



Trinity County Office of Education

Fabio Robles, Ed.D.
Trinity County
Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive, Weaverville, CA 96093-1256

MINUTES

Trinity County Board of Education Regular Board Meeting-Public Hearing June 17, 2025

WHERE HELD: Trinity County Office of Education
201 Memorial Drive – Granite Room

MEMBERS PARTICIPATING: Randy Spencer, Area I
Vacant, Area II
Sally Aldinger, Area III
Arina Erwin, Area IV
Steve Canale, Area V

COUNTY OFFICE: Fabio Robles, Superintendent of Schools
Cindy Blanchard, Chief Business Official
Corey Helgesen, Assistant Superintendent of Educational Services
Kaila Arnold, Executive Secretary

1.0 Formal Opening

- 1.1 Call to Order
Sally Aldinger called the meeting to order at 1:01 p.m.
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Additions or Changes to Agenda
Kaila Arnold made changes to the dates on item 7.1 & 7.3. Additionally, the date noted on the Declaration of Need was edited to reflect the correct date.

- 2.0 Public Communication: Persons wishing to address the Board on any item except personnel are invited to do so at this time. In the interest of time and order, presentations from the public are limited to three minutes per person, 20 minutes per topic, pursuant to Board policy. Please state your name and address before speaking. In accordance with the Brown Act, unless an item has been placed on the agenda there shall be no action taken. The Board may 1) acknowledge receipts of the information; 2) refer to staff for further study; 3) refer the matter to the next agenda.

There was no public communication.

3.0 Accept Open Session Agenda

Sally asked the board for a motion to accept the Open Session Agenda.

MOTION: A motion was made by Steve, with a second by Randy, to accept the Open Agenda. Motion passed. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

4.0 Consent Agenda: The following consent agenda items are considered routine by the County Board and will be enacted with one motion. There will be no separate discussion of items unless a Board member so requests, in which event the item(s) will be considered following approval of the Consent Agenda.

4.1 Minutes – May 21, 2025

4.2 Warrants – May 2025

4.3 Payroll – May 2025

Sally Aldinger asked the Board if there was a motion to pull any items from the Consent Agenda. Hearing none, Sally asked the board for a motion to accept the Consent Agenda.

MOTION: A motion was made by Arina, with a second by Steve, to accept the Consent Agenda. The motion passed unanimously. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

5.0 Public Hearing

The public hearing opened at 1:05 p.m.

5.1 Public Hearing – Trinity County Office of Education Proposed 2025-2026 Budget
Cindy shared a PowerPoint presentation on the proposed 2025-2026 Budget, Criteria, and Standards, Budget Certification, and Workers Compensation.

5.2 Public Hearing – Trinity County Office of Education 2025-2026 Local Control and Accountability Plan (LCAP), Annual Update, and Budget Overview for Parents

Fabio reviewed the documents and information regarding the 2025-2026 LCAP and Budget Overview for Parents.

There was no public comment.

The public hearing closed at 1:40 p.m.

6.0 Information Items

6.1 2025-2026 Education Protection Account Budget Plan

Cindy gave a summary of the 2025-2026 Education Protection Account Budget Plan, which was included in the packet for review.

6.2 2025 Differentiated Assistance Annual Summary Report

Fabio reviewed the 2025-2026 Differentiated Assistance & LCAP Support Plan, which was included in the packet for review.

6.3 2024-25 Arts & Music Proposition 28 Expenditure Report

Cindy gave a summary of the 2024-2025 Arts & Music Proposition 28 Expenditure Report, which was included in the packet for review.

7.0 Action Items

7.1 Approve Resolution #25-26-01 Education Protection Account 2025-2026

MOTION: A motion was made by Arina, with a second by Steve. The motion passed. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

7.2 Consider and/or Approve Annual Declaration of Need for Fully Qualified Educators & Statement of Need for Emergency Permits for 2025 – 2026

MOTION: A motion was made by Steve, with a second by Randy. The motion passed. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

7.3 Review and Approve the 2024-25 Transportation Plan

MOTION: A motion was made by Arina, with a second by Steve. The motion passed. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

7.4 Approve Cancellation of July 2025 Regular Board Meeting Due to Lack of Agenda Items

MOTION: A motion was made by Randy, with a second by Steve. The motion passed. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

7.5 Review and Approve Superintendent Remuneration 2025-2026 SY

MOTION: A motion was made by Arina, with a second by Randy. The motion passed. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

8.0 Reports

8.1 Financial Report and Oversight Update

Cindy provided the financial report and oversight update, which was included in the board packet for the members to review.

8.1.1 School Facilities Report from Jeff Morris

The school facilities report was included in the packet for the members to review.

9.0 Correspondence

9.1 Letter of Interest- Board Vacancy Area II

The board discussed having the applicant come to the August board meeting to introduce themselves.

10.0 Superintendent's Report

10.1 Fabio shared:

- About the STEAM Expo that was recently held in Hayfork.
- The All-Staff tribute to Megan Koeller.
- Information regarding SB88.
- Staffing updates.
- School Readiness program possibly coming to Trinity Center.
- A new scholarship in honor of Megan Koeller.

11.0 Board Reports/Announcements/Comments

11.1 Arina and Randy shared their report with the rest of the board.

12.0 Adjournment

MOTION: A motion was made by Arina, with a second by Randy to adjourn the meeting at 2:36 pm. The motion passed. Aye-4, (Aldinger, Canale, Erwin, Spencer), No-0, Absent-0, Abstain-0.

Respectfully submitted,

Fabio Robles, Ex-Officio Secretary
Trinity County Office of Education

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Fabio Robles, Ed.D.
Trinity County
Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive, Weaverville, CA 96093-1256

MINUTES

Trinity County Board of Education Regular Board Meeting- Adoption

June 18, 2025

WHERE HELD: Trinity County Office of Education
201 Memorial Drive – Granite Room

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201 Memorial Drive

MEMBERS PARTICIPATING: Randy Spencer, Area I
Vacant, Area II
Sally Aldinger, Area III
Arina Erwin, Area IV
Absent, Area V

COUNTY OFFICE: Fabio Robles, Superintendent of Schools
Cindy Blanchard, Chief Business Official
Corey Helgesen, Assistant Superintendent of Educational Services
Kaila Arnold, Executive Secretary

1.0 Formal Opening

- 1.1 Call to Order
Sally Aldinger called the meeting to order at 1:10 p.m.
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Additions or Changes to Agenda
There were no additions or changes to the Agenda.

- 2.0 **Public Communication:** Persons wishing to address the Board on any item except personnel are invited to do so at this time. In the interest of time and order, presentations from the public are limited to three minutes per person, 20 minutes per topic, pursuant to Board policy. Please state your name and address before speaking. In accordance with the Brown Act, unless an item has been placed on the agenda there shall be no action taken. The Board may 1) acknowledge receipts of the information; 2) refer to staff for further study; 3) refer the matter to the next agenda.

There was no public communication.

3.0 Accept Open Session Agenda

Sally asked the board for a motion to accept the Open Session Agenda.

MOTION: A motion was made by Randy, with a second by Arina, to accept the Open Agenda. Motion passed. Aye-3, (Aldinger, Erwin, Spencer), No-0, Absent-1 (Canale), Abstain-0.

4.0 Information Items

4.1 Dashboard Local Indicators

Fabio shared a summary of the Dashboard Local Indicators, which was also included in the board packet for the members to review.

5.0 Action Items

5.1 Approve Trinity County Office of Education 2025-2026 Local Control and Accountability Plan (LCAP), Annual Update, and Budget Overview for Parents

MOTION: A motion was made by Randy, with a second by Arina. The motion passed. Aye- 3 (Aldinger, Erwin, Spencer), No-0, Absent-1 (Canale), Abstain-0.

5.2 Approve Trinity County Office of Education 2025-2026 Budget, Criteria and Standards, Budget Certification, and Workers Compensation

MOTION: A motion was made by Arina, with a second by Randy. The motion passed. Aye- 3 (Aldinger, Erwin, Spencer), No-0, Absent-1 (Canale), Abstain-0.

6.0 Adjournment

The meeting adjourned at 1:35 p.m.

MOTION: A motion was made by Arina, with a second by Randy. The motion passed. Aye- 3 (Aldinger, Erwin, Spencer), No-0, Absent-1 (Canale), Abstain-0.

Respectfully submitted,

Fabio Robles Ed.D., Ex-Officio Secretary
Trinity County Office of Education

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Checks Dated 06/01/2025 through 06/30/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5257254	06/04/2025	Carla French	01-5200	Spellig Bee Lodging & Travel Reimbursement PR227		532.00
5257255	06/04/2025	Dixon, Julia M	01-5800	J. Dixon Reim Sub Credentials		102.65
5257256	06/04/2025	Bayley, Courtney K	01-4300	C. Bayley Reim Meeting Supplies		25.35
5257257	06/04/2025	Avila, Melissa A	01-4300	M. Avila Reim Health Services Supplies		20.37
5257258	06/04/2025	Tucker, Joanne M	01-5200	J. Tucker Reim Lodging CStem June 25		1,590.18
5257259	06/04/2025	Henson, Elizabeth	01-4300	E. Henson RISE Rewards 05292025		157.56
5257260	06/04/2025	ACCU-Print	01-5840	24/25 Fingerprint Fees-Accu		108.00
5257261	06/04/2025	Atkinson, Andelson, Loya, Attorneys at Law	01-5800	Frisk Manuals PR 175		863.36
5257262	06/04/2025	Casa de Castellanos	01-4300	ALL Staff Luncheon PR 186		2,348.44
5257263	06/04/2025	Com-Pair Services	01-5920	24/25 Com-Pair Monthly Expenses		1,650.00
5257264	06/04/2025	Frontier Communications	01-5920	24/25 Emergency Copper Line		287.04
5257265	06/04/2025	Connection	01-4300	Gemini Education Flexible Plan-Monthly Plan		19.93
5257266	06/04/2025	Interactive Educational Services, Inc	01-5800	25/26 Web Hosting & Mobile App Maintenance		1,595.00
5257267	06/04/2025	101Voice	01-5920	Business Phone licensing		582.48
5257268	06/04/2025	Stacey Neill Mountain Kids Therapy	01-5800	OT Services in May 2025		6,240.00
5257269	06/04/2025	Plotzke Ace Hardware	01-4300	24/25 maintenance supplies		342.85
5257270	06/04/2025	ProCare Therapy TTF Holdings Lockbox	01-5800	24/25 Behavior Specialist		4,800.00
5257271	06/04/2025	Schools Excess Liability Fund	01-5400	AB218 Liability Funding Plan		5,692.15
5257272	06/04/2025	Trinity Lumber	01-4300	Office Door Rebuild	183.17	
				Office Supplies 3pk Door Hinges	19.29	202.46
5257273	06/04/2025	Trinity PUD	01-5510	24/25 monthly electricity		639.11
5257274	06/04/2025	U.C. Regents CStem Finance Officer	01-5200	J. Tucker CStem Course 4 Classes PR230	1,916.00	
				J. Tucker CStem Course 4 Virtual PR231	800.00	
				J. Tucker CStem Course 5 Classes PR228	1,600.00	4,316.00
5257494	06/12/2025	Corey Helgesen	01-5200	C. Helgesen Mileage Reim CISC May 2025		112.00
5257495	06/12/2025	Corey Helgesen	01-5200	C. Helgesen Per Diem CISC May 2025		121.10
5257496	06/12/2025	Dawson, Laura L	01-3702	L. Dawson Insurance Reim	208.10	
				L. Dawson Spouse INS 2025	138.80	346.90
5257497	06/12/2025	Comiskey, Joseph V	01-5200	J. Comiskey Lodging & Mileage SEACO May 2025	677.01	
				J. Comiskey Per Diem SEACO May 2025	258.00	935.01
5257498	06/12/2025	Palmer, Jason	01-4300	J. Palmer RISE Archery Lessons	300.00	
				J. Palmer RISE Incentives June 2025	238.71	538.71
5257499	06/12/2025	Cameron, Jennifer K	01-5200	J. Camerson Per Diem Homeless Youth Conf		342.28

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 06/01/2025 through 06/30/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5257500	06/12/2025	Henson, Elizabeth	01-4300	E. Henson RISE Incentives June 2025		672.37
5257501	06/12/2025	Bayless, Steven D	01-4300	S. Bayless Reim RISE Garden	126.07	
				S. Bayless RISE Incentives June 2025	181.62	
				S. Bayless RISE Incentives May 2025	383.79	691.48
5257502	06/12/2025	Breslin Occupational Service	01-5800	24/25 OT Services		16,147.69
5257503	06/12/2025	CDW-G	01-4400	Workstation & HP Care Pack for New Hire		1,946.59
5257504	06/12/2025	Douglas City School	01-4300	EHCY DC Washer & Dryer		2,509.60
5257505	06/12/2025	E3 Diagnostics Inc.	01-4300	Health Services Audiometer Calibration		452.00
5257506	06/12/2025	Jenna Rae Johnson	01-5800	Jenna Johnson Triadic Supervision May 2025		1,920.00
5257507	06/12/2025	John W. Kizziar, DDS, INC	01-5800	Trinity Smiles March-June 2025		5,020.30
5257508	06/12/2025	Jones Electric	14-5800	Install Power Remodeling of Office		1,060.00
5257509	06/12/2025	Julia Lynn Ashton-Boyd	01-5800	Julia Ashton Boyd MFT		1,950.00
5257510	06/12/2025	O'Reilly Automotive, Inc.	01-4300	24/25 Fleet Repair Supplies		20.84
5257511	06/12/2025	Plotzke Ace Hardware	01-4300	24/25 maintenance supplies		105.52
5257512	06/12/2025	Trinity Alps Unified S D	01-5100	C-Stem Stipend Reimbursements	4,000.00	
				New Teacher COP Stipend Reimbursement	1,500.00	
			12-5800	UPK Stipend Reimbursement	5,400.00	10,900.00
5257513	06/12/2025	Trinity Co Arts Council	01-5800	Alps Preschool Classes Marina Messina Apr	325.00	
				RISE Classes Timbre Beck Apr 25	475.00	800.00
5257514	06/12/2025	Trinity Co Behavioral Health	01-5800	July-Sept 2024 1st Qtr AB3632	1,714.08	
				Oct-Dec 2024 2nd Qtr AB3632	2,164.00	3,878.08
5257515	06/12/2025	Trinity Co Dept Of Transport	01-4300	24/25 Monthly Fuel		1,340.25
5257516	06/12/2025	Weaverville CSD	01-5560	24/25 monthly water service		32.25
5257517	06/13/2025	Frontier Fuel	01-4300	Speech Fuel Purchases		372.82
5257518	06/13/2025	Human Response Network	12-7299	CSPP - Apr-Jun 2025	5,922.00	
				CSPP - Jan-Mar 2025	49,221.00	
				CSPP - Oct-Dec 2024	3,666.00	58,809.00
5257519	06/13/2025	Trinity County RCD	01-5800	TCRCD Weaverville Summer Day Camp		23,363.60
5257580	06/18/2025	Savanna Kennedy	01-4300	Classified School Employee Teacher Credentialing Grant		4,800.00
5257581	06/18/2025	Comiskey, Joseph V	01-5200	J. Comiskey Joe 2/25/2025 - 6/12/2025 Psych Mileage		508.20
5257582	06/18/2025	Palmer, Jason	01-4300	J. Palmer RISE Rewards June 2025		157.41
5257583	06/18/2025	Bayley, Courtney K	01-4300	C. Bayley Lodging FCMAT June 25	206.63	
				C. Bayley Per Diem FCMAT June 25	92.02	298.65

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Checks Dated 06/01/2025 through 06/30/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5257584	06/18/2025	Henson, Elizabeth	01-4300	E. Henson RISE Rewards June 2025		169.43
5257585	06/18/2025	Bayless, Steven D	01-4300	S. Bayless RISE Rewards June 2025		109.06
5257586	06/18/2025	Atkinson, Andelson, Loya, Attorneys at Law	01-5800	Special Education Training April 2025	5,500.00	
			01-5850	Special Education Legal - MVUSD	1,207.68	6,707.68
5257587	06/18/2025	Carrel's Office Solutions	01-4300	24-25 Carrel's Kyicera TaskAlfa 5004i	16.84	
				24/25 KYOCERA/TASKalfa 5054ci	510.69	
				Check Printer MICR Toner	710.46	
				Kyocera Taskalfa 4004i Digital Imaging System	11.33	1,249.32
5257588	06/18/2025	FasTrak Invoice Processing Cen ter	01-5200	M. Holmes PASCO April/May 2025		8.00
5257589	06/18/2025	Frontier Communications	01-5920	24/25 Exchange Listing 091196-5 Expenses		8.79
5257590	06/18/2025	Lewiston Elementary School	01-5100	Communitiy Practice Stipend Reimbursements	3,000.00	
			01-5800	MTSS Stipend Reimbursement	600.00	
				TCOE Mini Grant - Repair Track Surface	10,000.00	
			12-5800	UPK P&I Stipend Reimbursements	1,800.00	15,400.00
5257591	06/18/2025	Mendes Supply Co.	01-4300	24/25 Maintenance Supplies		182.58
5257592	06/18/2025	NASP	01-5300	25-26 NASP Dues - J Comiskey		230.00
5257593	06/18/2025	North State Grocery, Inc	01-4300	CPI Training Refreshments - Joe Comiskey		71.24
5257594	06/18/2025	ProCare Therapy TTF Holdings Lockbox	01-5800	24/25 Behavior Specialist		8,640.00
5257595	06/18/2025	Siskiyou Co Office of Ed	01-5300	24/25 CA Forest Co School Coalition Dues		1,745.50
5257596	06/18/2025	State Of Cal Dept Of Justice	01-5840	24/25 Fingerprint Fees		660.00
5257597	06/18/2025	Shasta-Trinity Schools Den	01-9580	TCOE July 2025 STSIG Dental Premiums		5,078.46
5257598	06/18/2025	Shasta-Trinity Schools Med	01-9580	TCOE July 2025 STSIG Medical Premiums		52,628.00
5257599	06/18/2025	Shasta-Trinity Schools Vis	01-9580	TCOE July STSIG Vision Premiums		1,530.90
5257600	06/18/2025	Trinity Alps Unified S D	01-5800	TUPE Stipend Reimbursements		4,485.00
5257601	06/18/2025	Trinity Co. Solid Waste	01-5550	24/25 solid waste fees		319.50
5257602	06/18/2025	U.S. Bank Corporate Payment Systems	01-4300	A. Carson Fuel for Fleet COEPAD May 2025	75.00	
				E. Tapia Office Supplies PR 226	575.93	
				F. Robles Additional Monitors Mac Book	795.62	
				F. Robles General Membership Travel	31.68	
				Guard Sept 2025		
				F. Robles Lodging SRS May 2025	206.07	
				F. Robles Monitor PR 211	366.41	
				F. Robles Parking SRS May 2025	50.00	
				F. Robles Region 2 Meals May 2025	234.83	
				F. Robles Thunderbolt Dock PR211	292.68	

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Checks Dated 06/01/2025 through 06/30/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5257602	06/18/2025	U.S. Bank Corporate Payment Systems	01-4300	F. Robles Transportation SRS May 2025	82.88	
				F. Robles Webcam PR211	221.99	
				FYS Theater Gift Cards	1,150.00	
				J. Comiskey Jen Daily Planner PR204	21.79	
				K. Arnold All Staff June 2025 PR202	225.19	
				K. Arnold All Staff June 2025 PR202	519.65	
				K. Arnold ASES Workshop Luncheon	89.85	
				K. Arnold BM Meeting Luncheon	184.06	
				K. Arnold Frisk Training Snacks PR 194	91.08	
				K. Arnold Interview Panel Luncheon	84.94	
				K. Arnold Meeting Supports PR239	80.38	
				K. Arnold Photo Albums Retirement PR 178	24.65	
				K. Arnold Public Notice Fee	88.34	
				K. Arnold TSSC Luncheon	497.99	
				Leadership Lunch May 2025	123.18	
				M. Rourke Card Mats PR 198	1,144.32	
				M. Rourke New Teacher COP Meeting	138.78	
				M. Rourke New Teacher COP Meeting PR199	22.00	
				May Revision Webinar - Business Office	345.00	
				May Revision Workshop DBrower	345.00	
				Office Supplies - Packing Tape PR221	48.16	
				Office Supplies- Coffee	13.64	
				Office Supplies- Pens, Paper, Env, Air Refreshner PR214	149.05	
				Office Supplies-Dusters, Dawn & Air Freshner	53.56	
				R. Jackson CC Domain Renewal Fee	16.88	
				RISE AED PR184	2,069.92	
				RISE Chromebook Screen PR203	49.11	
				SELPA Nepsy-II Assessments PR224	156.91	
				SELPA Office Supplies Folders PR185	50.42	
				SSC Workshop HR PR238	155.00	
				Steam Expo Balloons & Paint PR232	89.21	
				T. Edwards Parts for Fleet	473.92	
				T. Wright College of the Redwoods FYS BG	500.00	
				T. Wright Dee - Basket Supplies	827.71	
				T. Wright Dee- Basket Supplies	74.27	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 06/01/2025 through 06/30/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5257602	06/18/2025	U.S. Bank Corporate Payment Systems	01-4300	T. Wright FYS Ribbon CS & BG	10.76	
				T. Wright Ribbon & Shoes MC,IB,SG & BG	64.64	
				T. Wright Ribbon MC,IB,SG & BG	43.04	
				T. Wright Snacks CWS Training	16.95	
				Therapy Notes Psych Resources	229.00	
				TUPE Phamplets PR195	630.12	
				TUPE Red Ribbon Supplies PR212	829.83	
				Wonderhouse Markers Black PR210	35.51	
			01-5200	Cal State Homeless Conference Lodging May 2025	71.92	
				Cal State Homeless Conference Parking May 2025	40.00	
				Cal State Homeless Conference Snacks May 2025	10.33	
				Cal State Homeless Conference Transportation May 2025	138.05	
				F. Robles Strategic Leadership Class	1,200.00	
				K. Arnold CCS Region 2 Lodging PR 234	826.50	
				Lodging Region 2 July 2025	4,680.94	
				SEL Wellness Liaison Summit Lodging May 2025	1,814.34	
				SEL Wellness Liaison Summit Parking May 2025	60.00	
			01-5300	T. Nordstrom Lodging CISC May 2025	1,040.78	
				Canva Subscription PR213	45.37	
				Docusign Subscription Renewal	510.00	
				F. Robles Chat GPT Plus Subscription	20.00	
				F. Robles Remarkable Subscription	2.99	
				M. Avila Nurse Renewal Application PR205	190.00	
				Zoom Licence Prorated - CHelgeson PR237	30.39	
			01-5800	K. Arnold Books Leadership Summit PR172	499.75	
			12-4300	A. Carson LPC Meeting Supports PR220	47.08	
			12-5200	A. Carson Lodging COEPACD May 2025	140.36	26,065.70
5257603	06/18/2025	Weaverville Sanitary District	01-5550	24/25 monthly sewer service		58.30
5257756	06/25/2025	Canale, Stephen J	01-5200	TCOE BOE Mileage		114.80
5257757	06/25/2025	Spencer, Randy D	01-5200	TCOE BOE Mileage		106.40

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 06/01/2025 through 06/30/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5257758	06/25/2025	Blanchard, Cynthia S	01-5200	C. Blanchard Per Diem BASC Meeting June 25		69.76
5257759	06/25/2025	Atkinson, Andelson, Loya, Attorneys at Law	01-5850	Frisk Training - Prepare and Present		5,000.00
5257760	06/25/2025	CAs CASH	01-5300	CASH Dues		646.00
5257761	06/25/2025	Chelsea Schmitto	01-5800	ASES Training Aug 25 Save the Date Deposit PR255		100.00
5257762	06/25/2025	Douglas City School	01-5800	TCOE Mini Grant - School Musical in May		10,000.00
5257763	06/25/2025	Golden State Office Furniture Inc.	01-4300	Office Furniture PR233		3,210.30
5257764	06/25/2025	John W. Kizziar, DDS, INC	01-5800	Trinity Smiles 062325 SE		838.00
5257765	06/25/2025	O'Reilly Automotive, Inc.	01-4300	24/25 Fleet Repair Supplies		8.57
5257766	06/25/2025	Oxford Consulting Services	01-5800	Behavioral Services June 2025		576.00
5257767	06/25/2025	Pitney Bowes Inc Reserve Account	01-5910	24/25 Postage and lease		478.50
5257768	06/25/2025	Plotzke Ace Hardware	01-4300	24/25 maintenance supplies		98.63
5257769	06/25/2025	ProCare Therapy TTF Holdings Lockbox	01-5800	24/25 Behavior Specialist		3,840.00
5257770	06/25/2025	School Services Of California	01-5800	2025-26 EMCN Contribution		380.00
5257771	06/25/2025	Trinity County RCD	01-5800	TCOE - Hazard Mitigation Plan		4,450.00
5257772	06/25/2025	Trinity Lumber	01-4300	Office Remodel - Insulation	107.24	
				Office Remodel - Lumber	117.44	
				Office Remodel - Screws and Drywall	128.37	353.05
5257773	06/25/2025	Trinity PUD	01-5510	24/25 monthly electricity		633.13
5257774	06/25/2025	Trinity Tire Factory	01-5600	New Tires Vehicle # 10		861.13
5257775	06/25/2025	UC Regents UC Davis AR Lockbox	01-5200	J. Tucker C-Stem Course 3 PR258	2,400.00	
				J. Tucker C-Stem Course 4 Virtual PR259	800.00	3,200.00
Total Number of Checks					91	332,579.31

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	89	265,322.87
12	Child Development Fund	4	66,196.44
14	Deferred Maintenance	1	1,060.00
Total Number of Checks		91	332,579.31
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			332,579.31

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 07/01/2025 through 07/31/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5257874	07/02/2025	Nacole Huff	12-5800	N Huff College Reimbursement		1,472.00
5257875	07/02/2025	Rourke, Megan L	01-5200	M. Rourke Per Diem Math Collaborative		150.00
5257876	07/02/2025	Atkinson, Andelson, Loya, Attorneys at Law	01-5800	Special Education - MVUSD		974.31
5257877	07/02/2025	Coffee Creek Elementary School	01-5800	TCOE Mini Grant - Facilities, Lawnmower		2,500.00
5257878	07/02/2025	Com-Pair Services	01-5920	25/26 Com-Pair Monthly Expenses		1,650.00
5257879	07/02/2025	California School Boards Assoc	01-5300	25/26 CSBA Memberships	3,348.30	
				25/26 Gamut Policy	6,000.00	9,348.30
5257880	07/02/2025	Douglas City School	12-5800	UPK Stipend Reimbursements		4,781.02
5257881	07/02/2025	Envoy Plan Services	01-5800	24-25 Envoy Plan Services		625.20
5257882	07/02/2025	Frontier Communications	01-5920	24/25 Emergency Copper Line		84.87
5257883	07/02/2025	Frontline Education	01-5800	2025/2026 Frontline Annual Contract		62,315.35
5257884	07/02/2025	Hancock Park & DeLong Inc	01-5800	School Facility Consulting		877.50
5257885	07/02/2025	Jenna Rae Johnson	01-5800	Jenna Johnson Triadic Supervision June 2025		800.00
5257886	07/02/2025	Lithia Toyota of Redding	01-6400	Toyota Rav4 Hybrid		40,929.58
5257887	07/02/2025	Lozano Smith	01-5850	Legal Services Through May 31, 2025		355.50
5257888	07/02/2025	Stacey Neill Mountain Kids Therapy	01-5800	OT Services in June 2025		6,305.00
5257889	07/02/2025	Mountain Valley Unified School District	01-5100	COP Stipend Reimbursement	1,850.70	
				RMC Stipend Reimbursement	6,662.52	
			01-5800	ASES Stipend Reimbursement	588.90	
			12-5800	UPK Stipend Reimbursement	1,988.64	11,090.76
5257890	07/02/2025	O'Reilly Automotive, Inc.	01-4300	24/25 Fleet Repair Supplies		166.20
5257891	07/02/2025	ODP Business Solutions, LLC	01-4300	Wonderhouse Black Markers PR210		10.39
5257892	07/02/2025	Oxford Consulting Services	01-5800	Behavioral Services May 2025		1,285.00
5257893	07/02/2025	Plotzke Ace Hardware	01-4300	24/25 maintenance supplies		113.63
5257894	07/02/2025	Redding Printing Company, Inc	01-4300	#10 Regular Envelopes		635.75
5257895	07/02/2025	Southern Trinity Joint Unified	01-5100	C-Stem Stipend Reimbursement	11,426.80	
			01-5800	MTSS Stipend Reimbursements	2,493.12	13,919.92
5257896	07/02/2025	Trinity Center Elementary	01-5800	MTSS Stipend Reimbursement		900.00
5257897	07/02/2025	Trinity Heating & Air Conditioning Corp.	14-5800	Commercial Preventative Maintenance Agreement		1,080.00
5257898	07/02/2025	Trinity Lumber	01-4300	Office Remodel Sheetrock		128.53
5257899	07/02/2025	NAPA Weaverville Auto Parts	01-4300	24/25 NAPA Auto Parts		114.64
5258170	07/17/2025	Lithia Toyota of Redding	Cancelled	25 Chevy Silverado		64,117.91 *
		Cancelled on 07/24/2025				
5258171	07/17/2025	Shasta-Trinity Schools Den	01-9580	TCOE AUG 2025 STSIG Dental Premiums		5,181.49
5258172	07/17/2025	Shasta-Trinity Schools Med	01-9580	TCOE AUG 2025 Medical Premiums		57,725.00
5258173	07/17/2025	Shasta-Trinity Schools Vis	01-9580	TCOE AUG 2025 Vision Premiums		1,603.80

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Checks Dated 07/01/2025 through 07/31/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5258174	07/17/2025	Weaverville CSD	01-5560	24/25 monthly water service		32.25
5258175	07/17/2025	Lithia Chevrolet of Redding	01-6400	2025 Chevy Silverado		64,117.91
5258197	07/23/2025	Jonathan Castellanos	01-4300	J. Castellanos CSTG Reimbursement		4,000.00
5258198	07/23/2025	Hammond, Bonnie L	01-4300	B. Hammond Wonderhouse Supplies Reimbursement		45.54
5258199	07/23/2025	Rebelo, Anthony J	01-5200	A. Rebelo Lodging & Mileage Reim SELPA Jun 2025	608.08	
				A. Rebelo Per Diem SELPA Jun 2025	204.00	812.08
5258200	07/23/2025	Bayley, Courtney K	01-5200	C. Bayley Lodging & Mileage FCMAT 2025	291.77	
				C. Bayley Per Diem FCMAT July 2025	113.00	404.77
5258201	07/23/2025	Tucker, Joanne M	01-5200	J. Tucker C Stem 5 Lodging Reim	1,466.00	
				J. Tucker Per Diem RMC July 2025	163.00	1,629.00
5258202	07/23/2025	Rourke, Megan L	Cancelled	M. Rourke Per Diem RMC June 25		150.00 *
		Cancelled on 07/29/2025				
5258203	07/23/2025	Tapia Lara, Eugenio A	01-4300	E. Tapia Fuel for Fleet BB Summit Jun 2025	34.01	
			01-5200	E. Tapia Per Diem BB Summit June 2025	91.00	125.01
5258204	07/23/2025	Bill Bredehoft	14-5800	Texture Walls New Office		75.00
5258205	07/23/2025	Breslin Occupational Service	01-5800	24/25 OT Services		20,218.97
5258206	07/23/2025	Bright's Engraving	01-4300	Engraving All Staff PR223		42.90
5258207	07/23/2025	California County Superintendents	01-5300	25/26 BASC Membership Dues C.Blanchard	1,000.00	
				25/26 CISC Membership Dues C. Helgesen	600.00	
				25/26 PASCO Membership Dues Elisabeth McIntosh	1,000.00	
				25/26 TSC Committee Membership Dues R. Jackson	400.00	
			12-5300	25/26 COEPACD Membership Dues A. Carson	325.00	3,325.00
5258208	07/23/2025	Carrel's Office Solutions	01-4300	24-25 Carrel's Kyicera TaskAlfa 5004i	9.79	
				24/25 KYOCERA/TASKalfa 5054ci	485.18	
				Kyocera Taskalfa 4004i Digital Imaging System	8.75	503.72
5258209	07/23/2025	Frontier Fuel	01-4300	Speech Fuel Purchases		133.54
5258210	07/23/2025	Golden State Office Furniture	01-4300	Office Furniture PR249		3,107.89
5258211	07/23/2025	Connection	01-4300	Gemini Education Flexible Plan-Monthly Plan		19.93
5258212	07/23/2025	Human Response Network	01-5800	CSPP - 4618 Q4 2024-2025	265.00	
			12-5800	UPK Planning 37024 Q4 2024-2025	387.16	

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Checks Dated 07/01/2025 through 07/31/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5258212	07/23/2025	Human Response Network	12-7299	CSPP - 4618 Q4 2024-2025	92,128.00	92,780.16
5258213	07/23/2025	Interstate Oil Company	01-4300	25/26 Bulk Motor Oil		255.28
5258214	07/23/2025	101Voice	01-5920	Business Phone licensing		584.25
5258215	07/23/2025	Jones Electric	14-5800	New Wall Circuits		1,328.42
5258216	07/23/2025	Lozano Smith	01-5850	Legal Services Through June 30, 2025		2,133.00
5258217	07/23/2025	Mendes Supply Co.	01-4300	24/25 Maintenance Supplies		47.17
5258218	07/23/2025	O'Reilly Automotive, Inc.	01-4300	24/25 Fleet Repair Supplies	115.97	
				25/26 Fleet Repair Supplies	49.29	165.26
5258219	07/23/2025	Rob Oakley's Pest Control	01-5800	24/25 Pest Control		75.00
5258220	07/23/2025	Plotzke Ace Hardware	01-4300	25/26 Maintenance Supplies		67.91
5258221	07/23/2025	Ryan Gogan	01-4300	R. Gogan Tuition Reimbursement 2025		2,776.00
5258222	07/23/2025	San Joaquin County Of Ed	01-5300	EdJOIN - Account Fees - FY 25/26		1,250.00
5258223	07/23/2025	Small School District's Assoc.	01-5300	25/26 Membership Renewal - COE STAR		13,370.00
5258224	07/23/2025	Stanley Steemer	01-5800	Commercial Carpet Cleaning June 2025		2,370.00
5258225	07/23/2025	State Of Cal Dept Of Justice	01-5840	24/25 Fingerprint Fees		917.00
5258226	07/23/2025	Trinity Alps Unified S D	01-5200	C-Stem Training Reimbursement July 2025	370.00	
				C-Stem Training Reimbursement June 2025	362.00	732.00
5258227	07/23/2025	Trinity Co Dept Of Transport	01-4300	24/25 Monthly Fuel		662.51
5258228	07/23/2025	Trinity Co. Sheriff's Dept.	01-5840	24/25 Fingerprint Fees-TCSO		225.00
5258229	07/23/2025	Trinity Heating & Air Conditioning Corp.	14-5800	Installation of New Duct New Office		742.00
5258230	07/23/2025	NAPA Weaverville Auto Parts	01-4300	25/26 NAPA Auto Parts		888.84
5258231	07/23/2025	Weaverville Sanitary District	01-5550	24/25 monthly sewer service		53.00
5258341	07/30/2025	Katherine Ann Quellette Catie's Catering	01-5800	Catering All Staff Aug 2025 PR261		1,351.50
5258342	07/30/2025	U.S. Bank Corporate Payment Systems	01-4300	A. Rebelo Pearson Assestments PR260	1,155.62	
				D. MacLaren Laminator Rolls PR268	231.01	
				E. Burger EHCY Supplies	308.50	
				E. Burger EHCY Supplies PR207	687.20	
				E. Burger EHCY Supplies CVS PR207	95.85	
				E. Burger EHCY Supplies PR207	5,131.42	
				E. Henson RISE Supplies	1,180.22	
				F. Robles iFly Tech Air Note	550.00	
				F. Robles Books for Leadership	51.48	
				F. Robles Flight Advocacy in DC Oct 2025	450.92	
				F. Robles Flight General Membership Sept 2025	79.00	
				J. Bickle SELPA Office Supplies Credit PR	58.97-	
				J. Bickle SELPA Office Supplies PR229	235.70	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 07/01/2025 through 07/31/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5258342	07/30/2025	U.S. Bank Corporate Payment Systems	01-4300	J. Dixon STEAM Prizes PR138	16.83	
				J. Morris Record Searchlight PR243	55.00	
				J. Morris The Sacramento Bee	227.99	
				J. Morris Trinity Journal PR248	36.00	
				K. Arnold - Helgeson Office PR249	414.15	
				K. Arnold All Staff Books PR261	759.78	
				K. Arnold Books All Staff PR223	51.48	
				K. Arnold Calendars PR208	615.48	
				K. Arnold Command Strips PR233	65.26	
				K. Arnold Dry Erase Board, Chalk, Anit-Fatigue Mat PR252	209.12	
				K. Arnold Helgeson Office Return PR249	264.25	
				K. Arnold Leadership Books PR172	154.44	
				K. Arnold Leadership Lunch	243.27	
				K. Arnold Leadership Summit Poster PR256	44.32	
				K. Arnold Office Chair Mat PR233	32.99	
				K. Arnold Power Supply PR 233	42.89	
				K. Arnold Power Supply PR233	42.89	
				K. Arnold Shirts All Staff PR261	115.78	
				M. Dabney Magsafe Charger F. Robles Mac Book PR264	52.55	
				M. Dabney Portable SSD PR251	163.86	
				M. Rourke Boltley Switcharoo PR191	130.82	
				R. Jackson Internet Domain Renewal ST	21.83	
				R. Mason Leadership Lunch Jun 2025	74.93	
				R. Mason Name Badges Office Supplies PR254	35.35	
				T. Edwards SELPA Chair Return Shipping Costs	315.46	
				T. Lerma One Time Lic Screenagers PR 225	700.00	
				T. Wright FYS Clothing BG	79.99	
				T. Wright FYS Clothing SG	255.87	
				T. Wright FYS Clothing SG BG	113.41	
				T. Wright FYS Meals SG NG BG RG	185.15	
				T. Wright FYS Shoes SG	72.18	
				T. Wright FYS Supplies	111.15	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 07/01/2025 through 07/31/2025

Board Meeting Date August 20, 2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
5258342	07/30/2025	U.S. Bank Corporate Payment Systems	01-4300	Therapy Notes Psych Resources	229.00	
			01-5200	UPS Pick Up SELPA Chair Return PR88	9.05	
				E. Tapia Lodging BB Summit Jun 2025	180.93	
				F. Robles Flight Advocacy in DC Oct 2025	184.00	
				F. Robles Flight General Membership Sept 2025	1,053.69	
				Region 2 Summit Lodging July28-29 2025	660.40	
			01-5300	PR253		
				F. Robles AI Monthly Subscription	20.00	
				F. Robles Remarkable Subscription	2.99	
			01-5600	K. Arnold General Membership Registration	100.00	
				T. Edwards Battery Credit	144.95-	
				T. Edwards Battery for Fleet	125.65	
				T. Edwards Smog for # 26 Fleet	58.48	
			01-5800	K. Arnold Bilingual Coordinators	600.00	
				Registration M.Rouke PR263		
				K. Arnold Leadership Summit Games	278.82	18,631.98
				PR172		
Total Number of Checks					69	531,391.44

	Count	Amount
Cancel	2	64,267.91
Net Issue		467,123.53

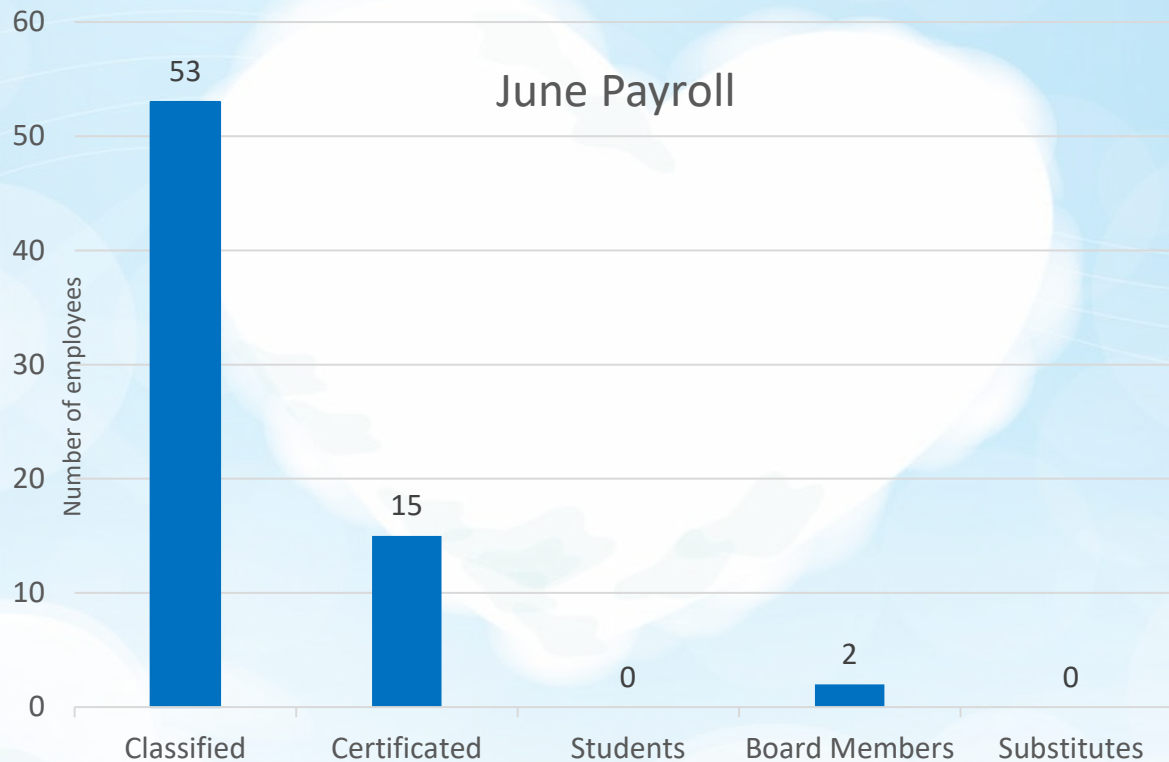
Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	61	362,816.29
12	Child Development Fund	5	101,081.82
14	Deferred Maintenance	4	3,225.42
Total Number of Checks		67	467,123.53
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			467,123.53

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Trinity County Office of Education

6/1/2025 - 6/30/2025



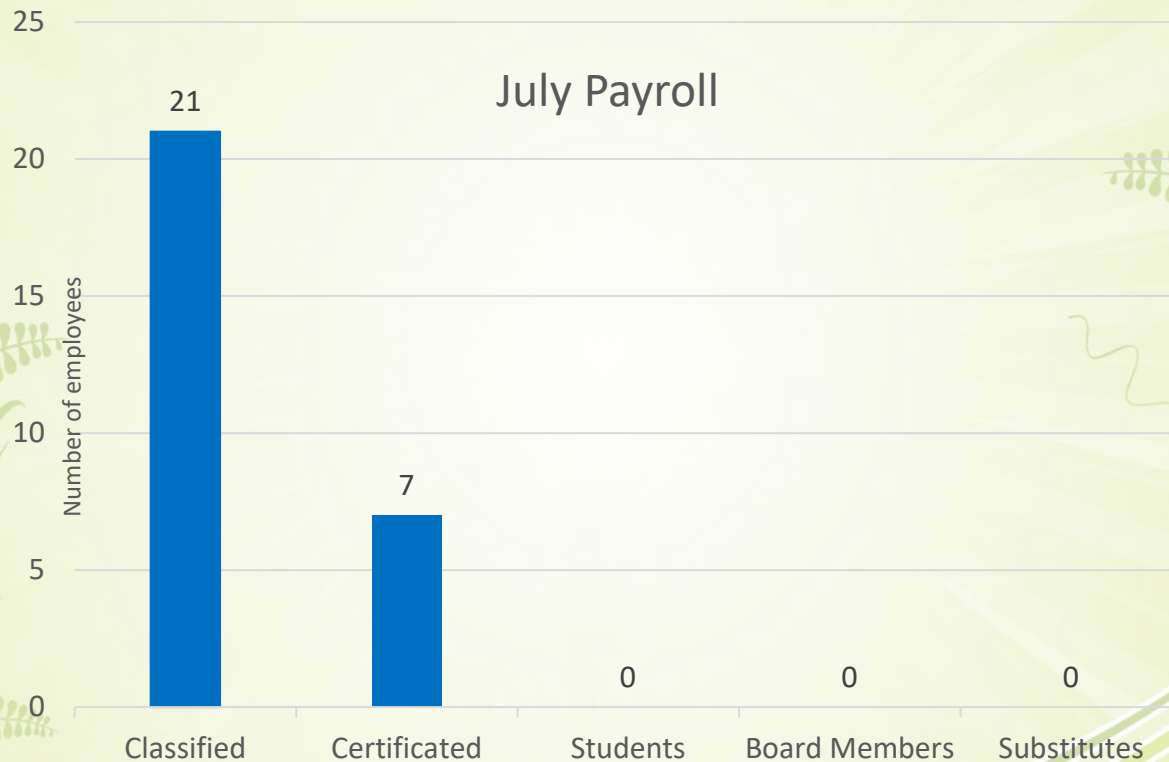
Employee Salaries= \$509,799.28

District Liabilities= \$174,505.57

Total Payroll= \$684,304.85

Trinity County Office of Education

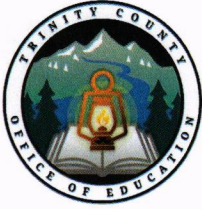
7/1/2025 - 7/31/2025



Employee Salaries= \$223,706.31

District Liabilities= \$99,217.61

Total Payroll= \$322,923.92



Trinity County Office of Education

Fabio Robles, Ed.D.
Trinity County
Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive, Weaverville, CA 96093-1256

Quarterly Report on Williams Uniform Complaints *Education Code §35186*

2024-2025 School Year

- ☐ July 1 through September 30, 2024 - 1st quarter
- ☐ October 1 through December 31, 2024 - 2nd quarter
- ☐ January 1 through March 31, 2025 - 3rd quarter
- ☒ April 1 through June 30, 2025 - 4th quarter

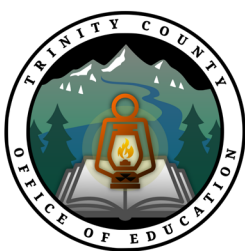
July 1, 2025

To Whom It May Concern:

For the period of April 1, 2025, through June 30, 2025, the Trinity County Office of Education has had no complaints regarding insufficient textbooks, teacher certification, and assignments or the safety and maintenance of its facility.

Sincerely,

Cindy Blanchard
Chief Business Official



Trinity County Office of Education

Fabio Robles, Ed.D.
Trinity County
Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive, Weaverville, CA 96093-1256
(530) 623-2861 • FAX (530) 623-4489
<https://www.tcoek12.org>

2023-24 Teaching Assignment Monitoring Outcome Data

The CDE has released the 2023-24 Teaching Assignment Monitoring Outcome (TAMO) data, which provides the Full-Time Equivalent (FTE) data for each classroom-based teaching assignment as reported through CALPADS. Access the data by filtering the county and LEA on DataQuest linked [here](#). This is the third year of TAMO reporting, and the data will appear on the 2024 Dashboard under Priority 1 but will not be used for Accountability determinations (CSI, ATSI, TSI, DA). Click [here](#) for more information on the TAMO data.

Below is a summary of the statewide 2022-23 TAMO Data. Click [here](#) for the definitions of each term listed below.

Name	Total Teaching FTE	Clear	Out-of-Field	Intern	Ineffective	Incomplete	Unknown	N/A
Statewide	245,801.8	85.1%	2.9%	1.8%	4.8%	4.9%	0.3%	0.2%

As a reminder, since the 2023–24 TAMO data was unavailable at the time that LEAs were reporting their local indicator data to their governing board/body (LCAP Meeting #2), LEAs must report the 2023–24 TAMO data at the next available meeting of the governing board/body. LEAs continue to have the option of providing an optional narrative related to the TAMO data within the Priority 1 Local Indicator. This optional narrative box may be accessed at any time during the year on [myCDEconnect](#). For questions regarding local indicators and reporting, please email LCFF@cde.ca.gov. For questions regarding the TAMO data or DataQuest, please email dataquest@cde.ca.gov.

County Board Policy 0410: Nondiscrimination In County Office Programs And Activities

Status: ADOPTED

Original Adopted Date: 01/01/2019 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: Education Code 234.1 mandates county offices of education (COEs) to adopt policy as well as a process to ensure that COE programs and activities are free from unlawful discrimination.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information specific to the protection of students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/E(1) 5145.7 - Sexual Harassment.

Government Code 12940 provides additional protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment on the basis of actual or perceived age; religious creed; reproductive health decision-making; sex, which includes some of the characteristics listed in the prior paragraph, as well as breastfeeding; and veteran or military status.

Additionally, Education Code 200 and 210.2, and Government Code 12920 and 12926, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Education Code 260 and 5 CCR 4900-4965 also require the County Board of Education to monitor COE compliance with these state and federal laws. The federal laws are enforced by the U.S. Department of Education's Office for Civil Rights (OCR), and the California Department of Education (CDE) may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4670.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this County Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The County Board of Education is committed to providing equal opportunity for all individuals in county office of education (COE) programs and activities.

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the County Board and the County Superintendent of Schools in enacting policies and procedures that govern the COE. (Education Code 234.1)

COE programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; religious creed; age; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; parental, marital, and family status; and veteran or military status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688, 29 USC 621, 42 USC 2000d-2000d-7, 2000e-2)

All individuals shall be treated equitably in the receipt of services in COE programs and activities. Personally identifiable information collected in the implementation of any COE program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of that program, except when the County Board or, when applicable, the County Superintendent authorizes its use for another purpose in accordance with law. Resources and data collected by the COE shall not be used, directly or by others, to compile a list, registry, or database of individuals

based on any of the categories identified above.

CSBA NOTE: Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

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

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

Additionally, the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be adopted by the County Board or COE if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244)

CSBA NOTE: Education Code 221.2-221.3, the California Racial Mascot Act, declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to providing an equal education. Specifically, Education Code 221.3, as amended by AB 3074 (Ch. 665, Statutes of 2024), prohibits public schools, except public schools operated by an Indian tribe or a tribal organization, from using the term "Redskins" as a school or athletic team name, mascot, or nickname. Beginning July 1, 2026, Education Code 221.3, as amended by AB 3074, prohibits public schools, other than those operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames without the written consent of a local federally recognized Indian tribe. Education Code 33315, as amended by AB 3074, requires that the uniform complaint procedures (UCP) be used to investigate and resolve complaints alleging a violation of Education Code 221.3. See BP/E(1) 1312.3 - Uniform Complaint Procedures.

COE programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Derogatory Native American terms, including Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Redskins, Savages, Squaw, and Tribe, shall not be used for any school or athletic team name, mascot, or nickname, unless permitted in accordance with Education Code 221.3.

Annually, COE facilities, programs, and activities shall be reviewed to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing COE programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, or 244, as added by SB 153 (Ch. 38, Statutes of 2024), related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, may be brought under the COE's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the COE. See BP/E(1) 1312.3 - Uniform Complaint Procedures.

All complaints alleging unlawful discrimination in COE programs and activities shall be investigated and resolved in accordance with law, County Board policy on uniform complaint procedures, and related County Superintendent-approved procedures. Complaints alleging sex discrimination, including sexual harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45.

CSBA NOTE: Pursuant to 34 CFR 104.8 and 106.8, a COE that receives federal aid is required to take "continuing

steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the basis of disability or sex in its educational programs or activities. Additionally, Education Code 221.61 requires COEs to post specified information relating to Title IX on their websites. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 106.8, students, parents/guardians, applicants for admission, and the public shall be notified about the County Board's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the COE. The notification shall also be posted on the COE's website and social media and in COE program sites and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

CSBA NOTE: Pursuant to Education Code 234.7, a COE is required to notify parents/guardians of their children's right to a free public education regardless of immigration status. The Attorney General's, "Promoting a Safe and Secure Learning Environment: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," updated in December 2024, provides additional detail on this topic, which includes one appendix titled, "Know Your Educational Rights." Such notice may be included in the annual parental notification provided pursuant to Education Code 48980 or through any other cost-effective means. See BP/AR 5145.13 - Response to Immigration Enforcement.

Additionally, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, and their rights related to immigration enforcement. Alternatively, such information may be provided through any other cost-effective means determined by the County Superintendent or designee. (Education Code 234.7)

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 English or the primary language. Additionally, 20 USC 6311 and 6312 require that COEs receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

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

Access for Individuals with Disabilities

CSBA NOTE: Pursuant to the Americans with Disabilities Act (ADA) and its implementing regulations, COE facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a COE need not make structural changes to existing facilities if other methods are effective, the COE can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity, or the COE can demonstrate an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice (DOJ).

Additionally, pursuant to 28 CFR 35.136, the COE is required to permit an individual with a disability to be accompanied by a service animal on COE premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a COE program or activity. It is recommended that County boards with questions about compliance with the ADA consult CSBA's District and County Office of Education Legal Services or other legal counsel as appropriate.

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

CSBA NOTE: CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires COEs to provide services and aids to ensure that an individual with a disability is not excluded from participation or denied a benefit, service, or program on the basis of that disability. However, if the COE can show that providing such aids and services would

fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the COE need not provide them.

Additionally, Government Code 54953.2 requires that all County Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). The County Board is required to ensure that such meetings are accessible to persons with disabilities and that disability-related accommodations, such as auxiliary aids and services, are made available upon the request of any individual with a disability. In addition, Government Code 54953 requires the County Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.

OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that COE websites be accessible to individuals with disabilities. In April 2024, the DOJ updated its regulations to include specific technical standards to ensure that content available through a COE's web and mobile applications are accessible to individuals with disabilities by April 26, 2027. For more information on website accessibility, see OCR's June 2010 and May 2011 Dear Colleague Letters.

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

CSBA NOTE: Pursuant to 28 CFR 35.107, a COE that has 50 or more employees is required to designate at least one employee to coordinate the COE's efforts to comply with the ADA. The designated employee could be the same individual or position responsible for the COE's compliance with state and federal laws and regulations governing educational programs as identified in the COE's UCP. The following paragraph, which identifies the person or position identified in E(1) 1312.3 - Uniform Complaint Procedures as the responsible employee, may be modified if the COE chooses to designate another person or position.

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

HR/Payroll Director

(title or position)

PO Box 1256, Weaverville, CA 96093

(address)

530-623-2861

(telephone number)

hrp@tcoek12.org

(email)

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 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.1	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 33315	Uniform complaint procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51007	Legislative intent; state policy
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups

County Board Policy 0420.4: Authorization Of County Charter Schools

Status: ADOPTED

Original Adopted Date: 01/01/2020 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: The following optional policy may be revised to reflect local practice. Education Code 47600-47616.7 authorizes the establishment of public charter schools, which are generally exempt from the Education Code unless otherwise specified in law. Education Code 47605.5 and 47605.6 require petitioners to submit a petition directly to the County Board of Education in order to establish a charter school that will (1) serve students who would otherwise receive direct education and related services from the county office of education (COE) or (2) serve as a countywide charter to provide instructional services that are not generally provided by the COE. The following policy reflects the criteria and procedures required by Education Code 47605 and 47605.6.

Pursuant to Education Code 47605, the County Board is also authorized to consider granting a charter school petition that has been denied by the governing board of a school district within its jurisdiction; see BP 0420.44 - Appeals of District Decisions Regarding Charter Schools.

For further information regarding the submission and review of charter school petitions, see CSBA's, "Charter Schools: A Guide for Governance Teams." CSBA's District and County Office of Education Legal Services attorneys can also assist with petition reviews for COEs that subscribe to that service.

The County Board of Education recognizes that charter schools are an integral part of the California education system. In considering any petition to establish a charter school within its jurisdiction, the County Board shall give thoughtful consideration to the ability of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

A petition to establish a charter school shall be submitted directly to the County Board in either of the following circumstances:

1. When the petition seeks to establish a charter program that will serve students who would otherwise receive direct education and related services from the county office of education (COE) (Education Code 47605.5)
2. When the petition seeks to establish a charter program that will serve as a countywide charter school, to provide instructional services that are not generally provided by the COE (Education Code 47605.6)

The County Board may also consider granting a charter school petition that was previously denied by the governing board of a school district within the County Board's jurisdiction, in accordance with County Board Policy 0420.44 - Appeals of District Decisions Regarding Charter Schools.

All meetings of the County Board at which the granting of a charter petition is to be discussed shall be subject to the state open meeting laws (the Brown Act). (Education Code 47608)

The County Board shall request and consider recommendations of the County Superintendent of Schools or designee regarding the completeness of a charter petition, any concerns that should be addressed by petitioners, any proposed arrangement to provide COE services to the charter school, and the development of memoranda of understanding (MOUs) to clarify financial and operational arrangements.

Required Petition Signatures

To be considered by the County Board, a charter petition must be signed by either of the following: (Education Code 47605, 47605.5, 47605.6)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

The petition shall include a prominent statement explaining that a parent/guardian's signature means the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605, 47605.6)

CSBA NOTE: Pursuant to Education Code 47605.6, an existing public school may not be converted to a countywide

charter school; see "Additional Requirements for Countywide Charters" below. Therefore, the following paragraph applies only to petitions that propose to serve students who would otherwise receive direct education and related services from the COE.

A petition that calls for an existing public school to be converted to a COE charter school must also be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605, 47605.6)

Components of the Charter Petition

CSBA NOTE: The following section applies to petitions to establish charter schools serving COE students as well as countywide charters. Countywide charter petitions are subject to additional requirements, as described in "Additional Requirements for Countywide Charters" below.

All charter petitions shall comply with the applicable requirements of Education Code 47605 or 47605.6, other state and federal laws, and County Board policies. A copy of the proposed charter shall be attached to the petition. (Education Code 47605, 47605.6)

CSBA NOTE: CSBA's, "Charter Schools: A Guide for Governance Teams," recommends specific content that may be included in the descriptions of each component listed in Items #1-18 below.

The charter petition shall include affirmations of the conditions described in Education Code 47605(e) or 47605.6(e) as applicable, as well as reasonably comprehensive descriptions of: (Education Code 47605, 47605.6)

1. The educational program of the proposed school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs

The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

CSBA NOTE: Education Code 47605 and 47605.6 require the charter petition to include annual goals, as described in Education Code 52060, for all students and for each numerically significant subgroup of students, identified pursuant to Education Code 52052, and specific actions to achieve those goals. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when there are at least 30 students in the subgroup (or at least 15 foster youth or students experiencing homelessness) in the school.

Education Code 47605 and 47605.6 require that these annual goals be aligned with state priorities, specified in Education Code 52060, related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-aligned instructional materials, and facilities are maintained in good repair, (2) implementation of and student access to state academic content and performance standards, (3) parent/guardian involvement and family engagement, (4) student achievement, (5) student engagement, (6) school climate, (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula), and students with disabilities, and (8) student outcomes in the specified course of study. See BP 0460 - Local Control and Accountability Plan.

2. The charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and students experiencing homelessness

These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may include additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.

If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G"

admissions criteria may be considered to meet college entrance requirements.

CSBA NOTE: Education Code 47605 and 47605.6 require that the petition identify student outcomes that the charter school intends to use, including those that address increases in student achievement both schoolwide and for all groups of students served by the charter school. "All groups of students served by the charter school" means all numerically significant subgroups of students, as defined in Education Code 52052, served by the charter school.

3. The measurable student outcomes identified for use by the charter school

Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52066 that apply for the grade levels served by the charter school.

4. The method by which student progress in meeting the identified student outcomes is to be measured

To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

CSBA NOTE: Proposed charter school facility locations are subject to additional requirements, as described in "Location of Charter School," below.

5. The location of each charter school facility the petitioner intends to operate
6. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement
7. The qualifications to be met by individuals to be employed by the charter school
8. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:

- a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237

CSBA NOTE: Pursuant to Education Code 32282, charter schools are required to include in their comprehensive safety plans adaptations for students with disabilities in accordance with the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, and Section 504 of the federal Rehabilitation Act of 1973.

Additionally, Education Code 32282, as amended by AB 2887 (Ch. 419, Statutes of 2024), expands comprehensive school safety plan (CSSP) components to include procedures for responding to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening medical emergency while on school grounds. Education Code 32282, as amended by AB 1858 (Ch. 530, Statutes of 2024), expands CSSP components to include procedures to prepare for active shooter or armed assailants, as well as specifications that apply if the school chooses to conduct active shooter and armed assailant drills.

- b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(N)
- c. The charter school's safety plan shall be reviewed and updated by March 1 each year

CSBA NOTE: Education Code 47605 requires that the petition describe the means by which the charter school will achieve a balance of special education students, English learners, and redesignated fluent English proficient students, along with a balance of racial and ethnic students. This requirement may not apply to COE and countywide charter petitions due to the nature of the programs and limited student populations that will be served. It is recommended that County Boards with questions about the applicability of Item #8 consult CSBA's District and County Office of Education Legal Service or other legal counsel.

9. The means by which the charter school will achieve a balance of racial and ethnic students, special education

students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the COE's territorial jurisdiction

CSBA NOTE: Pursuant to Education Code 47605 and 47605.6, when the number of students who wish to attend the charter school exceeds the school's capacity, attendance must be determined by a public random drawing, with admission preference extending to students who currently attend the charter school and students who reside in the county. Education Code 47605 and 47605.6 provide that admission preferences may also include, but are not limited to, siblings of students admitted or attending the charter school and children of the school's teachers, staff, and founders identified in the initial charter. Education Code 47605 requires that the priority order for preference be determined in the charter petition as provided below.

10. Admission policies and procedures in accordance with Education Code 47605(e) and 47605.6(e), including procedures for determining enrollment when the number of applicants exceeds the school's capacity
11. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the County Board's satisfaction

CSBA NOTE: Education Code 47605 and 47605.6 require that the suspension and expulsion procedures included in the charter petition prohibit the involuntary removal of a student, unless written notice of the intent to remove the student has been given to the student and the student's parent/guardian. When such a student is a foster child or youth, student experiencing homelessness, or Indian child, as defined in Welfare and Institutions Code 224.1, Education Code 47605 requires such notifications to also be given to other specified individuals, such as a foster youth's educational rights holder, attorney, and county social worker, the educational rights holder for a student experiencing homelessness, or an Indian child's tribal social worker, and if applicable, county social worker. Pursuant to Education Code 47605, these individuals have the same rights as a parent/guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

Additionally, Education Code 47606.2 requires that the suspension procedures included in the charter petition provide that (1) upon request of a student who has been suspended for two or more school days, or the student's parent/guardian or other person holding the right to make educational decisions for the student, the homework assigned during the period of suspension will be given and (2) any such completed homework shall not count towards the student's overall grade in the class unless the assignments are graded before the end of the academic term.

In addition, pursuant to Education Code 48900, as amended by AB 2711 (Ch. 840, Statutes of 2024), students who voluntarily disclose their use of a tobacco product, controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports may not be suspended solely for that disclosure.

12. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including, an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and 47605.6

Such procedures shall contain a clear statement that no student shall be involuntarily removed by the charter school for any reason unless written notice of the intent to remove the student is given to the student's parent/guardian at least five school days before the effective date of the removal. In the case of a student experiencing homelessness or foster youth, the notice shall be given to the student's educational rights holder. Additionally, a foster youth's attorney and county social worker, and an Indian child's tribal social worker, and if applicable, the county social worker shall be given such notice.

For suspensions of fewer than 10 days, the student shall be provided oral or written notice of the charges and an explanation or the supporting evidence. The student shall be provided an opportunity to provide a response.

Notice shall include written notice of the charges and inform the student, the student's parent/guardian, and any other specified individual, as applicable, of the right to initiate a hearing as described in Education Code 47605, before the effective date of the removal. The notice shall be provided in the student's, parent/guardian's, or other applicable person's language, and if such hearing is initiated, shall include the student's right to remain enrolled in the charter school until a final decision is made by the charter school.

In addition, the procedures shall contain a statement pertaining to the provision of homework assignments to

suspended students as specified in Education Code 47606.2.

Such procedures shall also include processes by which the charter school will, within 30 days, notify the County Superintendent of the student's last known address and, upon request, provide the student's cumulative record to the COE when a student is expelled or leaves the charter school without graduating or completing the school year for any reason. In addition, the procedures shall describe the means by which the COE can contact the charter school if the student is subsequently expelled or leaves the COE without graduating or completing the school year for any reason.

Involuntarily removed means disenrolled, dismissed, transferred, or terminated, but does not include suspensions. (Education Code 47605, 47605.6)

13. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security
14. The public school attendance alternatives for students who choose to not attend the charter school
15. A description of the rights of any COE employee upon leaving COE employment to work in the charter school and of any rights of return to the COE after employment at the charter school
16. The procedures to be followed by the charter school and the County Board to resolve disputes relating to charter provisions

CSBA NOTE: Education Code 47605 and 47605.6 provide that a petition may be denied if the petition does not include a declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining, as provided in Item #17 below. If a charter school is not deemed the public school employer for purposes of collective bargaining under Government Code 3540-3549.3, then pursuant to Education Code 47611.5, the "school district" where the charter is located shall be deemed the public school employer. However, as opined in 72 Ops.Cal.Atty.Gen. 25 (1989), in the context of a COE, the County Superintendent of Schools, rather than the County Board, is the employer. Therefore, although the County Board is responsible for authorizing charter petitions, if an authorized charter school is not deemed the public school employer for purposes of collective bargaining, the County Superintendent is deemed the public school employer.

17. A declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3
18. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:
 - a. Designation of a responsible entity to conduct closure-related activities
 - b. Notification to parents/guardians, the County Board, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education (CDE), providing at least the following information:
 - i. The effective date of the closure
 - ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - iii. The students' districts of residence
 - iv. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
 - c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with Item #18a above
 - d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the responsible entity designated in accordance with Item #18a above, except for records and/or assessment results that the charter may require to be transferred to a different entity

- e. Transfer and maintenance of personnel records in accordance with applicable law
- f. Completion of an independent final audit within six months after the closure of the charter school that may function as the annual audit, which includes an assessment of the disposition of any restricted funds received by or due to the school and an accounting of all financial assets and liabilities pursuant to 5 CCR 11962
- g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962
- h. Completion and filing of any annual reports required pursuant to Education Code 47604.33
- i. Identification of funding for the activities identified in Item #18a-h above

CSBA NOTE: Education Code 47605 and 47605.6 require that petitioners provide to the County Board the information listed in Items #1-4 below, and for any petition to operate a charter school by or as a nonprofit corporation, the information listed in Item #5 below.

The County Board may require additional information beyond what is included in Items #1-5 below. As outlined in CSBA's, "Charter Schools: A Guide for Governance Teams," such information may include a school calendar, information regarding transportation arrangements, staff development plans, assurances that the school will provide appropriate services for English learners and students with disabilities, or any other information that will assist the County Board in understanding the proposal. County boards that wish to require additional information in the charter may list those items below.

Charter school petitioners shall provide information to the County Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605, 47605.6)

CSBA NOTE: Education Code 47605 and 47605.6 require that information on school facilities, listed in Item #1 below, specify where the charter school intends to locate. Unless otherwise exempted, the charter school must be located within the geographic boundaries of the chartering authority; see section "Location of Charter School" below.

1. The facilities to be used by the charter school, including where the charter school intends to locate
2. The manner in which administrative services of the charter school are to be provided
3. Potential civil liability effects, if any, upon the charter school and the COE
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation
5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

Location of Charter School

CSBA NOTE: Education Code 47605.1 establishes geographic and site requirements for charter petitions submitted directly to the County Board. Pursuant to Education Code 47605.1, a charter school may not establish a resource center, meeting space, or other satellite facility used for nonclassroom-based independent study in a county adjacent to that in which the charter school is authorized.

A charter petition submitted directly to the County Board may only establish charter school operations within the geographical boundaries of the County Board's jurisdiction. A charter school may propose to operate at multiple sites within those geographic boundaries as long as each location is identified in the petition. This requirement does not apply to charter schools that provide instruction exclusively to juvenile court school students or that provide instruction exclusively in partnership with certain other federal, state, or county programs exempted by Education Code 47605.1. (Education Code 47605, 47605.1)

Approval of Petition

CSBA NOTE: Education Code 47605 and 47605.6 require the County Board to hold a public hearing within 60 days of receiving a charter petition to determine the level of support for the petition, and to hold a public hearing within 90 days to take final action on the petition, as described below. Education Code 47605 and 47605.6 define receipt of the petition as the date that the petitioner submits the petition to the COE.

Additionally, Education Code 47605 and 47605.6 require the County Board to hold a public hearing at the meeting at which the County Board will grant or deny the petition. At least 15 days prior to that public hearing, staff recommendations regarding the charter petition must be published.

To provide adequate opportunity for public input and thoughtful consideration of the charter petition, it is recommended to conduct two public hearings -- one hearing to determine the level of support for the petition and, following the publication of staff recommendations, a second hearing to grant or deny the petition. However, the law does not explicitly require two hearings, and it may be possible to hold one public hearing to both determine the level of support for the petition and grant or deny the petition, provided that staff recommendations are published 15 days prior to the hearing, the hearing is held within 60 days of receipt of the petition, and the petitioners have equal time and opportunity to present evidence and testimony. It is recommended that CSBA's District and County Office of Education Legal Services or other legal counsel be consulted as needed to ensure that all requirements are met.

Within 60 days of the receipt of the charter petition, the County Board shall hold a public hearing on the provisions of the charter, at which time the County Board shall consider the level of support for the petition by COE teachers, other COE employees, parents/guardians, and, for a proposed countywide charter school, the school district(s) where the charter school petitioner proposes to place school facilities. A petition is deemed received on the day the petitioner submits a petition to the COE office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

The County Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the County Board. (Education Code 47605, 47605.6)

At least 15 days before the public hearing at which the County Board will grant or deny the charter, the County Board shall publish all staff recommendations, including the recommended findings, regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

CSBA NOTE: The following paragraph is optional and may be revised to reflect local practice. It may be useful to have a transcription of the hearing in the event that the petitioners later appeal the decision of the County Board.

The hearing shall be audio or video recorded in order to maintain an accurate record of the proceedings and the findings upon which the County Board's decision is based.

A petition for a COE charter school shall be granted only if the County Board is satisfied that doing so is consistent with sound educational practice and with the interests of the community in which the charter school is proposing to locate. The County Board shall consider the academic needs of the students the school proposes to serve. (Education Code 47605)

In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to CDE standards. (Education Code 47605, 47605.6)

CSBA NOTE: Pursuant to Education Code 47604.1, charter schools are subject to the Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000 - 7930.215), conflict of interest laws (Government Code 1090-1099), and the Political Reform Act (Government Code 81000-91014).

Prior to authorizing any charter, the County Board shall verify that the charter includes adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the County Board, and inspections and observations of any part of the charter school.

Upon County Board approval of any charter petition, it is the responsibility of the petitioners to provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction (SPI), the State Board of Education (SBE), and, if the petition is for a countywide charter school, the school districts in the county. (Education Code 47605, 47605.6)

Charter schools approved by the County Board shall operate under the provisions of their respective charters, the relevant policies and procedures of the County Board, and applicable state and federal laws.

All charters approved by the County Board shall be for a specified term of no more than five years. (Education Code 47607)

Denial of Petition

CSBA NOTE: The State Board of Education is required to use the criteria set forth in 5 CCR 11967.5.1 when reviewing a charter petition that has been denied by a county board pursuant to Education Code 47605. Although the County Board is not required to follow these criteria, the County Board is encouraged to review the criteria in 5 CCR 11967.5.1 when considering a petition to establish a charter school that will serve COE students.

The County Board shall deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
2. Convert a private school to a charter school (Education Code 47602)

CSBA NOTE: Pursuant to Education Code 47612.7, until January 1, 2026, the County Board is prohibited from approving a petition for the establishment of a new charter school offering nonclassroom-based instruction. Charters approved before October 1, 2019 may continue to offer nonclassroom-based instruction under the circumstances specified in Education Code 47612.7.

3. Offer nonclassroom-based instruction (Education Code 47612.7)

CSBA NOTE: In addition to the grounds for denial described below, Education Code 47605 states that a petition to establish a charter school may not be approved to serve students in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve students in all of the grade levels served by that school district. CSBA does not interpret this provision to apply to COE charters because the COE serves students of all grade levels. There is no similar provision in Education Code 47605.6; therefore, the restriction would also not apply to countywide charters. It is recommended that county boards with questions about this provision contact CSBA's District and County Office of Education Legal Services or other legal counsel.

In addition, the County Board shall deny a petition for a countywide charter, and may deny a petition serving COE students, if the County Board makes written factual findings specific to the petition to support one or more of the following: (Education Code 47605, 47605.6; 5 CCR 11967.5)

1. The charter school presents an unsound educational program that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the students who attend the school
2. The petitioners are unlikely to successfully implement the program set forth in the petition
3. The petition does not contain the required signatures as described in "Required Petition Signatures," above
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e) or 47605.6(e), as applicable, including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605 or 47605.6 as described in "Components of the Charter Petition," above
6. The petition does not contain a declaration of whether the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate

Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:

- a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
- b. Whether the proposed charter school would duplicate a program currently offered within the COE, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

CSBA NOTE: Pursuant to Education Code 47605, a COE under state receivership is not in a position to absorb the fiscal impact of a proposed charter school.

8. The COE is not positioned to absorb the fiscal impact of the proposed charter school

The COE meets this criterion if it has a negative interim certification pursuant to Education Code 1240, has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the COE having a negative interim certification, or is under state receivership.

A petition to establish a charter school serving COE students that is denied by the County Board may be appealed to the SBE within 180 days of the denial. (Education Code 47605; 5 CCR 11967)

Material Revisions to Charter

Material revisions to a charter may only be made with County 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 are not 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 County 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 County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47605.6, 47607)

The County Board may deny a proposed material revision if it finds that the proposed material revision 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 County Board shall consider all of the following: (Education Code 47605)

1. The fiscal impact of the proposed expansion on the COE
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 COE that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the County Board may deny a proposed material revision if it finds that the COE is not positioned to absorb the fiscal impact of the proposed material revision. The County Board shall make this finding if the COE has a qualified interim certification and the SPI certifies that approving the charter would result in the COE having a negative interim certification, or if the COE has a negative certification, or is under state receivership. (Education Code 47605)

Additional Requirements for Countywide Charters

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The County Board shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school

2. An existing public school may not be converted to a countywide charter school
3. The County Board shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a student population that will benefit from those services, and the petition includes a reasonable justification why its students cannot be served as well by a charter school that operates in only one school district in the county

CSBA NOTE: Pursuant to Education Code 47605.6, the County Board may impose any additional requirements that it considers necessary for the sound operation of a countywide charter school. Such additional requirements may include, but are not limited to, the establishment of governing bylaws, policies, and procedures and the disclosure of other charter schools operated or established by the petitioner. Any such additional requirements should be included in a memorandum of understanding between the County Board and the petitioner, as described in "Memoranda of Understanding," below.

4. In addition to the components described in "Components of the Charter Petition," above, the County Board may require any elements that it considers necessary to the sound operation of a countywide charter school
5. In addition to the reasons specified in "Denial of Petition," above, a countywide petition may be denied for any other basis that the County Board finds justifies the denial

Memoranda of Understanding

CSBA NOTE: The following optional section may be revised to reflect local practice. Although not required by law, CSBA's, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding (MOUs) to address matters that are related to the charter petition but are not included in the petition, and to establish expectations for which the charter school can be held accountable. CSBA's guide provides examples of issues that might be addressed in the MOU, including business operations, facilities, administrative and support services, special education, student assessment, and athletics. See the California Department of Education's website for sample MOUs.

The County Board shall collaborate with the County Superintendent or designee, and/or with the County Board's designated representative contracted or employed pursuant to Education Code 1042, to develop one or more MOUs with the charter school to clarify financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU shall be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

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 11700.1-11705	Independent study
5 CCR 11960-11968.5.5	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
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 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification

County Board Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 01/01/2021 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 mandates county offices of education (COEs) to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 mandates COEs to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 mandates COEs to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate COEs to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, COEs are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP," below.

The California Department of Education (CDE) monitors COE programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107).

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this County Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is addressed through BP/E(1) 1312.3 - Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the section "Non-UCP Complaints" below, the accompanying administrative regulation, BP/E(1) 5145.7 - Sexual Harassment, and E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

For those COEs in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying exhibit for sample language.

The County Board of Education recognizes that the county office of education (COE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The County Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670.

Complaints Subject to UCP

CSBA NOTE: The FPM process includes a review of the COE's policies and procedures to determine whether all COE programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the COE's policy must list all such programs and activities and, at the COE's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the COE.

The COE's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52616.18)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)

CSBA NOTE: Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

10. Discrimination, harassment, intimidation, or bullying in COE programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; based on the person's association with a person or group with one or more of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

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

CSBA NOTE: Pursuant to Education Code 51225.1 and 51225.2, exemptions from COE adopted graduation requirements, transfer of coursework and credit requirements, and specified consultation and notice requirements, formerly applicable to students in the third or fourth year of high school participating in a newcomer program, are applicable to "newcomer students," as defined in Education Code 51225.2, who are in the third or fourth year of high school. Additionally, pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024, is entitled to the rights specified in Education Code 51225.1 and 51225.2, as described above. The COE may, in its discretion, extend the rights established in Education Code 51225.1 to other students participating in a newcomer program.

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 12303, 52059.5, 64000; 20 USC 6301 et seq.)

CSBA NOTE: Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the COE's UCP or may be filed directly with the

Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the COE. For more information regarding complaints concerning instructional materials, see AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, CDE has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

For more information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP 0410 - Nondiscrimination in County Office Programs and Activities. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

13. Instructional Materials and Curriculum: Diversity (Education Code 243)

A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the COE, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

14. Local control and accountability plan (Education Code 52075)

15. Migrant education (Education Code 54440-54445)

16. Physical education instructional minutes (Education Code 51210, 51222, 51223)

17. Student fees (Education Code 49010-49013)

18. Reasonable accommodations to a lactating student (Education Code 222)

19. Regional occupational centers and programs (Education Code 52300-52334.7)

20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

22. State preschool programs (Education Code 8200-8488, 33315)

CSBA NOTE: Pursuant to Education Code 8212 and CDE's FPM instrument, the COE is required to use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs. Pursuant to 5 CCR 4610, such complaints are required to be addressed through the procedures described in 5 CCR 4690-4694. See "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying exhibit.

23. State preschool health and safety issues in license-exempt programs (Education Code 8212)

CSBA NOTE: Pursuant to Education Code 33315, as amended by AB 3074 (Ch. 665, Statutes of 2024), the COE is required to use the UCP to resolve complaints related to school or athletic team names, mascots, or nicknames.

24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3

CSBA NOTE: 5 CCR 4621 mandates that COE policy ensure that complainants are protected from retaliation as specified in Item #25 below.

25. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

26. Any other state or federal educational program the SPI or designee deems appropriate

CSBA NOTE: 5 CCR 4631 authorizes the COE to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the COE should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. COEs may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following optional paragraph provides for a neutral mediator and should be revised to reflect local practice.

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

CSBA NOTE: The following paragraph is required pursuant to 5 CCR 4621. Since appropriate disclosure will vary in each case depending on the facts and circumstances, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination, the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the non-UCP allegation shall be referred to the appropriate staff or agency and the UCP-related allegation(s) shall be investigated, if appropriate, through the COE's UCP.

Training shall be provided to staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and any accompanying administrative regulation or exhibit.

CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the COE is investigated by OCR or CDE, these are important documents in demonstrating that the COE has complied with federal law, state law, and its own policies and regulations.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent of Schools policies and procedures.

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services (5 CCR 4611)

CSBA NOTE: The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

3. Any complaint alleging that a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.30

Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Exhibit(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the COE is required to establish an impartial and prompt process for addressing such complaints. Additionally, 5 CCR 4611 requires that employment discrimination complaints be referred to the Civil Rights Department.

4. Any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent for investigation using COE procedures, including the right to file the complaint with the California Civil Rights Department

CSBA NOTE: 5 CCR 4610 limits the applicability of the UCP for complaints regarding special education and child nutrition, as provided in Items #5-7 below.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the COE is subject, or a physical safety concern that interferes with the COE's provision of FAPE shall be submitted to the California Department of Education (CDE) (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the COE's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with County Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)
7. Any complaint alleging discrimination based on race, color, national origin, sex, age, or disability in the COE's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with County Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the COE to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

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

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

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures

Exhibit 1312.3-E(1): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: The following exhibit presents sample procedures for use by the County Superintendent of Schools to complement and/or implement the accompanying County Board of Education policy. It is recommended that any County Superintendent intending to adopt this sample exhibit for use in the county office of education (COE) do so in cooperation with the County Board. This exhibit may be revised to reflect local practice and may be adopted as an administrative regulation, County Superintendent regulation, or COE regulation according to local practice.

5 CCR 4621 mandates that the COE uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates county superintendents to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212 mandates COEs to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate COEs to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, all COEs are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age.

Complaints alleging discrimination in the adoption, approval, or use of textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library based on a violation of Education Code 243, or Education Code 244, as added by SB 153 (Ch. 38, Statutes of 2024), may be brought under the COE's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the COE. For more information regarding complaints concerning the sufficiency of instructional materials, see AR 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 242, the California Department of Education (CDE) has developed guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum, which are available on its website.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, students experiencing homelessness, former juvenile court school students, children of military families, students who are migratory, newcomer students as defined in Education Code 51225.2 who are in the third or fourth year of high school, and pursuant to Education Code 51225.25, as added by AB 2473 (Ch. 831, Statutes of 2024), a "student participating in a newcomer program," as that term was defined by Education Code 51225.2 on January 1, 2023, who was enrolled prior to January 1, 2024 as well as any other students participating in a newcomer program for whom the COE has extended such right; assignment of students to courses without educational content; and physical education instructional minutes. See "Complaints Subject to UCP" in the accompanying County Board policy.

For a complaint which is based on allegations part of which fall under UCP and part of which fall outside of UCP, such as the non-UCP complaints identified in the accompanying County Board policy, COEs may need to initiate two separate investigations: one to investigate the allegations that fall under UCP and the other to investigate the allegations that fall outside of UCP.

Except as may otherwise be specifically provided in other county office of education (COE) policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying County Board of Education policy.

Compliance Officers

CSBA NOTE: 5 CCR 4621 requires the COE to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying and retaliation. During its Federal Program Monitoring (FPM) process, CDE

staff will check to ensure that the COE's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. COEs should identify the specific title(s) of the compliance officer(s) in the space provided below.

The following paragraph specifies that the compliance officer be the same person designated to serve as the COE's Title IX Coordinator for addressing complaints of unlawful discrimination, harassment, intimidation, or bullying pursuant to AR 5145.3 - Nondiscrimination/Harassment, and complaints of sexual harassment pursuant to E(1) 5145.7 - Sexual Harassment and E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. COEs may modify this regulation to designate different COE employees to serve these functions. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE.

The COE designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, and in Exhibit 5145.7 - Sexual Harassment, who is responsible for handling complaints regarding sexual harassment.

(title or position)

(unit or office)

(address)

(telephone number)

(email)

CSBA NOTE: The following paragraph is for use by COEs that have designated more than one compliance officer.

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

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

CSBA NOTE: 5 CCR 4621 requires the COE's policy to include that employees responsible for compliance and/or for investigating and resolving complaints be knowledgeable about the laws and programs at issue in the complaints they are assigned. Compliance officers must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

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

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, they shall be implemented and remain in place until it is determined that they are no longer necessary or until the COE issues its final written decision, whichever occurs first.

Notifications

The COE's UCP policy and processes shall be posted in all schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

CSBA NOTE: During the FPM process, COE staff will check to ensure that the COE's policy contains a statement ensuring annual dissemination of notice of the COE's UCP to the persons specified below.

In addition, the County Superintendent or designee shall annually provide written notification of the COE's UCP to students, employees, parents/guardians of COE students, COE advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

CSBA NOTE: 5 CCR 4622 requires the COE to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

It is the COE's responsibility to update the notice as necessary to reflect new law.

The notice shall include, but need not be limited to, all of the following:

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

CSBA NOTE: The following paragraph may be modified to reflect local practice. Pursuant to Education Code 221.61, a COE and COE school are required to post information related to Title IX on their websites, including specified information about complaint procedures under Title IX; see BP 5145.3 - Nondiscrimination/Harassment. A

school that does not maintain a website may comply by posting the information on the website of the COE. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on COE and school websites, published in handbooks or catalogs, and may be provided through COE-supported social media, if available.

CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires COEs to ensure meaningful access to their programs and activities by persons with limited English proficiency. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

All students and parents/guardians, including students and parents/guardians with limited English proficiency, shall have access to the relevant information provided in the COE's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular COE school speak a single primary language other than English, the COE's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the COE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

CSBA NOTE: Complaints filed under the UCP may be filed directly with a compliance officer or with any site administrator. See BP 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. The COE may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by the COE should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, COE staff shall assist in the filing of the complaint. (5 CCR 4600)

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

1. A complaint alleging COE violation of applicable state or federal law or regulations governing the programs specified in the accompanying County Board policy may be filed by any individual, public agency, or organization (5 CCR 4600)

CSBA NOTE: Education Code 49013 and 52075 mandate COEs to adopt procedures that allow for anonymous complaints to be filed when a COE allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance (Education Code 49013, 52075)

A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the site administrator of the school or with the County Superintendent or designee. (Education Code 49013)

CSBA NOTE: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the SPI, the reviewing authority for COEs, approves the COE's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

For complaints related to the LCAP, the date of the alleged violation is the date when the Superintendent of

County Board Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 01/01/2021 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 mandates county offices of education (COEs) to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 mandates COEs to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212 mandates COEs to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate COEs to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination. For example, COEs are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while COEs that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP," below.

The California Department of Education (CDE) monitors COE programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107).

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this County Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Whether a complaint of sexual harassment is addressed through BP/E(1) 1312.3 - Uniform Complaint Procedures or the federal Title IX complaint procedures in accordance with E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the section "Non-UCP Complaints" below, the accompanying administrative regulation, BP/E(1) 5145.7 - Sexual Harassment, and E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

For those COEs in which the County Board of Education does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying exhibit for sample language.

The County Board of Education recognizes that the county office of education (COE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The County Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670.

Complaints Subject to UCP

CSBA NOTE: The FPM process includes a review of the COE's policies and procedures to determine whether all COE programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. According to CDE, the COE's policy must list all such programs and activities and, at the COE's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the COE.

Public Instruction (SPI) approves the LCAP that was adopted by the County Board. (5 CCR 4630)

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

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

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation

CSBA NOTE: It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the COE's ability to conduct a thorough investigation or provide supportive measures to the victim.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the COE's ability to investigate the conduct or take other necessary action

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

Mediation

CSBA NOTE: The following section should be used only by those COEs that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying County Board policy. The following section may be modified to specify the ADR method and timelines used within the COE.

COEs may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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

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

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

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

Investigation of Complaint

CSBA NOTE: The timeline specified below may be modified to reflect local practice. 5 CCR 4631, which requires the COE to provide the complainant with the opportunity to present relevant information, does not provide any timeline.

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

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

CSBA NOTE: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

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

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

CSBA NOTE: 5 CCR 4631 allows the COE to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the COE refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant.

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

Timeline for Investigation Report

CSBA NOTE: Pursuant to 5 CCR 4631, the COE's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for COEs that do not allow complainants to appeal the compliance officer's decision to the County Board. Option 2 is for COEs that allow appeals to the County Board, and it requires the compliance officer's decision within 30 calendar days so that the County Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the County Board if dissatisfied with the compliance officer's decision. COEs may want to consider extending some of the same rights to a respondent. When questions arise as to what rights to provide to a respondent, it is recommended that the COE consult CSBA's District and County Office of Education Legal services or other legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the COE, the 60-day period specified in 5 CCR 4631 begins when the COE receives the complaint.

OPTION 1: (COEs that do not allow complainants to appeal to the County Board)

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the

complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the COE's receipt of the complaint. (5 CCR 4631)

END OF OPTION 1

OPTION 2: (COEs that allow complainants to appeal to the County Board)

CSBA NOTE: The remainder of this section is for use by COEs that select Option 2.

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

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the County Board if the complaint is within the subject matter jurisdiction of the County Board, and with the County Superintendent for all other complaints.

If the County Board decides not to hear the complaint, the compliance officer's decision shall be final.

If the County Board hears the complaint, the compliance officer shall send the County Board's decision to the complainant within 60 calendar days of the COE's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. If a complaint is submitted to the County Superintendent, the same response timelines apply. (5 CCR 4631)

END OF OPTION 2

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the COE's investigation report. Inclusion of these items will help protect the COE's position in case of an appeal to CDE, a complaint submitted to the U.S. Department of Education's Office for Civil Rights (OCR), or if litigation is filed.

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

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

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

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

In consultation with legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint.

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than

English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the COE response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires COEs to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

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

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

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

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

Corrective Actions

CSBA NOTE: The following section may be revised to reflect local practice.

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

CSBA NOTE: Pursuant to Education Code 48900.5, the COE is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

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

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate action shall be taken, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

CSBA NOTE: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the COE, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the COE is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. COEs that do not serve students in grades transitional kindergarten-6 should delete the reference to physical education below.

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

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

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

Appeals to the California Department of Education

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

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

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

CSBA NOTE: 5 CCR 4633 requires the COE to submit the following documents to CDE within 10 days after the COE has been notified that an appeal has been filed. The COE's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the COE.

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

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

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

CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the COE or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the SPI or designee within 30 days of the appeal decision.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the COE when certain conditions exist such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a COE wide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

CSBA NOTE: The following section is for use by COEs that operate any license-exempt CSPP program. Education Code 8212 mandates COEs to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the COE must use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints are required to be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the COE notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the County Superintendent or designee may download and post a notice available from CDE's website. (Education Code 8212; 5 CCR 4691)

The COE's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the County Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or County Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the County Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires COEs to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the COE's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the COE's decision to the SPI in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

Summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, shall be reported to the County Board at a regularly scheduled County Board meeting. (5 CCR 4693)

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

2 CCR 11023

Description

[Harassment and discrimination prevention and correction](#)

Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: Education Code 8212 requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225). The notice is required to include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

CSBA NOTE: Education Code 8212 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's website will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect local practice, including adding the school and County Office of Education website addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the County Office of Education's (COE) uniform complaint procedures as required by law. A complaint form may be obtained at the school or COE office, or downloaded from the school or COE website. You may also download a copy of the California Department of Education (CDE) complaint form when available from the following website: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using the COE's complaint form or the complaint form from CDE.

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
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination

Exhibit 1312.3-E(3): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: Pursuant to Education Code 8212, uniform complaint procedures are required to be used for complaints alleging that a license-exempt California State Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

**PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES**

Education Code 8212 requires that the county office of education's (COE) uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)

Name:

Address:

Phone number: Day: Evening:

E-mail address, if any:

Date problem was observed:

Location of the problem that is the subject of this complaint:

School name/address:

Room number/name of room/location of facility:

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or COE for the appropriate COE complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- ☐ The preschool does not have outdoor shade that is safe and in good repair
- ☐ Drinking water is not accessible and/or readily available throughout the day
- ☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
- ☐ Restroom facilities are not available only for preschoolers and kindergartners
- ☐ The preschool program does not provide visual supervision of children at all times
- ☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time
- ☐ Playground equipment is not safe, in good repair, or age appropriate

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary and as you wish to fully describe the situation.

CSBA NOTE: Education Code 8212 requires complaints identified above to be filed with the preschool

administrator or designee. COEs should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

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State

Description

2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49014	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education

Public Instruction (SPI) approves the LCAP that was adopted by the County Board. (5 CCR 4630)

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

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

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation

CSBA NOTE: It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the COE's ability to conduct a thorough investigation or provide supportive measures to the victim.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the COE's ability to investigate the conduct or take other necessary action

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

Mediation

CSBA NOTE: The following section should be used only by those COEs that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying County Board policy. The following section may be modified to specify the ADR method and timelines used within the COE.

COEs may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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

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

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

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

Investigation of Complaint

CSBA NOTE: The timeline specified below may be modified to reflect local practice. 5 CCR 4631, which requires the COE to provide the complainant with the opportunity to present relevant information, does not provide any timeline.

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

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

CSBA NOTE: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

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

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

CSBA NOTE: 5 CCR 4631 allows the COE to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the COE refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant.

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

Timeline for Investigation Report

CSBA NOTE: Pursuant to 5 CCR 4631, the COE's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for COEs that do not allow complainants to appeal the compliance officer's decision to the County Board. Option 2 is for COEs that allow appeals to the County Board, and it requires the compliance officer's decision within 30 calendar days so that the County Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the County Board if dissatisfied with the compliance officer's decision. COEs may want to consider extending some of the same rights to a respondent. When questions arise as to what rights to provide to a respondent, it is recommended that the COE consult CSBA's District and County Office of Education Legal services or other legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the COE, the 60-day period specified in 5 CCR 4631 begins when the COE receives the complaint.

OPTION 1: (COEs that do not allow complainants to appeal to the County Board)

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the

complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the COE's receipt of the complaint. (5 CCR 4631)

END OF OPTION 1

OPTION 2: (COEs that allow complainants to appeal to the County Board)

CSBA NOTE: The remainder of this section is for use by COEs that select Option 2.

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

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the County Board if the complaint is within the subject matter jurisdiction of the County Board, and with the County Superintendent for all other complaints.

If the County Board decides not to hear the complaint, the compliance officer's decision shall be final.

If the County Board hears the complaint, the compliance officer shall send the County Board's decision to the complainant within 60 calendar days of the COE's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. If a complaint is submitted to the County Superintendent, the same response timelines apply. (5 CCR 4631)

END OF OPTION 2

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the COE's investigation report. Inclusion of these items will help protect the COE's position in case of an appeal to CDE, a complaint submitted to the U.S. Department of Education's Office for Civil Rights (OCR), or if litigation is filed.

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

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

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

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

In consultation with legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint.

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than

English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the COE response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires COEs to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

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

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

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

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

Corrective Actions

CSBA NOTE: The following section may be revised to reflect local practice.

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

CSBA NOTE: Pursuant to Education Code 48900.5, the COE is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator; to have the perpetrator engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance; and to regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

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

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate action shall be taken, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

CSBA NOTE: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the COE, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the COE is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. COEs that do not serve students in grades transitional kindergarten-6 should delete the reference to physical education below.

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

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

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

Appeals to the California Department of Education

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

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

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

CSBA NOTE: 5 CCR 4633 requires the COE to submit the following documents to CDE within 10 days after the COE has been notified that an appeal has been filed. The COE's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the COE.

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

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

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

CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the COE or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the SPI or designee within 30 days of the appeal decision.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the COE when certain conditions exist such as the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report, (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named, or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a COE wide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

CSBA NOTE: The following section is for use by COEs that operate any license-exempt CSPP program. Education Code 8212 mandates COEs to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the COE must use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints are required to be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the COE notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the County Superintendent or designee may download and post a notice available from CDE's website. (Education Code 8212; 5 CCR 4691)

The COE's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the County Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or County Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the County Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires COEs to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the COE's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the COE's decision to the SPI in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

Summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, shall be reported to the County Board at a regularly scheduled County Board meeting. (5 CCR 4693)

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

2 CCR 11023

Description

[Harassment and discrimination prevention and correction](#)

Exhibit 1312.3-E(2): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: Education Code 8212 requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8207-8225). The notice is required to include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8212, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

CSBA NOTE: Education Code 8212 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's website will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect local practice, including adding the school and County Office of Education website addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the County Office of Education's (COE) uniform complaint procedures as required by law. A complaint form may be obtained at the school or COE office, or downloaded from the school or COE website. You may also download a copy of the California Department of Education (CDE) complaint form when available from the following website: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using the COE's complaint form or the complaint form from CDE.

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
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination

Exhibit 1312.3-E(3): Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 12/01/2021 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: Pursuant to Education Code 8212, uniform complaint procedures are required to be used for complaints alleging that a license-exempt California State Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

**PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES**

Education Code 8212 requires that the county office of education's (COE) uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact information: (if response is requested)

Name:

Address:

Phone number: Day: Evening:

E-mail address, if any:

Date problem was observed:

Location of the problem that is the subject of this complaint:

School name/address:

Room number/name of room/location of facility:

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or COE for the appropriate COE complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

- ☐ The preschool does not have outdoor shade that is safe and in good repair
- ☐ Drinking water is not accessible and/or readily available throughout the day
- ☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
- ☐ Restroom facilities are not available only for preschoolers and kindergartners
- ☐ The preschool program does not provide visual supervision of children at all times
- ☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time
- ☐ Playground equipment is not safe, in good repair, or age appropriate

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary and as you wish to fully describe the situation.

CSBA NOTE: Education Code 8212 requires complaints identified above to be filed with the preschool

administrator or designee. COEs should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

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State

Description

2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33315	Uniform complaint procedures
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49014	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.25	Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education

County Board Policy 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 11/01/2001 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

CSBA NOTE: The following mandated policy and accompanying administrative regulation reflect the requirements of Education Code 49073 and the Family Educational Rights and Privacy Act (FERPA)(20 USC 1232g), which requires a County Office of Education (COE) to adopt a policy identifying those categories of student records considered to be "directory information" and that may generally be released, unless a student's parent/guardian notifies the COE of a refusal.

The County Board of Education recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, County Board policy, and administrative regulation.

Student directory information may be released to representatives of the news media or nonprofit organizations in accordance with law, County Board policy and administrative regulation.

The release of specific categories of directory information may be limited or denied to any public or private nonprofit organization based on a determination of the best interests of County Office of Education (COE) students. (Education Code 49073)

CSBA NOTE: Pursuant to Education Code 49073.2, the COE is prohibited from including in the County Board of Education's meeting minutes a student's directory information, when the student or parent/guardian requests that such information be excluded. For further information about the County Board's minutes, see BB 9324 - Minutes and Recordings.

A student's directory information shall only be included in the minutes of the County Board's meeting in accordance with County Board Bylaw 9324 - Minutes and Recordings.

CSBA NOTE: 10 USC 503 and 20 USC 7908 require COEs receiving funds under the Elementary and Secondary Education Act (ESEA) to provide the names, addresses, email addresses, and telephone numbers of secondary students to military recruiters upon request, except when the parent/guardian, or student, if 18 years of age or older, requests that the information not be released. COEs that do not grant military recruiters access to such student directory information may lose those funds, and may be subject to interventions specified in 10 USC 503. Additionally, Education Code 49073.5 declares the intent of the Legislature that a COE, including a COE that does not receive ESEA funds, not purposefully exclude military recruiters from access to student directory information, when adopting the required release of student directory information policy. See "Notification to Parents/Guardians" and "Parent/Guardian Consent" in the accompanying administrative regulation.

Colleges and prospective employers, including military recruiters, shall have access to a student's name, address, email address, and telephone number, unless the student's parent/guardian, or student, if the student is 18 years of age or older, has specified that the information not be released. (10 USC 503, 20 USC 7908)

CSBA NOTE: It is recommended that COEs carefully consider whether to place items containing student directory information, such as home addresses, email addresses, or telephone numbers, on the COE's website since release of such information may put students and the COE at risk and may also be a violation of Education Code 49073 as specified below.

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with law, County Board policy, and administrative regulation. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled, provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

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 234.7	Student protections related to immigration and citizenship status
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49061	Definitions; directory information

County Office Regulation 5125.1: Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 11/01/2011 | **Last Revised Date:** 06/01/2025 | **Last Reviewed Date:** 06/01/2025

Definition

CSBA NOTE: Education Code 49073 and the Family Educational Rights and Privacy Act (FERPA)(20 USC 1232g), mandates that a County Office of Education (COE) adopt a policy identifying those categories of student records considered to be "directory information," which may generally be released unless a student's parent/guardian notifies the COE of a refusal to release such information. "Directory information" is defined in Education Code 49061 and 34 CFR 99.3 and listed in the following section. The COE may not expand the list, but may modify it to remove any items the COE does not intend to release as directory information.

Education Code 49061 does not include three types of information that are included as directory information in 34 CFR 99.3 (1) the student's place of birth, (2) grade level, and (3) photograph. Thus, these types of information are not reflected in the following list. It is recommended that COEs that receive any request for such information about student(s) based on federal law consult CSBA's District and County Office of Education Legal Services or other legal counsel prior to releasing the information.

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

CSBA NOTE: Pursuant to Education Code 234.7, COEs were mandated to adopt policies with language that is equivalent to the model policy language developed by the California Attorney General in, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 (2018 Guidance), by July 1, 2018. The Attorney General Updated the 2018 Guidance in December 2024 and has stated that COEs "should" adopt or update their policies by May 1, 2025. For additional language fulfilling this mandate, see BP/AR 5145.13 - Immigration Enforcement. Also see "Notification to Parents/Guardians" below.

Directory information does not include the student's citizenship status, immigration status, place of birth, or any other information indicating national origin of a student or the student's family member.

Notification to Parents/Guardians

CSBA NOTE: Pursuant to Education Code 49063 and 20 USC 1232g, the COE must annually notify parents/guardians and students who are 18 years of age or older, in writing, of the categories of records considered to be "directory information." The Attorney General's model policy developed pursuant to Education Code 234.7 requires that this notification also describe the manner in which parents/guardians may refuse the release of directory information. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students are required to be written in the primary language as well as in English. See the accompanying Exhibit for a sample parent/guardian notification.

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the county office of education (COE) plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the COE designate any or all types of information as directory information, how to refuse release, and the period of time within which a parent/guardian must notify the COE in writing that the parent/guardian does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

CSBA NOTE: Pursuant to Education Code 234.7, COEs are mandated to adopt the following paragraph consistent with the Attorney General's model policy.

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the COE will not release such information without parent/guardian consent or a court order.

CSBA NOTE: The following paragraph applies to COEs that maintain secondary schools and receive funds under the federal Elementary and Secondary Education Act (ESEA). 10 USC 503 and 20 USC 7908 requires those COEs to notify parents/guardians that they may request that the COE not release their child's name, address, email address, and telephone number to military recruiters, employers, or colleges without their prior written consent. The U.S. Department of Education's, "Dear Colleague Letter Regarding Military Recruiter Provisions of ESEA," provides that a single notice that is reasonably calculated to inform parents/guardians of the above information is sufficient. The law does not specify whether parents/guardians may request that the COE not release their child's information to certain third parties, such as military recruiters, but authorize the release to other parties, such as private employers. It is recommended that COEs with questions about disclosure of student directory information consult CSBA's District and County Office of Education Legal Services or other legal counsel.

Parents/guardians shall be notified that they may request that the COE not release the name, address, email address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (10 USC 503, 20 USC 7908)

Parent/Guardian Consent

CSBA NOTE: Education Code 49073 specifies that parents/guardians may request that their child's directory information not be released (an "opt-out" process). Similarly, 20 USC 7908 requires an "opt-out" process by which parents/guardians may request that their child's information not be released to military recruiters, employers, or institutions of higher education. However, pursuant to Education Code 49073, in the case of a student experiencing homelessness, as defined in 42 USC 11434a, directory information may only be released if the parent/guardian or student 18 years of age or older has provided written consent for its release ("opt-in process").

A student's directory information shall not be released if the student's parent/guardian has notified the COE in writing that such information shall not be disclosed. (Education Code 49073; 20 USC 1232g, 7908)

The directory information of a student identified as a student experiencing homelessness shall not be released, unless the student's parent/guardian, or the student if 18 years of age or older, has provided written consent that directory information may be released. (Education Code 49073; 20 USC 1232g, 7908)

For a former student, the COE shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance, unless the opt-out request has been rescinded. (34 CFR 99.37)

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.

Exhibit 5125.1-E(1): Release Of Directory Information

Status: ADOPTED

Original Adopted Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: The following exhibit is based on a model notice prepared by the U.S. Department of Education and should be modified to reflect local practice. It has been updated to reflect Education Code 49061 and to include provisions required by the California Attorney General's model policy developed pursuant to Education Code 234.7; see the accompanying administrative regulation. Pursuant to Education Code 234.7, county offices of education (COE) were mandated to adopt policies with language that is equivalent to the model policy language developed by the California Attorney General in "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," first published in April 2018 ("2018 Guidance"), by July 1, 2018. The Attorney General updated the 2018 Guidance in December 2024 ("2024 Guidance") and has stated that COEs "should" adopt or update their policies based on the 2024 Guidance by May 1, 2025. The 2024 Guidance is available on the website of the Office of the Attorney General. For additional language fulfilling this mandate, see BP/AR 5145.13 - Immigration Enforcement.

Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students are required to be written in the primary language as well as in English.

**PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Trinity County Office of Education, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the County Office of Education (COE) may disclose appropriately designated "directory information" without written consent, unless you have advised the COE to the contrary in accordance with COE procedures. The primary purpose of directory information is to allow the COE to include information from your child's education records in certain school and/or COE publications. Examples include:

- a playbill, showing your child's role in a drama production
- the annual yearbook
- honor roll or other recognition lists
- graduation programs
- sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require COEs receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to provide military recruiters, upon request, with students' names, addresses, and telephone listings, unless parents/guardians have advised the COE that they do not want their child's information disclosed without their prior written consent.

If you do not want the COE to disclose any or all of the information designated below as directory information from your child's education records without your prior written consent, you must notify the COE in writing by _____ (insert date). The COE has designated the following information as directory information:

CSBA NOTE: The following list reflects "directory information" pursuant to Education Code 49061. The COE should modify the following list to specify those categories of information defined by the COE as "directory information" in the accompanying administrative regulation. Those items the COE does not intend to release as directory information should be deleted.

1. Student's name
2. Address
3. Telephone number
4. Email address

5. Date of birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Additionally, the COE may disclose your child's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

In addition, the COE may disclose a student identification number or other unique personal identifier that is displayed on a student identification badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

CSBA NOTE: The following paragraph reflects the 2024 Guidance.

The COE may not disclose a student's Social Security number. Directory information does not include your child's citizenship status, immigration status, place of birth, or any other information indicating national origin.

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 234.7	Student protections related to immigration and citizenship status
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49061	Definitions; directory information
Ed. Code 49063	Notification of parents of their rights
Ed. Code 49073	Release of directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49073.5	Directory information; military representatives; telephone numbers
Ed. Code 49603	On campus access to employers and military services

Federal	Description
10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions

Management Resources	Description
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County Board Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 01/01/2019 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: The following mandated policy for county offices of education (COE) reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual.

The California Department of Education, through its Federal Program Monitoring process, reviews COEs' uniform complaint procedures (UCP) and other anti-discrimination policies and processes to ensure compliance with mandated policy requirements. Additionally, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

In accordance with various provisions of state and federal law and regulation, and related court cases, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. This includes, but is not limited to, discrimination based on race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. For more information regarding the requirement for COE programs and activities to be free from discrimination, see BP 0410 - Nondiscrimination in County Office Programs and Activities, and regarding the protection of students against sexual harassment, see BP/E(1) 5145.7 - Sexual Harassment.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, OCR's February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this County Board of Education policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

For information regarding the prohibition of discrimination as it applies to textbooks, instructional materials, supplemental instructional materials, or other curriculum for classroom instruction, or any book or resource in a school library, see BP 0410 - Nondiscrimination in County Office Programs. Also see CSBA's publication, "Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities," and corresponding Fact Sheet and Reference, and the California Attorney General's, "Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books."

For those COEs in which the County Board does not hire and supervise the County Superintendent of Schools, CSBA recommends that the County Board and the County Superintendent work together for the adoption of this policy, since some of the programs it covers are subject to the independent statutory authority of both the County Board and the County Superintendent and, even for those programs that are primarily within the County Board's authority, implementation by the County Superintendent is likely to be necessary. In addition to this policy, it is recommended that procedures be maintained in an accompanying administrative regulation or exhibit. See the accompanying administrative regulation for sample language.

The County Board of Education desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the county office of education's (COE) academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a COE school or program, to acts which occur off campus or outside of COE-related or COE-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the County Board and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

Unlawful discrimination against an individual or group in any COE school or school activity, including discriminatory harassment, intimidation, and bullying, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to any of the following is prohibited: race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

CSBA NOTE: Title VI (42 USC 2000d-2000d-7) prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance, including COEs.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

CSBA NOTE: In addition to the types of prohibited student conduct described above, unlawful discrimination includes different treatment of students with respect to the provision of opportunities to participate in COE programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination in County Office Programs and Activities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in any COE programs or activities or the provision or receipt of educational benefits or services.

CSBA NOTE: The following paragraph addresses unlawful discrimination which may occur when disciplining students.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

The County Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates, participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.8, a COE is required to publicize its nondiscrimination policies. Additionally, Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), and 234.6 require the COE to make readily accessible on its website its nondiscrimination, harassment, intimidation, bullying, sexual harassment, suicide prevention, and other specified policies and information related to specified state and federal laws and resources. In addition, 34 CFR 104.8 requires COEs to take "continuing steps" to notify students and parents/guardians, that it does not discriminate on the basis of disability in its education programs or activities.

Beginning with the 2025-26 school year, Education Code 234.6, as amended by SB 939 (Ch. 907, Statutes of 2024), requires COEs to ensure that resources related to neurodiversity developed by the University of California and California State University Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students.

For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.

The COE shall facilitate students' access to the educational program by publicizing the COE's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the COE's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information shall be posted on the COE's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

Training and/or information on the scope and use of the policy and complaint procedures shall be provided and other measures designed to increase understanding of the requirements of law related to discrimination shall be taken. The

implementation of the COE's nondiscrimination policies and practices shall regularly be reviewed and, as necessary, action to remove any identified barrier to student access to or participation in the COE's educational program shall be taken. The findings and recommendations shall be reported to the County Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a COE from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. It is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel as necessary.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, County Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, related to a COE activity, attendance, or COE-related or COE-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

CSBA NOTE: The following paragraph may be revised to reflect local practice. Pursuant to Education Code 48900.5 the COE is encouraged to have a student who has been suspended, or for whom other means of correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph; see BP/AR 5131.2 - Bullying.

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal, school administrator, or designee may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal, school administrator, or designee may also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and may regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

When appropriate based on the severity or pervasiveness of the bullying, the parents/guardians of victims and perpetrators shall be notified and law enforcement may be contacted.

CSBA NOTE: Education Code 234.1 requires that COEs adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the COE's UCP specified in BP/E(1) 1312.3 - Uniform Complaint Procedures. However, the complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

For more information regarding sexual harassment against students in the school setting, see BP/E(1) 5145.7 - Sexual Harassment, and for the Title IX grievance procedures, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Complaints alleging unlawful discrimination in COE programs and activities shall be investigated and resolved in accordance with County Board Policy 1312.3 - Uniform Complaint Procedures, when required by law. However, complaints alleging sexual harassment under Title IX shall be investigated and resolved in accordance with the procedures specified in Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Record-Keeping

A record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be maintained to enable the COE to monitor, address, and prevent repetitive prohibited behavior in COE schools.

Antidiscrimination Measures

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in COE schools, programs, and activities. COE nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational 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	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-262.1	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for threats or harassment
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Students' exercise of free expression; rules and regulations
Ed. Code 48950	Freedom of speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Unlawful discrimination
Gov. Code 12926	Prohibition of discrimination; definitions
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973, Section 504

County Board Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 01/01/2021 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: Education Code 231.5 and 34 CFR 106.8 mandate the county office of education (COE) to have written policies on sexual harassment. The following policy addresses sexual harassment against students in the school setting. As part of this mandate, the COE should also adopt a sexual harassment policy related to employees.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in COE programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this County Board policy to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Both federal law (Title IX) and state law (Education Code 220, 231.5) prohibit sexual harassment and require COEs to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is investigated and resolved through the federal Title IX complaint procedures in accordance with E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures, or the uniform complaint procedures in accordance with BP/E(1) 1312.3 - Uniform Complaint Procedures, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. In order to meet the applicable timelines, in some instances it may be necessary to review a complaint under both procedures concurrently. See the accompanying exhibit, BP/E(1) 1312.3 - Uniform Complaint Procedures, and E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

A COE can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the COE is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.44, a COE is "deliberately indifferent" if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with OCR.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination or harassment includes discrimination or harassment not just because of one protected class under state law, but also because of the combination of two or more protected bases.

The county office of education (COE) does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The COE is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. Sexual harassment, as defined in the accompanying exhibit, targeted at any student, is prohibited.

CSBA NOTE: COEs are required to prohibit retaliation when a right or privilege secured by state or federal law is interfered with. Education Code 221.8 prohibits retaliation when a person files a discrimination complaint. Additionally, Title IX prohibits retaliation when a person reports possible sex discrimination including sexual harassment, made a sex discrimination or sexual harassment complaint, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Pursuant to 34 CFR 106.71, complaints alleging retaliation may be filed in accordance with grievance procedures used for other forms of sexual harassment as specified in 34 CFR 106.44 and 106.45; see E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Additionally, retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy is prohibited. (Education Code 220.1, 221.8; 34 CFR 106.71)

CSBA NOTE: The following two paragraphs relate to reporting by students and employees of sexual harassment. It is important to note that reporting to law enforcement and/or child protective services does not relieve a COE of its responsibility to investigate a complaint of sexual harassment.

Students who feel that they are being or have experienced sexual harassment, on COE grounds or at a COE-sponsored or COE-related activity, or off-campus when the conduct has a continuing effect on campus, are strongly

encouraged to immediately contact their teacher, the principal or program administrator, the COE's Title IX Coordinator, or any other available school employee.

CSBA NOTE: 34 CFR 106.44 requires the COE, when there is actual knowledge of sexual harassment in an education program or activity to respond promptly in a manner that is not unreasonable in light of known circumstances. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the COE's Title IX Coordinator, any official of the COE who has authority to institute corrective measures, or any employee of an elementary or secondary school.

The following paragraph should be revised to reflect the COE's timeline.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a COE education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures or County Board Policy/Exhibit (1) 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of County Board Policy/Exhibit (1) 1312.3 - Uniform Complaint Procedures.

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

Students and parents/guardians shall be informed of this policy in the manner specified in the accompanying exhibit.

CSBA NOTE: Government Code 12950.1 requires that COEs provide once every two years at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of such training to all nonsupervisory employees. 34 CFR 106.45 requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment specified in 34 CFR 106.30, the scope of the COE's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. 34 CFR 106.45 requires additional training for investigators and decisionmakers.

All COE staff shall be trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in 34 CFR 106.45. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

Instruction/Information

CSBA NOTE: Pursuant to Education Code 231.7, the California Department of Education is required to make available on its website (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes, (2) information about local and national hotlines and services for youth experiencing teen dating violence, and (3) other relevant materials for parents/guardians, and other caretakers of students.

All COE students shall receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained

CSBA NOTE: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report such conduct. For example, a student who experiences sexual harassment while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, Item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students

to report the harassment.

4. A clear message that student safety is the COE's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to the harassment, prevent recurrence, and address any continuing effect on students
6. Information about the COE's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the COE investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the COE will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48915(c) requires a recommendation for expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code.

Pursuant to 34 CFR 106.44 and 106.45, when there is complaint alleging Title IX sexual harassment, the COE is prohibited from imposing any disciplinary sanctions against a respondent for the allegedly discriminatory behavior until the grievance procedures are completed.

Upon completion of an investigation of sexual harassment, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

CSBA NOTE: Pursuant to 34 CFR 106.45, the COE is required to keep for at least seven years (1) each sexual harassment investigation, (2) any disciplinary sanctions imposed on a respondent, (3) any remedies provided to the complainant designed to restore or preserve equal access to the COE's education program or activity, (4) any appeal and result of the appeal, (5) any informal resolution, and (6) all materials used to train the Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

Records shall be maintained in accordance with law, including in accordance with Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures, and COE policies and regulations, of all reported cases of sexual harassment to enable the COE to monitor, address, and prevent repetitive harassing behavior in COE schools.

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

State

5 CCR 432

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Description

Student records

Uniform complaint procedures

Nondiscrimination in elementary and secondary education programs

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

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

Exhibit 5145.7-E(1): Sexual Harassment

Status: ADOPTED

Original Adopted Date: 08/01/2020 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: The following exhibit presents a sample procedure recommended for use by the County Superintendent of Schools to complement and/or implement the accompanying County Board of Education sexual harassment policy. It is recommended that any County Superintendent intending to adopt this sample exhibit for use in the county office of education (COE) do so in cooperation with the County Board. This exhibit may be revised to reflect local practice and may be adopted for the COE's use as an Administrative Regulation, County Superintendent Regulation, or COE regulation according to local practice.

Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and mandate that the COE adopt and publish complaint procedures. Also see E(1)/E(2) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

Definitions

CSBA NOTE: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim.

Education Code 200 and 210.2, as amended by SB 1137 (Ch. 779, Statutes of 2024), provide that prohibited discrimination includes discrimination not just because of one protected class under state law, but also because of the combination of two or more protected bases.

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. (Education Code 200, 210.2, 220, 221.51, 230, 260; Government Code 11135; 20 USC 1681-1688)

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any county office of education (COE) program or activity

Any prohibited conduct that occurs off campus or outside of COE-related or COE-sponsored programs or activities will be regarded as sexual harassment in violation of COE policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

CSBA NOTE: Pursuant to 34 CFR 106.30, sexual harassment includes (1) a COE employee conditioning the

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

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

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

Title IX Coordinator/Compliance Officer

CSBA NOTE: Pursuant to 34 CFR 106.8, COEs that receive federal financial assistance are required to designate an employee as the Title IX Coordinator to ensure compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the Compliance Officer specified in E(1) 1312.3 - Uniform Complaint Procedures and AR 5145.3 -- Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. COEs may modify the following to designate separate COE employees to serve these functions. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE; see E(1) 1312.3 - Uniform Complaint Procedures and AR 5145.3 - Nondiscrimination/Harassment.

The County Superintendent of Schools designates the following individual as the responsible employee to coordinate the COE's efforts to comply with Title IX. The individual shall also serve as the Compliance Officer specified in Exhibit(1) 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator may be contacted at:

HR/Payroll Director

(title or position)

PO Box 1256, Weaverville, CA 96093

(address)

530-623-2861

(telephone number)

hrp@tcoek12.org

(email)

Notifications

Students and parents/guardians shall be notified that the COE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the COE may be referred to the COE's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The COE shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the COE's Title IX Coordinator. (34 CFR 106.8)

A copy of the COE's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of COE rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

CSBA NOTE: Education Code 231.6 requires COEs serving students in grades 9-12 to create and display a poster that notifies students of the COE's sexual harassment policy, as specified below. The COE may partner

with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Be summarized on a poster which is prominently and conspicuously displayed in each bathroom and locker room at each school

The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any publication that sets forth the program/school's or COE's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Reports and Complaints

CSBA NOTE: The following paragraph relates to student and employee reporting of sexual harassment and should be revised to reflect the COE's timeline.

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sexual harassment in a COE program or activity or who has witnessed sexual harassment is strongly encouraged to report the incident to the COE's Title IX Coordinator, a teacher, the principal or program administrator, or any other available school employee. Within one workday of receiving such a report, the principal/program administrator or other school employee shall forward the report to the COE's Title IX Coordinator. Any school employee who observes sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying County Board of Education policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

If the Title IX Coordinator determines a complaint of sexual harassment involves off-campus conduct and the conduct may create or contribute to the creation of a hostile school environment, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the student or parent/guardian shall be informed of the right to file a formal written complaint in accordance with applicable COE complaint procedures.

CSBA NOTE: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 is required to be investigated and resolved in accordance with BP/E(1) 1312.3 - Uniform Complaint Procedures.

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and COE procedures. The allegations shall be reviewed to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Exhibit(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to County Board Policy and Exhibit(1) 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, prompt action shall be taken to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

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

Exhibit 5145.71-E(1): Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/01/2020 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: The following exhibit presents a sample procedure that may be adopted by the county office of education (COE). As the content covered typically falls within the purview of the County Superintendent of Schools, it is recommended that any County Board of Education intending to adopt this sample exhibit for use in the COE do so in cooperation with the County Superintendent. This exhibit may be revised to reflect local practices and may be adopted for the COE's use as an Administrative Regulation, County Superintendent Regulation, or COE regulation according to local practice.

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the COE adopt and publish complaint procedures.

Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

The complaint procedures specified in the Title IX regulations (34 CFR 106.44- 106.45, as added by 85 Fed.Reg. 30026) are required to be used to address any complaint of sexual harassment, as defined in 34 CFR 106.30, based on conduct that occurred between August 14, 2020 and July 31, 2024, and after January 9, 2025. For complaints initiated between August 1, 2024 and January 9, 2025, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel.

Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a COE employee conditioning the provision of a COE aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the COE's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the COE's uniform complaint procedures (UCP); see BP/E(1) 1312.3 - Uniform Complaint Procedures.

34 CFR 106.44 requires the COE, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not "deliberately indifferent." 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the COE's Title IX Coordinator, any official of the COE who has authority to institute corrective measures, or any employee of the COE. A COE is "deliberately indifferent" only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. It is recommended that COEs with questions about specific complaints consult CSBA's District and County Office of Education Legal Service or other legal counsel.

See BP/E(1) 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this exhibit shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a county office of education (COE) school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

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

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, legal counsel shall be consulted to determine which procedures to use.

All other complaints alleging sexual harassment brought by or on behalf of students shall be investigated and resolved in accordance with County Board Policy/Exhibit(1) 1312.3 - Uniform Complaint Procedures.

All requirements and timelines for County Board Policy/Exhibit(1) 1312.3 - Uniform Complaint Procedures shall concurrently be met while implementing the Title IX procedure.

Basic Requirements

CSBA NOTE: 34 CFR 106.45 requires that the COE's grievance procedures follow specified basic requirements, which are reflected below.

When implementing Title IX grievance procedures, the COE shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the COE's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45
4. Presume that the respondent is not responsible for the conduct until a determination regarding responsibility is made at the conclusion of the grievance process
5. Include reasonably prompt timeframes for the conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the COE

The COE's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the COE may implement following any determination of responsibility
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the COE shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Reporting Allegations/Filing a Formal Complaint

CSBA NOTE: Pursuant to 34 CFR 106.30, the timeline for resolving a sexual harassment complaint begins when the COE has actual knowledge of sexual harassment, defined as the receipt of a report by the Title IX Coordinator or other employee of an elementary or secondary school. The following paragraph reflects the requirement for any employee to forward the report to the Title IX Coordinator as specified in E(1) 5145.7 - Sexual Harassment, and may be revised to reflect local practice.

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the COE's Title IX Coordinator using the contact information listed in Exhibit(1) 5145.7 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the COE. (34 CFR 106.30)

CSBA NOTE: Given the COE's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator may file a complaint even when the victim chooses not to do so. In such cases, the Title IX Coordinator and the alleged victim are not named parties to the case, but the alleged victim must receive notices as required by the Title IX regulations at specific points in the complaint process.

The following paragraph generally permits the Title IX Coordinator to file a formal complaint, requires the Title IX Coordinator to do so when an imminent safety threat exists, and should be modified to reflect local practice.

If the COE has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, a formal complaint shall be filed. In such cases, the alleged victim shall be provided notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the COE's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the COE's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The COE shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the COE's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

CSBA NOTE: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. COEs should also note that Education Code 48915(c) requires any student,

irrespective of grade, who commits sexual assault or battery as defined in the Penal Code, be recommended for expulsion.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, it is recommended that COEs consult CSBA's District and County Office of Education Legal Services or other legal counsel as to the manner of imposing an emergency removal.

If a student is the respondent, the COE may remove the student from the COE's education program or activity on an emergency basis, provided that the COE conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the health or safety of any student, or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. Any such removal may not constitute discipline for student record purposes. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

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

Dismissal of Complaint

A formal complaint shall be dismissed if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, a formal complaint shall be dismissed if the alleged conduct did not occur in the COE's education program or activity or did not occur against a person in the United States. In addition, a formal complaint may be dismissed if the complainant notifies the COE in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the COE, or sufficient circumstances prevent the COE from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, written notice of the dismissal and the reasons for the dismissal shall simultaneously be sent to the parties, and the parties shall be informed of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to County Board Policy 1312.3 - Uniform Complaint Procedures, as applicable.

Informal Resolution Process

CSBA NOTE: The following section reflects when the COE may offer an informal resolution process, notification and consent requirements, and other required steps when an informal resolution process is implemented, as specified in 34 CFR 106.45.

As part of an informal resolution, the parties may agree upon discipline, including suspension or expulsion, without the need for an investigation (Analysis of Comments and Changes, 85 Fed. Reg. 30026, pages 30232, 30406-30407). This is an exception to the general rule provided in 34 CFR 106.44, which prohibits the COE from imposing discipline on a respondent for sexual harassment until the full investigation process is complete.

When a formal complaint of sexual harassment is filed the COE may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The COE shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the COE shall not require such waiver as a condition of enrollment or employment or continuing enrollment or employment. (34 CFR 106.45)

As part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

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

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal

complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared

2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

CSBA NOTE: The following section reflects the notice COEs are required to provide to the parties pursuant to 34 CFR 106.45.

If a formal complaint is filed, the known parties shall be provided written notice of the following: (34 CFR 106.45)

1. The COE's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known

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

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

3. A statement that respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

CSBA NOTE: The following paragraph is optional. Although not required by law, it is recommended that the COE provide notice to the parties of the name of the investigator, facilitator, and decisionmaker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

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

Consolidation of Complaints

CSBA NOTE: The following section reflects the COE's authority to consolidate complaints of sexual harassment as specified in 34 CFR 106.45.

When the allegations of sexual harassment arise out of the same facts or circumstances, the COE may consolidate formal complaints of sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

CSBA NOTE: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the COE and not on the parties. However, the COE must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the COE to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the COE chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include

requirements for the hearing in accordance with 34 CFR 106.45.

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

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the COE may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the COE does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation
7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

CSBA NOTE: It is recommended that COEs with questions about the application of a collective bargaining agreement in the context of a Title IX investigation consult CSBA's District and County Office of Education Legal Services or other legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

CSBA NOTE: Pursuant to 34 CFR 106.45, the person designated as the decisionmaker of the determination of responsibility may not be the same person designated as the Title IX Coordinator, investigator, or the person who considers the appeal. The following paragraph may be revised to reflect the position designated by the COE to provide a written determination of responsibility. While designation decisions will depend on the size and organizational structure of the COE, it is recommended that the COE, where feasible, designate an upper-level administrator as the decisionmaker. The following paragraphs should be modified to reflect local practice.

A COE employee shall be designated as the decisionmaker to determine responsibility for the alleged conduct. This employee shall not serve as the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding

responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

CSBA NOTE: 34 CFR 106.45 requires that the COE's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 60-day period in order to align with the requirements of the UCP, which are simultaneously triggered when a complaint of sexual harassment is received. COEs may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

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

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

CSBA NOTE: 34 CFR 106.45 requires the COE's complaint procedures to state whether the COE's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the COE chooses to use a "clear and convincing evidence" standard. The standard selected by the COE must be applied uniformly for all Title IX sexual harassment complaints. It is recommended that the COE consult with CSBA's District and County Office of Education Legal Services or other legal counsel in determining which standard to use.

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

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

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

Appeals

CSBA NOTE: 34 CFR 106.45 allows either the complainant or respondent to appeal the COE's decision. The COE may revise the following section to reflect applicable timelines established by the COE.

The following section should also be revised to identify the person who has been designated as the decisionmaker(s) for the appeal. Pursuant to 34 CFR 106.45, the decisionmaker for the appeal cannot be the same person as the decisionmaker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

34 CFR 106.45 allows either the complainant or respondent to appeal the COE's decision based on any of the reasons specified in the following paragraph, or if the COE has any other additional bases for an appeal that it offers equally to both parties.

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if

the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the COE shall: (34 CFR 106.45)

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

CSBA NOTE: The timeframes in the following two paragraphs are optional and may be revised to reflect local practice.

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

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

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

CSBA NOTE: The following paragraph is consistent with requirements under Education Code 262.3, 5 CCR 4622, and the California Department of Education's Federal Program Monitoring instrument to provide notice regarding civil law remedies in the annual UCP notice and in the final written decision in the UCP process.

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

Remedies

CSBA NOTE: 34 CFR 106.45 requires the COE's Title IX complaint process to list or describe the range of possible remedies that the COE may implement following any determination of responsibility. The following section may be revised to reflect local practice.

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

Corrective/Disciplinary Actions

The COE may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law

2. Conference with parent/guardian
3. Educating the student regarding the impact of the student's conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

An employee found to have committed sexual harassment or retaliation shall be subject to disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

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

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the COE's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The COE shall make such training materials publicly available on its website, or if the COE does not maintain a website, available upon request by members of the public.

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

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

Additionally, the County Superintendent or designee shall indefinitely maintain a record of insurance which evidences the COE's coverage for acts of sexual assault.

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor

Exhibit 5145.71-E(2): Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/01/2020 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in county office of education (COE) programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the COE to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the COE does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the COE's Title IX Coordinator and/or the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the COE's policy prohibiting sexual harassment, (5) the COE's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the COE will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect local practice. Pursuant to 34 CFR 106.8, the COE is also required to provide the Title IX Coordinator's contact information and the accompanying exhibit on its website and in any handbook for students or parents/guardians.

Additionally, state law (Education Code 231.5, 231.6, 234.6, and 48980) requires distribution of the COE's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the COE's website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The county office of education (COE) shall not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The COE also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The COE shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the COE's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The COE should enter the name/title and contact information of the COE's Title IX Coordinator below. Such information should be consistent with the person/position identified in E(1) 5145.7 -- Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the Compliance Officer specified in E(1) 1312.3 - Uniform Complaint Procedures and AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination. However, if the COE wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the COE.

The following employee serves as the COE's Title IX Coordinator and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment:

HR/Payroll Director

(name and/or title/position)

PO Box 1256, Weaverville, CA 96093

(address)

530-623-2861

(telephone number)

hrp@tcoek12.org

(email address)

CSBA NOTE: The COE may expand the following paragraph to include other means of contact or reporting methods available in the COE, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the COE must provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment of the COE's grievance procedures and process, including how to report or file a complaint of sex discrimination and/or sexual harassment, and how the COE will respond.

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During COE business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator shall promptly notify the parties, in writing, of the applicable COE complaint procedure.

To view an electronic copy of the COE's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see the COE's website at www.tcoek12.org.

To inspect or obtain a copy of the COE's sex discrimination and sexual harassment policies and administrative regulations, please contact: Kaila Arnold 530-623-2861 x 239

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitates an informal resolution process, are also publicly available on the COE's website or at the COE office upon request.

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

State

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-262.1	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 48900	Grounds for suspension and/or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

Federal

Federal	Description
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

Management Resources

Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510

Board Bylaw 9011: Disclosure Of Confidential/Privileged Information

Status: ADOPTED

Original Adopted Date: 01/01/2016 | Last Revised Date: 06/01/2025 | Last Reviewed Date: 06/01/2025

The County Board of Education recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties.

CSBA NOTE: Government Code 54963 specifies that a person may not disclose confidential information acquired during the person's presence in a closed session. In addition, the Attorney General has opined in 80 Ops.Cal.Atty.Gen. 231 (1997) that an individual county board of education member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed. Therefore, it is recommended that the County Board consult CSBA's District and County Office of Education Legal Services or other legal counsel before disclosing any confidential information discussed in a closed session. For more information regarding the reporting of information discussed in closed session, see BB 9321 - Closed Session .

A County Board member shall not disclose confidential information, except as authorized by law, this Bylaw or other County Board bylaws or policies, or the County Board.

CSBA NOTE: Pursuant to Government Code 54963, a County Board member may not disclose confidential information that has been acquired by being present in a closed session unless the County Board authorizes disclosure of that confidential information. Given that County Board members often receive confidential information in anticipation of a closed session or as a follow-up to a closed session, the following definition of "confidential information" extends this prohibition accordingly.

Confidential information means any information that is prohibited from disclosure by law, this Bylaw or other County Board bylaws or policies, or by the County Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:

1. Information acquired by being present in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session (Government Code 54963)
2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the County Board to meet lawfully in closed session
3. Information contained in communications provided to County Board members from legal counsel
4. Information deemed confidential by the County Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other County Board bylaws or policies.

CSBA NOTE: Pursuant to Government Code 1098, it is a misdemeanor for any County Board member to willfully and knowingly use or disclose for pecuniary gain, such as for monetary or financial gain, any confidential information acquired in the course of the County Board member's official duties.

It is a misdemeanor for any County Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the County Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. The information is not a public record subject to disclosure under the CPRA
2. The information is prohibited from disclosure by law, this Bylaw, or other County Board bylaws or policies
3. The information will have, or could reasonably be expected to have, a material financial effect on the County Board member if used or disclosed

CSBA NOTE: Government Code 54963 provides examples of remedies that may be pursued for improperly disclosing information acquired during closed session and prohibits the Board from taking any such adverse action against a County Board member for disclosing such information in certain circumstances. Given that this Bylaw defines confidential information more broadly than just information obtained in closed session, the following paragraphs apply to the broader definition of confidential information as defined above and should be modified to reflect County Board practice.

If a County Board member threatens to disclose or does disclose confidential information, the County Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injunctive relief to prevent disclosure
2. Referral to the grand jury
3. Censure or other disciplinary action, provided the County Board member has received training or been informed of the requirements of this Bylaw

However, the County Board shall not take any action against a County Board member for disclosing confidential information, nor shall the disclosure be considered a violation of this Bylaw, when the County Board member does any of the following: (Government Code 1098, 54963)

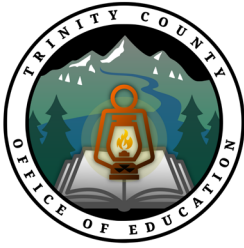
1. Makes a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board action that has been the subject of deliberation during a closed session
2. Expresses an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Discloses information to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities in accordance with law

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 35146	Closed session
Evid. Code 1040	Privilege for official information
Gov. Code 1098	Public officials and employees re confidential information
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54956.8	Open meeting laws
Gov. Code 54956.9	Closed meeting for pending litigation
Gov. Code 54957.5	Public records
Gov. Code 54957.7	Reasons for closed session
Gov. Code 54963	Confidential information in closed session
Gov. Code 7920.000-7930.170	California Public Records Act

Management Resources	Description
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 231 (1997)
CSBA Publication	Professional Governance Standards for County Boards
Website	CSBA

Cross References	Description
9230	Orientation
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session



Trinity County Office of Education

Fabio Robles, Ed. D.
Trinity County
Superintendent of Schools

P.O. Box 1256 ☎ 201 Memorial Drive, Weaverville, CA 96093-1256
(530) 623-2861 ☎ FAX (530) 623-4489
<https://www.tcoek12.org>

Trinity County Office of Education

DESIGNATION OF THE OFFICIAL REPRESENTATIVE TO THE SHASTA-TRINITY SCHOOLS INSURANCE GROUP (STSIG)

Resolution No. 25-26-02

WHEREAS, Trinity County Office of Education is a member of the Shasta-Trinity Schools Insurance Group (STSIG);

AND WHEREAS, it is required that a representative be designated to act as a board member to STSIG for Trinity County Office of Education;

RESOLVE the Governing Board of Trinity County Office of Education, in a regular public meeting, assembled this 20th day of August 2025, designates Liz McIntosh, HR/Payroll Director, as the official representative to the Shasta-Trinity Schools Insurance Group and Caroline Crockett, HR/Payroll Technician II, as the official alternate representative. Said representative/s is/are authorized to vote, sign documents and perform all items pertaining to the interest of the Board of Trustees.

The above resolution was moved by member _____, and seconded by member _____, and passed and adopted this Twentieth Day of August 2025, by the following vote:

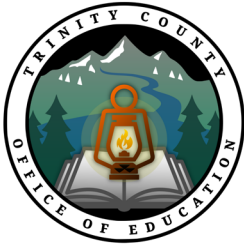
AYE: _____

NO: _____

ABSENT: _____

ABSTAIN: _____

Sally Aldinger, President
Trinity County Board of Education



Trinity County Office of Education

Fabio Robles, Ed.D.
Trinity County
Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive, Weaverville, CA 96093-1256
(530) 623-2861 • FAX (530) 623-4489
<https://www.tcoek12.org>

TRINITY COUNTY BOARD OF EDUCATION RESOLUTION NO. #25-26-03

A RESOLUTION OF THE TRINITY COUNTY BOARD OF EDUCATION AUTHORIZING THE NOMINATION OF SENATOR MIKE MCGUIRE FOR THE CALIFORNIA SCHOOL BOARDS ASSOCIATION OUTSTANDING LEGISLATOR AWARD

WHEREAS, Senator Mike McGuire began his career in public service in 1998 at the age of 19, serving as the youngest person ever elected to the Healdsburg School Board, where he developed a lasting commitment to supporting students, educators, and schools; and

WHEREAS, Senator McGuire was elected to the California State Senate in 2014, and in 2024 was elected by his peers to serve as Senate President Pro Tempore; and

WHEREAS, throughout his legislative career, Senator McGuire has authored and championed bills that have advanced equitable funding, expanded broadband access, improved school facilities, strengthened educator recruitment and retention, and expanded career technical education opportunities; and

WHEREAS, Senator McGuire has been recognized for his responsiveness to the needs of rural communities, his collaboration with school boards and education leaders, and his unwavering commitment to public education; and

NOW, THEREFORE, BE IT RESOLVED that the Trinity County Board of Education hereby nominates California Senate President Pro Tempore Senator Mike McGuire for the California School Boards Association 2025 Outstanding Legislator Award.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted immediately to the California School Boards Association.

PASSED AND ADOPTED this 20th day of August, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

Sally Aldinger
Board President

August 5, 2025

Trinity Journal:

Please publish the following advertisement as Classified Advertisement for the next two weeks

August 13 and August 20, 2025

Public Notice: Surplus Vehicle Sale- Sealed Bids Accepted

2006 Ford Focus

2.0 L

VIN# 1FAFP34N86W195452

85,004 miles

Passed smog

2005 Hyundai Santa Fe

2.7 V6 (A/C not working)

VIN# KM85C73D25U922076

128,713 miles

Passed smog

Vehicles are sold as is and may be inspected at the Trinity County Office of Education, 201 Memorial Drive, Weaverville. Hours for inspection will be between 8:00 a.m. and 3:00 p.m., Monday through Friday. For further information, or to call for an appointment, please contact Tim Edwards at (530) 623-2861 x247

Sealed bids must be submitted by 4:00 p.m. on August 26, 2025, to:

Trinity County Office of Education
ATTN: Tim Edwards – Sealed Bid
201 Memorial Drive
PO Box 1256
Weaverville, CA 96093

Please bill:

Trinity County Office of Education
PO Box 1256
Weaverville, CA 96093



Trinity County Office Of Education
2025/2026
General Fund July 31, 2025

Est. Beginning Balance \$ 5,785,347

	Current Budget	Year to Date Activity	Remaining Budget	% of Budget Recvd/Expend
<u>Revenue Accounts</u>				
Local Control Funding Formula	\$ 5,472,670	\$ 236,725	\$ 5,235,945	4.33%
Federal Revenues	\$ 206,854	\$ -	\$ 206,854	0.00%
Other State	\$ 2,886,309	\$ 2,991	\$ 2,883,318	0.10%
Other Local	\$ 1,947,379	\$ 33,812	\$ 1,913,567	1.74%
Total Revenues	\$ 10,513,212	\$ 273,528	\$ 10,239,684	2.60%

<u>Expense Accounts</u>				
Certificated Personnel Salaries	\$ 1,809,537	\$ 66,100	\$ 1,743,437	3.65%
Classified Personnel Salaries	\$ 3,059,564	\$ 134,843	\$ 2,924,721	4.41%
Employee Benefits	\$ 2,491,826	\$ 107,823	\$ 2,384,003	4.33%
Books & Supplies	\$ 606,777	\$ 31,714	\$ 575,063	5.23%
Services & Other Operating Srv	\$ 2,099,467	\$ 194,622	\$ 1,904,845	9.27%
Capitlay Outlay	\$ 110,000	\$ 104,972	\$ 5,028	95.43%
CHYBA Funds Transfer	\$ 217,000	\$ -	\$ 217,000	0.00%
Pass Thru to Districts	\$ 1,077,843	\$ -	\$ 1,077,843	0.00%
Indirect Costs	\$ (28,435)	\$ -	\$ (28,435)	0.00%
Total Expenses	\$ 11,443,579	\$ 640,074	\$ 10,803,505	5.59%

Transfers In, Retiree Ins	\$ 49,744	\$ -	\$ 49,744
Transfers Out	\$ 350,000	\$ -	\$ 350,000

Budget for Rev/Exp \$ (1,230,623)

Net Ending Balance \$ 4,554,724