRACTOR may request an IEP meeting to be held as soon as possible to discuss a change in placement for the pupil. The LEA shall continue to reimburse the CONTRACTOR as set forth in the interim written approval, or as otherwise agreed by the parties in writing, until such time as there is a change in placement or subsequent execution of an Individual Services Agreement and Master Contract.

3.3 SERVICES TO BE PROVIDED UNDER ISA OR INTERIM WRITTEN APPROVAL

The ISA and any interim written approval shall require Contractor to provide all special education and related services to pupil specified IEP or IFSP, as applicable, for the time specified in the IEP or IFSP unless otherwise specified therein. Changes to a pupil's educational program, including instruction, services, or instructional setting provided under this Master Contract and the ISA for that pupil, may only be made on the basis of revisions to the pupil's IEP or IFSP. In no case may Contractor expel or exit a pupil placed with Contractor except as provided under Section 11 of this Master Contract.

3.4 MODIFICATIONS TO IEP/IFSP

3.4.1 At any time during the term of this contract, the parent, the CONTRACTOR or LEA may request a review of the pupil's IEP/IFSP, subject to all procedural safeguards required by law, in which case the LEA shall convene an IEP meeting within 30 days of said notice.

3.4.2 In the event CONTRACTOR believes a pupil requires something other than what is specified in the ISA, Contractor shall immediately notify the LEA.

3.4.3 CONTRACTOR, including the pupil's then-present teacher, shall participate in all IEP/ISFP meetings for such time as the ISA remains in force and effect. If LEA or CONTRACTOR will be recommending significant changes to the pupil's program, placement or services, the LEA's assigned Case Manager and CONTRACTOR'S representatives shall discuss such recommendations prior to the IEP/IFSP meeting.

3.4.4 Any changes to the pupil's IEP or IFSP shall be incorporated into the ISA for that pupil via written amendment.

3.4.5 When an IEP team has determined that a pupil should be transitioned into the public school setting, the CONTRACTOR shall assist the LEA in implementing the IEP team's recommendations activities to support the transition.

3.5 ASSESSMENTS AND EVALUATIONS

If CONTRACTOR receives a parent request for evaluation or assessment of a pupil, CONTRACTOR shall advise the parent to submit the request in writing to the LEA. The LEA shall collaborate with the CONTRACTOR to develop the evaluation plan and submit it to the parent for approval. The LEA retains the responsibility for conducting triennial evaluations.

3.6 TRANSPORTATION

Transportation, where specified to be provided to a pupil in the ISA, may only be provided directly by the LEA or by a subcontractor engaged by CONTRACTOR for such purpose. Where the ISA specifies transportation is to be provided by CONTRACTOR, CONTRACTOR shall have in place a transportation safety plan that prescribes procedures to ensure safe transport of pupils including, adequate supervision during the transport and with staff trained in vehicle emergency procedures and passenger safety, as appropriate to the pupil needs.

In the event that the CONTRACTOR provides unscheduled transportation for pupils to or from school (due to health, behavior, other emergencies, or as otherwise agreed to by the CONTRACTOR and LEA), the transportation rate for such unscheduled transportation services will be at rates to be agreed upon by LEA and the CONTRACTOR.

3.7 BEHAVIORAL INTERVENTION

CONTRACTOR shall comply with all laws applicable to serving pupils with behavioral needs, including but not limited to, laws governing the use of emergency interventions, required reporting, referral, assessment, and modification of the applicable behavioral intervention plan, IEP and/or IFSP, as applicable.

3.8 PUPIL DISCIPLINE

3.8.1 CONTRACTOR shall maintain and abide by a written policy for pupil discipline that is consistent with state and federal law.

3.8.2 CONTRACTOR shall provide pupils who exhibit serious behavioral challenges timely and appropriate assessments and positive supports and interventions in accordance with the federal Individuals with Disabilities Education Act and its implementing regulations.

3.8.3 CONTRACTOR shall report to LEA all incidents of discipline of any pupil where there has been violation of EC 48900 or 48915 which results in in- or out-of-school suspension, expulsion, or other means of correction.

3.8.4 CONTRACTOR shall immediately submit a written discipline report to the LEA if CONTRACTOR seeks to remove a pupil from his/her current educational placement for disciplinary reasons. The written discipline report shall include, but not be limited to: the pupil's name; the time, date, and description of the misconduct; the disciplinary action taken by the CONTRACTOR; and the rationale for such disciplinary action. Upon receipt, LEA will schedule an IEP meeting and/or manifestation determination review.

3.9 QUARANTINE OF PUPILS

Where a pupil is required to quarantine due to a Public Health Order, or applicable federal, state or local public health guidance, CONTRACTOR will notify the LEA immediately of the pupil's quarantine (as used in this Master Contract, "immediately" shall mean within one business day of CONTRACTOR'S actual knowledge.). So long as the CDE or other regulatory body institutes or provides remote learning or independent study guidance which allows for LEA to obtain ADA funding applicable during such quarantine, CONTRACTOR shall provide services accordingly. In such instances where CONTRACTOR is continuing to deliver such services during quarantine which complies with any remote learning or independent study funding requirements, and provides the services outlined in the pupil's IEP, the pupil will not be deemed absent under the terms of the Master Contract and payment for services will not be withheld by the LEA.

SECTION 4: LEA OVERSIGHT

4.1 INITIAL VISIT PRIOR TO PLACEMENT

If the LEA does not already have a pupil placed at CONTRACTOR'S nonpublic school, the LEA shall be entitled to schedule and conduct, at a minimum, one onsite visit to CONTRACTOR'S nonpublic school prior to placement of any pupil at said school.

4.2 ANNUAL VISIT

The LEA shall be entitled to schedule and conduct, at a minimum, one onsite monitoring visit each year during which the LEA has a pupil attending CONTRACTOR'S nonpublic school. The monitoring visit shall include, but shall not be limited to, a review of services provided to the pupil through the ISA, a review of the progress the pupil is making towards the goals set forth in the pupil's IEP, a review of the progress the pupil is making towards the goals set forth in the pupil's behavioral intervention program, if any, an observation of the pupil during instruction and a walkthrough of the facility, and CONTRACTOR'S compliance with the state and federal related special education mandates.

4.3 UNANNOUNCED VISITS

LEA, SELPA and/or their designee(s) shall be entitled to make unannounced visits.

4.4 EVALUATION OF PUPIL PROGRESS

LEA will conduct evaluation of pupil progress in accordance with applicable law, as follows:

4.4.1 Evaluate the educational progress of each pupil placed in a nonpublic, nonsectarian school, including all state assessment results pursuant to the requirements of Section 52052.

4.4.2 Consider whether or not the needs of the pupil continue to be best met at the nonpublic, nonsectarian school and whether changes to the individualized education program of the pupil are necessary, including whether the pupil may be transitioned to a public school setting. This consideration shall be made at the meeting required by subdivision (d) of Section 56343 of the California Education Code.

4.4.3 Ensure the nonpublic, nonsectarian school or agency provides all services in each IEP unless the ISA for that pupil provides otherwise.

4.4.4 CONTRACTOR shall have written procedures in place for measuring pupil's progress on goals identified in the pupil's IEP or IFSP and shall provide written progress to parents and the LEA in accordance with applicable law.

4.4.5 CONTRACTOR shall submit an updated report if there is no current progress report when pupils are scheduled for a review by the IEP/IFSP team or when a pupil's enrollment is terminated.

SECTION 5: NONPUBLIC CERTIFICATION

CONTRACTOR is required to obtain and keep current any and all certifications required to provide such special education and related services to pupils as are required by the ISA of each pupil CONTRACTOR enrolls per this Master Contract. This Master Contract shall be null and void if such certification is expired, revoked, rescinded, or otherwise nullified during the effective period of this contract. However, such nullification shall not affect LEA's obligations to pay for services provided by CONTRACTOR while validly certified. Nonpublic Certification or waiver of such certification issued by CDE pursuant to EC 56366.2 is attached hereto.

SECTION 6: PERSONNEL

6.1 REQUIRED CREDENTIALS, LICENSE AND/OR OTHER QUALIFICATIONS

CONTRACTOR shall assign only appropriately qualified personnel to provide contracted special education, and/or related services required by the IEP/IFSP, Master Contract and Individual Services Agreement, including appropriately credentialed teachers and/or licensed or license-eligible personnel or other education related mental health provider consistent with the California laws and regulations. All non-credentialed teachers and non-licensed service providers shall be required to obtain a waiver. CONTRACTOR shall be responsible for monitoring the status of waiver applications submitted to the state for all non-credentialed teachers and non-licensed service providers.

6.2 VERIFICATION OF CREDENTIALS

CONTRACTOR shall be responsible for verification of credentials and licenses held by its employees, agents and subcontractors. CONTRACTOR shall upon request provide LEA with a copy of the credential or license for each staff member or subcontractor providing services to children with disabilities. Thereafter, the CONTRACTOR shall supply LEA with copies of any changes in the credentials or licenses of staff within forty-five (45) days of the change in accordance with CCR 3062.

6.3 TRAINING

CONTRACTOR shall be responsible for all training necessary to provide appropriate services per IEP/IFSP, including training in implementing Behavior Intervention Plan(s) as applicable.

6.4 STAFF TO PUPIL RATIOS

Staff to pupil ratios for any given pupil shall be as specified in the pupil's ISA.

6.5 FINGERPRINTING AND TUBERCULOSIS TESTING

CONTRACTOR shall ensure that employee background checks and tuberculosis screenings are conducted in accordance with state and federal law and shall maintain a record of same. Upon Request by LEA, CONTRACTOR shall provide to LEA its verification documents provided to the CDE.

6.6 ACKNOWLEDGMENT OF MANDATED REPORTER OBLIGATIONS

CONTRACTOR shall provide such training as is required under California law regarding child abuse reporting and shall maintain signed statements from all personnel acknowledging their training and understanding of the reporting requirements regarding observed or suspected cases of child abuse.

SECTION 7: COMPENSATION

CONTRACTOR shall be paid in accordance with the terms set forth in Appendix A, B and/or C, as applicable.

SECTION 8: BILLING AND PAYMENT

8.1 INVOICES

CONTRACTOR shall submit invoices monthly for services rendered, no later than thirty (30) days from the end of the attendance accounting period calendar month in which said services are actually provided**.** Invoices should clearly reflect rates set forth in Appendix A, B &/or C, as applicable for services provided in accordance with the applicable ISA or interim written approval. Any related mental health services should be billed by the CONTRACTOR in a separate invoice.

8.2 LATE INVOICES

If LEA does not receive a properly submitted invoice within thirty (30) days from the end of the attendance accounting period calendar month, LEA may deduct 1.5% per month, calculated proportionately per day, of that total invoice, unless LEA has agreed to an extension of time for

CONTRACTOR to submit the invoice. An invoice shall be deemed received on the confirmed date of receipt by LEA.

8.3 PAYMENT

LEA shall make payment within forty-five (45) days of receipt of a properly prepared and submitted invoice. Payment shall reference the invoice number or date and shall be in the amount of the invoice unless LEA has issued a Notice of Withholding pursuant to Section 8.5. This payment shall be at the rates agreed to in the Rate Schedule (See Appendix A for Schools, B for Agencies, and C for Room and Board) of this contract and shall be in an amount equal to the number of creditable days of attendance during both the regular and extended school years, and make-up sessions per the Individual Services Agreement for each pupil. This calculation shall include the Extended School Year if the pupil is enrolled in the Extended School Year, and any other absence for which the LEA has agreed to pay the CONTRACTOR and any related services and transportation costs as specified in the Rate Schedule (See Appendix A for Schools, B for Agencies, and C for Room and Board) of this contract and in accordance with the Individual Services Agreements.

8.4 LATE PAYMENT

If the payment by LEA is not postmarked within forty-five (45) days of the receipt of the invoice, LEA agrees to pay an additional fee of 1.5% interest per month on amounts not paid. Such interest shall be calculated beginning day forty-six (46) from receipt of the invoice in accordance with standard accounting procedures.

8.5 RIGHT TO WITHHOLD

LEA shall be entitled to withhold payment to CONTRACTOR, only if LEA notifies CONTRACTOR within 10 days of receipt of CONTRACTOR'S invoice, that LEA has reliable evidence, which shall be described in writing to Contractor in the notice of withholding of any of the following:

8.5.1 Service is provided to one or more pupils by personnel who are not appropriately credentialed/licensed;

8.5.2 Records required by LEA prior to school closure with respect to one or more LEA pupil(s) enrolled in the CONTRACTOR'S educational program have not been received;

8.5.3 CONTRACTOR confirms a pupil's change of residence to another district and fails to notify LEA within five (5) days thereof;

8.5.4 CONTRACTOR fails to notify LEA within five (5) days after the 10th consecutive school day of a pupil's absence.

Nothing in this Section waives the LEA's right to later seek reimbursement for CONTRACTOR's actual failure to comply with the requirements outlined in subsections 8.5.1; 8.5.2; 8.5.3; or 8.5.4 of this section, provided however, that LEA may not seek any such reimbursement after 90 days from the end of the operative Master Contact term.

8.6 CALCULATION OF WITHHOLDING

If the basis for withholding is subsection 8.5.1 of this section, the amount withheld by LEA shall be limited to payment for services provided by the relevant personnel. If the basis of the withholding is 8.5.2 to 8.5.4 of this section, LEA shall withhold a proportionate amount for services provided to that pupil.

8.7 OPPORTUNITY TO CURE

CONTRACTOR shall have ten business days from receipt of LEA's notice of withholding to take all necessary and appropriate action to correct the deficiencies that form the basis for LEA's withholding. Upon request and a showing of good cause, LEA shall extend that time by an additional ten (10) business days. Upon verification of remediation of identified deficiencies and receipt of rebilling, LEA shall pay the resubmitted invoice in accordance with section 8.3, above. If the CONTRACTOR does not resubmit sufficient rebilling or verify remediation of identified deficiencies within forty-five (45) calendar days of the notice of withholding, the withheld amount shall be forfeited.

8.8 SERVICES PROVIDED FOLLOWING EXPIRATION OF THE MASTER CONTRACT

In the event that a successor Master Contract is not agreed upon prior to the expiration of this Master Contract, and CONTRACTOR continues to provide services to LEA'S pupils, LEA shall make timely payment to CONTRACTOR in accordance with the rates set forth in Appendix A, B or C, as applicable, pending the agreement on a successor Master Contract. Upon agreement to said successor Master Contract, CONTRACTOR will invoice LEA for the additional revenue resulting from any rate changes, in accordance with section 8.4 above, during the interim period between Master Contracts.

8.9 MEDI-CAL REIMBURSEMENT

CONTRACTOR shall provide to LEA, upon request, documentation of all services which may be reimbursable by Medi-Cal. LEA shall have the sole right to submit claims for reimbursement to Medi-Cal, including through the LEA Billing Option Program.

SECTION 9: RECORDKEEPING AND REPORTING

9.1 ACCESS TO PUPIL RECORDS

CONTRACTOR shall provide LEA and/or parent upon request, copies of all requested records pertaining to any pupil assigned by LEA to Contractor within the time required by law for the provision of such pupil records. Notwithstanding this provision, LEA shall remain the custodian of the pupil's records pursuant to Education Code Section 49062.

9.2 PUPIL DATA REPORTING

CONTRACTOR shall provide to LEA all pupil information required for LEA to report to the California Longitudinal Pupil Achievement Data System (CALPADS) as well as other data as required by Every Student Succeeds Act (ESSA) or any federal data reporting requirements, including, but not limited to, data required to calculate enrollment and dropout and graduation rates, discipline, restraints and seclusion.

9.3 PUPIL INJURY REPORTING

CONTRACTOR shall prepare a written report and provide such report to the LEA case manager no later than the end of the following day when a pupil suffers an injury requiring medical attention.

9.4 ANNUAL REPORTING

CONTRACTOR shall provide copies of all pupil records on an annual basis including, but not limited to, current transcripts, IEP/IFSPs and results of performance testing and all information required for compliance with federal and state data reporting requirements. Upon specific request

by LEA in the event of an investigation or litigation involving a pupil, CONTRACTOR shall provide any other accessible documents pertaining to the pupil, whether or not considered a "pupil record" under state or federal law.

9.5 TRANSFER OF PUPIL RECORDS UPON SCHOOL CLOSURE OR DISENROLLMENT

Upon school closure or disenrollment of a pupil CONTRACTOR shall immediately transfer to LEA all "pupil records" under state or federal law. Upon specific request by LEA in the event of an investigation or litigation involving a pupil, CONTRACTOR shall provide any other accessible documents pertaining to the pupil, whether or not considered a "pupil record" under state or federal law.

9.6 CONTRACTOR REPORTING

CONTRACTOR shall be responsible for all reporting required by state or federal law including, but not limited to, child abuse reporting, reporting of missing pupils, pupil injury reporting, and shall retain all records pertaining to training and acknowledgment of duties pertaining to required reporting.

9.7 FISCAL RECORDS

CONTRACTOR agrees to maintain operations in a manner consistent with law, regulations, safety, and good practice and shall maintain records in sufficient detail to verify its billed services to LEA. CONTRACTOR shall provide access to, or forward copies of, documents relating to services provided under this Master Contract to LEA within twenty (20) days upon reasonable request, except as otherwise required by law. Such documents may include: 1) registers and roll books of teachers; 2) daily service logs and notes or other documents used to record the provision of related services; 3) absence verification records; 4) transportation records; 5) staff lists specifying credentials held, business and/or professional licenses held documents evidencing other qualifications; 6) dates of hire, and dates of termination; 7) staff time sheets; 8) non paid volunteer sign-in sheets; 9) related services contracts; 10) school calendars; 11) bell/class schedules; 12) liability and workers' compensation insurance policies; 13) state nonpublic school certifications; Such records shall be maintained by CONTRACTOR for five (5) years and shall be available for audit upon LEA request.

9.8 AUDIT EXCEPTIONS

CONTRACTOR shall be responsible to receive, reply to, and/or comply with any audit exceptions identified by appropriate LEA personnel, consultants or state or federal audit agencies occurring as a result of CONTRACTOR'S performance of this contract. Upon being notified of any financial penalties by or assessed against the LEA attributable to the CONTRACTOR for failure to properly perform any of its obligations under this contract, the CONTRACTOR shall pay LEA within thirty (30) days, unless contested by CONTRACTOR. After resolution of CONTRACTOR's contention, any remaining funds owed to the LEA shall be paid within thirty (30) days. Any, and all audit exceptions must be specified in detail before any demand from the LEA for any amount requested.

9.9 CONFIDENTIALITY OF RECORDS

CONTRACTOR shall be responsible for and required to protect the confidentiality of pupil records as required by law.

SECTION 10: MODIFICATIONS/AMENDMENTS

This Master Contract and any ISA agreed to hereunder may not be amended without the prior written consent of both parties.

SECTION 11: TERMINATION

This Master Contract and/or any ISA may be terminated as follows:

11.1 Upon the mutual agreement of the parties.

11.2 For cause by either party, upon twenty (20) days written notice to the other party, or earlier by mutual agreement. Cause for termination shall include, but not be limited to:

11.2.1 The expiration revocation, rescission, or cancellation of any certification required for CONTACTOR to provide special education and/or related services as may be required by the ISA of each pupil enrolled by Contractor pursuant to this Master Contract.

11.2.2 The material breach of this Master Contract by either party, including but not limited to CONTRACTOR's failure to maintain required insurance.

11.2.3 For an ISA, the pupil requires services beyond the capacity of CONTRACTOR'S certification or level of staffing.

11.2.4 For an ISA, the pupil's continued presence materially and adversely affects the provision of services to other pupils.

11.2.5 For an ISA, the pupil presents a safety risk to other pupils or staff.

11.2.6 For an ISA, the acts or omissions of the pupil's parent, guardian or advocate materially interfere with CONTRACTOR in the IEP formulation or delivery of services to the pupil or other pupils.

11.2.7 Any ISA agreed to pursuant to this Master Contract shall be terminated upon termination of this Master Contract.

11.3 Cause shall not be the availability of a public class initiated during the period of the contract unless the parent agrees to the transfer of the pupil to a public school program.

11.4 Termination of the Master Contract or ISA shall not affect LEA's payment obligations under Section 8, for services rendered prior to termination.

11.5 In the event CONTRACTOR believes that a pupil involved in a pending ISA termination presents a risk of substantial disruption or harm to others or the pupil, the parties shall confer on an immediate basis to determine alternate means of safely delivering services during the notice period.

SECTION 12: RENEWAL

This Master Contract may be renewed upon the written agreement of the Parties. In the event that a pupil is enrolled with the CONTRACTOR during the term of this Master Contract and said pupil continues to receive special education and/or related services from CONTRACTOR after expiration of this Master Contract and a new master contract has not yet been executed, the terms of this Master Contract and associated Individual Service Agreements shall apply to any and all special education and/or related services provided by the CONTRACTOR until the successor Master Contract is executed. LEA's

payment obligation under Section 8 shall apply to all services provided by CONTRACTOR under this section. This provision is solely for the purpose of avoiding interruption of services during extended contract negotiations. However, nothing in this provision shall obligate CONTRACTOR to provide services after the expiration of this Master Contract. If CONTRACTOR intends not to renew the Master Contract, CONTRACTOR shall provide LEA at least 30 days written notice of such intent. If the renewal Master Contract includes a rate increase, the rates shall be retroactive to the start of the Master Contract term, unless the parties agree otherwise.

SECTION 13: COMPLIANCE WITH LAW

During the term of this contract, CONTRACTOR and LEA shall comply with all applicable federal, state and local laws and regulations relating to the provision of services under this Master Contract and any associated ISAs.

SECTION 14: NON-DISCRIMINATION STATEMENT

CONTRACTOR and LEA do not discriminate on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation with regard to employment, contracting and the provision of services. CONTRACTOR and LEA shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement.

SECTION 15: INDEPENDENT CONTRACTOR STATUS

This Master Contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association.

SECTION 16: STANDARD OF PERFORMANCE

CONTRACTOR shall perform all services required pursuant to this Agreement in the manner and according to the standards of each services provider's licensure or certification in the State of California, or as applicable, under the standards prescribed by the California Department of Education.

SECTION 17: SUBCONTRACT AND ASSIGNMENT

CONTRACTOR may not subcontract or assign its obligation under this Master Contract or related ISA without the express written consent of LEA. However, CONTRACTOR may subcontract out transportation services. CONTRACTOR may subcontract individual service providers on a temporary basis in the case of staffing absences or staff shortages without written consent, however if such temporary staffing persists longer than one-month, then written consent of LEA is required. Any other subcontract or assignment shall require written consent of the LEA, and such approval shall not be unreasonably withheld.

SECTION 18: INDEMNIFICATION

CONTRACTOR shall indemnify and hold harmless LEA and its officers, employees, and agents (hereinafter "Indemnified Parties") from and against any and all costs, claims, demands, expenses or liabilities (collectively "liabilities"), to the extent such liabilities arise from CONTRACTOR'S wrongful acts, omissions, or negligent performance under this Master Contract.

LEA shall indemnify and hold harmless CONTRACTOR and its officers, employees, and agents (hereinafter "Indemnified Parties") from and against any and all costs, claims, demands, expenses or liabilities (collectively "liabilities"), to the extent such liabilities arise from LEA'S wrongful acts, omissions, or negligent performance under this Master Contract.

The terms of this section shall survive termination of this Master Contract.

SECTION 19: INSURANCE

During the entire term of this contract and any extension or modification thereof, CONTRACTOR shall procure and maintain in effect for the term of this Master Contract a policy or policies of insurance and coverage limits as follow.

General Liability	$1,000,000/3,000,000
Professional Liability	$1,000,000/3,000,000
Auto liability owned and non-owned vehicles	$1,000,000/3,000,000
(This provision is applicable only if CONTRACTOR provides transportation services)	
Workers Compensation	(per statute)

The parties agree that the above-listed coverage limits are expected to be sufficient to insure the indemnity and defense obligation undertaken by CONTRACTOR pursuant to Section 18, above, and shall be endorsed to name LEA as an additional insured. Said additional insured endorsement must specify that any coverage which may otherwise be available to LEA is primary and non-contributory.

The CONTRACTOR shall at its own cost and expense procure and maintain insurance under the applicable State's Workers' Compensation laws. Failure to maintain the above-mentioned insurance coverage shall be cause for termination of this contract.

Not later than the effective date of this Master Contract, the CONTRACTOR shall provide the LEA with a satisfactory certificate or evidence of insurance for all coverage required under this Master Contract. The insurance maintained by CONTRACTOR shall include a provision for the insurance provider to send written notice of cancellation or modification to LEA at least thirty (30) calendar days before cancellation or adverse material change, or ten (10) days for nonpayment of premium. Independently from the insurer's obligation to provide notice to the LEA, the CONTRACTOR shall provide the LEA written notice of cancellation or adverse material modification within one (1) business day after receiving such notice from the insurer.

SECTION 20: ENTIRE AGREEMENT

This Master Contract constitutes the entire agreement between the parties. There are no understandings, agreement, or representations not specified in this Master Contract.

SECTION 21: SEVERABILITY

If any provision or portion of a provision of this contract is held in whole or in part to be unenforceable for any reason, the remainder of the provision and of the entire contract shall be severable and shall remain in effect.

SECTION 22: VENUE AND GOVERNING LAW

This contract, and conditions of this contract, shall be governed by the laws of the State of California with venue in San Diego County, California.

SECTION 23: ELECTRONIC SIGNATURES

CONTRACTOR and LEA consent to conducting transactions for this Master Contract via electronic signature, which will have the same validity and effect as a signature affixed by hand, through an electronic system established and maintained by LEA.

23.1 Under the Uniform Electronic Transactions Act (California Civil Code sections 1633.1-1633.17), CONTRACTOR and LEA agree to conduct transactions relating to the Agreement by use of an electronic signature, which is an electronic mark that is held to the same standard as a legally binding equivalent a handwritten signature. CONTRACTOR and LEA further agree that, for the purposes of authorizing, approving, and authenticating records, information, and transactions relating to this Agreement, the electronic signature has the full force and effect of a signature affixed by hand to a paper document. CONTRACTOR and LEA agree that the transactions conducted electronically relating to this Agreement shall be binding upon each of them.

23.2 CONTRACTOR and LEA agree that the electronic signature will be valid from date of issuance until the end of the Agreement term or earlier if it is revoked or terminated under this Agreement. Each party understands that the other may suspend or terminate the use of electronic signatures in its reasonable discretion (but such action shall not affect previous electronically signed documents).

23.3 CONTRACTOR and LEA will use the electronic signature to establish identity and sign electronic documents and forms relating to the Master Contract and Amendments. CONTRACTOR and LEA are solely responsible for protecting the electronic signature. If either party suspects or discovers that the electronic signature has been stolen, lost, used by an unauthorized party, or otherwise compromised, then the discovering party will immediately notify the other party and request that the electronic signature be revoked. CONTRACTOR and LEA will then immediately cease all use of the electronic signature. CONTRACTOR and LEA agree to keep the electronic signature secret and secure by taking reasonable security measures to prevent it from being lost, modified, or otherwise compromised, and to prevent unauthorized disclosure of, access to, or use of it or of any media on which information about it is stored.

SECTION 24: NOTICES

Notices provided for by this Master Contract shall be in writing, be delivered to the individual identified below in this section, and shall be delivered via certified, registered, or return receipt requested mail, postage prepaid, email or facsimile transmission, unless a specific section of this contract requires or allows notice or contact to be made in a different manner or to a different individual. The effective date of all notices shall be the date of the postmark, email or facsimile transmittal date identified in the document. In the event there is a change in the individual to be notified, the CONTRACTOR or the LEA shall provide written notice of the change, after which all future notices shall be addressed to that individual. If the LEA or the CONTRACTOR does not identify an individual to be notified in this section, notification may be given to the individual executing this Master Contract, or the individual with whom the notifying party normally communicates on related matters for the other party. If the individual designated below is no longer employed by the party, or is no longer in the designated position, notification may be made to the person currently in the position (whether in a permanent or interim capacity).

Notices to the LEA:	Notices to the CONTRACTOR:
Marilyn Adrianzen, Chief Business Official Name/Title	Stefan Hochfilzer Name/Title
San Ysidro School District Local Education Agency	Club Xcite Nonpublic
4350 Otay Mesa Road Address	10855 Sorrento Valley Road Address
San Ysidro CA 92173 City State Zip	San Diego CA 92121 City State Zip
(619) 428 - 4476 Phone	(619) 203 - 7447 Phone
(619) 428 - 9355 Facsimile	( ) Facsimile
marilyn.adrianzen@sysdschools.org Email Address	stefan@exciteway.com Email Address

SECTION 25: DISPUTE RESOLUTION

Disagreements concerning the meaning, requirements or performance of this contract shall first be brought to the attention of the other party in writing, pursuant to the notice provisions of this Master Contract, in an attempt to resolve the dispute at the lowest level. Any remaining disputes or disagreements may be resolved either 1) as voluntarily agreed to by the parties, 2) through third party mediation before a mutually agreed upon mediator, or 3) by civil court action.

SECTION 26: SIGNATURES

This Master Contract, including its component parts, may be signed in counterparts and the signatures may appear on separate signature pages. A copy and/or original, with all signatures attached, shall be deemed a fully executed document. A facsimile version of any party's signature shall be deemed an original. The parties hereto have executed this Master Contract by and through their duly authorized agents or representatives as indicated by their signatures.

This Master Contract is effective on November 1, 2023 and terminates at 5:00 p.m. on June 30, 202 unless sooner terminated as provided herein.

CONTRACTOR
Nonpublic ☐ School ☒ Agency

Authorized Representative Signature DATE: Nov 2nd 2023

Stefan Hochfilzer
(Type) Name and Title

LEA
Local Educational Agency

Authorized Representative Signature DATE: 11/10/2023

Gina A. Potter, Ed.D., Superintendent
(Type) Name and Title

LEA Board Approval DATE: 11/09/2023

2023-2024
Nonpublic
Master Contract

Appendix B: Agencies

SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACT
APPENDIX B: AGENCIES
2023-2024

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NONPUBLIC MASTER CONTRACT
Appendix B: Agencies

SECTION 1: EDUCATIONAL PROGRAM

1.1 ADMISSION/ENROLLMENT PROCEDURES

Prior to the CONTRACTOR deciding whether or not to enroll a pupil, the LEA shall provide the CONTRACTOR a copy of the pupil's current IEP/IFSP, and facilitate an observation of the pupil, data gathering from the current or prior education providers, and any other reasonable information gathering CONTRACTOR wishes to undertake prior to making an enrollment decision. The CONTRACTOR retains the right to decline enrollment of any pupil and nothing in this contract shall be construed to limit this right.

If a pupil is being considered for enrollment, his or her IEP/IFSP shall be reviewed in collaboration with the LEA, the CONTRACTOR, parents, and other invited participants, as appropriate.

The CONTRACTOR shall notify the LEA of its decision to decline enrollment or the effective date of enrollment of the pupil in accordance with Section 24 (Notices) of this contract within ten (10) working days of receipt of the referral.

1.2 SUPPLIES AND EQUIPMENT

The CONTRACTOR shall be responsible for providing all standard and usual supplies and equipment required for the general program provided by the CONTRACTOR. If an individual pupil's IEP/IFSP requires specialized equipment and/or supplies beyond the CONTRACTOR'S general program, the LEA shall provide them unless otherwise specified in the Individual Services Agreement. The LEA shall provide the low incidence equipment assigned to the pupil through the IEP/IFSP unless the CONTRACTOR specifically agrees in the Individual Services Agreement to provide the low incidence equipment. Supplies and/or equipment purchased and/or provided by the LEA remain the property of the LEA and supplies and/or equipment purchased and/or provided by the CONTRACTOR remain the property of the CONTRACTOR, if not specifically reimbursed by the LEA for that specific supply or equipment. If the CONTRACTOR provides DIS and/or related services, the CONTRACTOR shall be responsible for providing usual and reasonable supplies and assessment tools necessary to implement the provision of services unless otherwise agreed in the Individual Services Agreement.

1.3 CALENDAR

The CONTRACTOR shall only provide designated instruction and services during the period of the pupil's regular or extended school year program, or both, at the location designated by the IEP, unless otherwise specified by the pupil's IEP/IFSP. The CONTRACTOR shall observe the following legal holidays including Independence Day, Veteran's Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, Dr. Martin Luther King Jr. Day, President's Day, and Memorial Day, as specified in the CONTRACTOR'S official calendar. Make-up sessions may be scheduled for other days of school vacations.

1.4 PARENT VISITS/COMMUNICATION

a. The CONTRACTOR shall provide for reasonable parental visits to all of the agency facilities including, but not limited to, the instructional setting attended by pupils and recreational activity areas. The CONTRACTOR shall notify case manager or other authorized LEA representative of all planned parental visits, and provide opportunity for case manager or other LEA representative to attend visit. The CONTRACTOR shall use its good faith efforts to provide that parental visits are in agreement with a court order, if any.

b. All communication between the CONTRACTOR and Parent regarding programmatic decisions must include case manager or other authorized IEP team member, unless authorized by LEA representative or case manager, regarding program recommendations.

1.5 OWNERSHIP

All activity plans, token systems, reinforce systems or inventories, visual schedules, data, drills, progress reports, quarterly reports, behavior intervention plans, behavior support plans, behavior graphs, pupil assessment results, and program materials created specifically for individual pupils by the CONTRACTOR under this Master Contract shall be the joint property of the CONTRACTOR and LEA.

1.6 STAFF ABSENCES

When a provider is absent, CONTRACTOR shall provide appropriate coverage in accordance with EC section 56061. The CONTRACTOR shall provide the LEA the documentation of such coverage upon request. As appropriate, the CONTRACTOR and the LEA may make arrangements for make-up sessions, usually within thirty (30) days, at a mutually convenient time and location if appropriate staff is not available to provide coverage for staff absences.

The CONTRACTORS who provide nurses, 1:1 aides or 1:1 behavior intervention staff in accordance with an individual pupil's IEP/IFSP shall provide substitute coverage when the staff member is absent, unless other arrangements have been made with the LEA on a case by case basis.

SECTION 2: ATTENDANCE

The CONTRACTOR shall keep original records of services provided to each pupil in a register, report or record with the pupil's absences clearly indicated. The CONTRACTOR shall file the signed copies of such service logs with monthly invoices to the LEA within thirty (30) days of the close of the school month. The documents and reports identified in this section shall be provided to LEA pursuant to the provisions in Section 24 (Notices) of the Nonpublic Master Contract. The CONTRACTOR is responsible for verifying accuracy of the service logs and for informing subcontractors of their personal responsibility for the completion and accuracy of said forms. A unit of service for payment purposes is one session as specified in the pupil's IEP/IFSP.

If a CONTRACTOR attempts to provide services for five (5) consecutive days or sessions, and the pupil is not available for the service, the CONTRACTOR may suspend the Individual Services Agreement and notify the LEA of the need to convene a meeting of the IEP/IFSP team to attempt to resolve the problem. If a pupil's absences exceed more than ten (10) unreimbursed days, the CONTRACTOR may notify the LEA of the intent to terminate the Individual Services Agreement and if it does, at the same time it shall request an IEP/IFSP meeting. Said notice shall be provided pursuant to Section 24 (Notices) of this contract. Upon receipt of this request, the LEA shall convene an IEP/IFSP meeting as soon as possible to review the placement, modify the IEP/IFSP if appropriate, or determine another appropriate placement option for the pupil.

SECTION 3: SAFETY

3.1 SAFE AND APPROPRIATE ENVIRONMENT

If nonpublic agency services are not provided on a school site, the CONTRACTOR shall be responsible for providing facilities in which it provides the services agreed to in the Individual Services Agreement, unless there is written agreement to the contrary. The CONTRACTOR shall comply with applicable law with respect to the structural specifications of the facilities in which it provides services. The CONTRACTOR shall comply with all applicable local, county, and/or state ordinances and statutes relating to fire, health, sanitation and building safety. If services are provided at a school site, the CONTRACTOR shall participate in the regularly scheduled fire, earthquake, and disaster drills as appropriate.

When the IEP specifies that NPA services are to be provided in the pupil's home, the parent/guardian or another adult caregiver designated by the parent shall be present in the home while the services are delivered.

SECTION 4: FINANCIAL

4.1 FULL-TIME EQUIVALENCY BASIS

Notwithstanding the requirements of Section 3.1 (Individual Services Agreement) of the Master Contract, when the CONTRACTOR provides services on a full-time equivalency basis (as opposed to a per pupil basis), the LEA shall maintain a list or lists of individual pupils that CONTRACTOR serves on this basis.

4.2 RATE SCHEDULE FOR CONTRACT YEAR

CONTRACTOR: Club Xcite

CONTRACTOR NPA ID NUMBER: 9902209

Education service(s) offered by the CONTRACTOR, and the charges for such service(s) during the term of this contract, shall be as follows:

RELATED SERVICES	RATE	PERIOD
Intensive Individual Services (340)		
Individual and Small Group Instruction (Ages 3-5 only) (350)		
Language and Speech (415)		
Language and Speech (415) - Licensed SLP-A		
Language and Speech (415) – Speech Therapy Aide		
Adapted Physical Education (425)		
Health and Nursing: Specialized Physical Health Care LVN (435)		
Health and Nursing: Specialized Physical Health Care RN (435)		
Health and Nursing: Specialized Physical Health Care CRN (435)		
Health and Nursing: Other Services LVN (436)		
Health and Nursing: Other Services RN (436)		
Health and Nursing: Other Services CRN (436)		
Health and Nursing: Other Services Health Aide/CNA (436)		
Assistive Technology Services – Credentialed (445)		
Assistive Technology Services - Classified (445)		
Occupational Therapy (450)		
Occupational Therapy (450) – Certified OT Assistant		
Physical Therapy (460)		

Physical Therapy – Licensed PT Assistant (460)		
Individual Counseling (510)	$90.00	per hr
Counseling and Guidance (515)	$90.00	per hr
Parent Counseling (520)	$90.00	per hr
Social Work Services (525)	$90.00	per hr
Psychological Services (530)	$91.05	per hr
Behavior Intervention Services (535) – BI Design	$90.00	per hr
Behavior Intervention Services (535) – BI Implementation	$90.00	per hr
Behavior Intervention Services (535) – BII (AIDE)	$30.00	per hr
Behavior Intervention Services (535) – BII (RBT)	$63.00	per hr
Specialized Services for Low Incidence Disabilities (610)		
Specialized Deaf and Hard of Hearing (710)		
Interpreter Services (715)		
Interpreter Services Shift Differential (715)		
Audiological Services (720)		
Specialized Vision Services (725)		
Orientation and Mobility (730)		
Braille Transcription (735)		
Specialized Orthopedic Services (740)		
Reader Services (745)		
Recreation Services, Including Therapeutic (760)		
College Awareness Preparation (820)		
Vocational Assessment, Counseling/Guidance Assessment (830)		
Career Awareness (840)		
Work Experience Education (850)		
Job Coaching (855)		
Mentoring (860)		

Agency Linkages (referral and placement) (865)		
Travel Training (870)		
Other Transition Services (890)		
Other Services (900) - Music Therapy		
Other Services (900) - Vision Therapy		
Other Service (900)		
Transportation – Emergency		
Bus Passes		

NOTES:

*Parent transportation reimbursement rates to be set forth in Individual Services Agreements.

SECTION 5: APPROVALS

CONTRACTOR
Nonpublic Agency

Authorized Representative Signature

DATE: Nov 2nd 2023

Stefan Hochfilzer
(Type) Name and Title

LEA
Local Educational Agency

Authorized Representative Signature

DATE: 11/10/2023

Gina A. Potter, Ed.D., Superintendent
(Type) Name and Title

LEA Board Approval

DATE: 11/9/2023

SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: November 9, 2023

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Jose Iniguez, Assistant Superintendent of Admin. Leadership, School Support & Safety

☐ Informational
☒ Action

AGENDA ITEM: TASK ORDER NO. 2 WITH B.R. BUILDING RESOURCES COMPANY FOR THE CALSHAPE GRANT ENERGY PROGRAM IMPLEMENTATION SERVICES

BACKGROUND INFORMATION:
On July 14, 2022, Task Order No. 2 is related to CalSHAPE Grant Award No. 21R2PA1164 in the amount of $307,002.75 for projects at Sunset, La Mirada, Smythe and San Ysidro Middle School was approved. Scope of work consisted maintenance and/or repair of existing mechanical equipment to meet current standards of public health and safety.

Amendment No. 1 is to extend the Closeout and Reporting Term from October 30, 2023 to December 31, 2023. This extension would allow ample time for completion and submittal of the CalSHAPE Reporting requirements. All other Terms and Conditions of the Master Agreement and Task Order No. 2 will remain the same.

RECOMMENDATION:
Approve Amendment No. 1 to extend the term of Task Order No. 2 with B.R. Building Resources to provide energy program implementation services of the CalSHAPE Program.

LCAP GOAL AND ACTION/SERVICE (please indicate):

☐ **Renewal** ☒ **New** ☐ **Amendment** ☒ **Ratify** ☐ **Other**

Financial Implications?	Are funds for this item available in the 2023-2024 Budget?	Requisition #
☒ Yes ☐ No	☒ Yes ☐ No	

TASK ORDER NO. 2

$307,002.75	CalSHAPE Grant
(Amount)	(Name of funding source and/or location)

Recommended for: ☒ Approval ☐ Denial Certification Requested ☐ Yes ☐ No

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

AMENDMENT NO. 1

The Master Services Agreement between San Ysidro School District (District) and B.R. Building Resources was entered on April 14, 2022, including all Exhibits and attachments thereto. Task Order No. 2 dated June 2, 2022 for the implementation of the CalSHAPE and Efficiency Plumbing Program needs to be Amended.

Amendment No. 1 - The following section is being amended.

- WORK SCHEDULE/TIME:

  4. Extend the Closeout and Reporting Term from October 30, 2023 to December 31, 2023. This extension would allow ample time for completion and submittal of the Reporting requirements.

All other Terms and Conditions of the Master Agreement and Task Order No. 2 remain the same.

The District and B.R. Building Resources, each of the parties signing this Amendment warrants to the other that he or she has the full authority to sign on behalf of the Party which his or her signature is made.

B.R. Building Resources	**San Ysidro School District**
Firm Name	Firm Name
Signature of Authorized Agent	Signature
	Gina A. Potter, Ed.D., Superintendent
Print Name, Title	Print Name, Title
Date:	Date
	Board Approved