



Flournoy Union  
Elementary School District

PO Box 2260; 15850 Paskenta Rd. Flournoy, CA 96029

[www.flournovschool.org](http://www.flournovschool.org) 530-833-5331; 530-833-5332 fax

**PUBLIC HEARING BOARD MEETING AGENDA**  
**Tuesday, August 13 , 2019**

**MISSION STATEMENT:** The Mission of Flournoy Elementary School is to provide academic excellence, responsible citizens, and a lifelong desire for learning in a safe environment.

DATE: Tuesday , August 13, 2019  
TYPE: Regular School Board Meeting  
LOCATION: Flournoy Elementary School; 15850 Paskenta Rd, Flournoy, CA 96029  
POSTED: 08/09/2019 Flournoy School, Flournoy Store and Paskenta Store

**1. PUBLIC MEETING CALL TO ORDER BY PRESIDING OFFICER \_\_\_\_\_, at \_\_\_\_\_ p.m.**

**Roll call**

Lindsey Belter \_\_\_\_\_  
Cathy Bjornestad-Tobin \_\_\_\_\_  
Tyson Carter \_\_\_\_\_  
Andrew Meredith \_\_\_\_\_  
Sara Valoroso \_\_\_\_\_

**PUBLIC COMMENT PERTAINING TO AGENDA**

**Comments on Closed Session Agenda Items, (below).** Any person wishing to speak to any item on the Closed Session Agenda will be granted three minutes to make a presentation.

**Comments from the Floor:** At this time, any person wishing to speak to any item not on the Agenda will be granted three minutes to make a presentation. No action may be taken at this meeting on items addressed during these comments.

**Comments on Agenda Items:** At this time, any person wishing to speak to any item on the Agenda will be granted three minutes to make a presentation.

**4. PLEDGE OF ALLEGIANCE**

**Recognize staff present:**

Lane Bates, Superintendent \_\_\_\_\_  
Rachel Davis, Principal/Teacher \_\_\_\_\_  
Melinda Flournoy, Business Manager \_\_\_\_\_  
Amanda Taylor, Teacher \_\_\_\_\_  
Cody Weston, Custodian \_\_\_\_\_  
Mei Vance, Instructional Aide \_\_\_\_\_  
Erin Murphy, Instructional Aide \_\_\_\_\_  
Maria Herrera, Cook/Manager \_\_\_\_\_

**5. ADOPTION OF AGENDA**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Motion/Second Ayes/Noes /Abstain

**6. APPROVAL OF MINUTES FROM THE MEETING OF:**

**Tuesday, June 11, 2019 & July 24, 2019**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Motion/Second Ayes/Noes /Abstain

7. **COMMENTS**

1. From members of the Board of Education
2. From the Superintendent and Business Manager
3. From the Staff/Teachers

8. **GENERAL FUNCTION CONSENT ITEMS** (Attachments)

1. Bills and warrants for **June & July**
2. MOUs/Agreements: Discuss and Approve the 2019-20 MOUs for Cafeteria Services and Custodial Services between Flournoy and Elkins

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Motion/Second Aye/Noes /Abstain*

9. **DISCUSSION/ACTION ITEMS** (Attachments)

1. Approval of the Quarterly Report of Williams Uniform Complaints for the period ending July 2019.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Motion/Second Aye/Noes /Abstain*

2. Discuss and approve the salary schedule for the Cook/Manager

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Motion/Second Aye/Noes /Abstain*

3. Discuss and approve the following updated board policies:

- BP/AR 1312.1 Complaints Concerning District Employees
- BP/AR 5131.2 Bullying
- BP/AR 6142.1 Sexual Health and HIV / AIDS Prevention Instruction

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Motion/Second Aye/Noes /Abstain*

10. **ANNOUNCEMENTS**

- Wednesday, August 14th - First Day of School 2019/20
- Monday, August 19th - MINIMUM DAY
- Friday, August 23rd - Back to School Night 5:30 PM

11. **DISCUSSION ON NEXT BOARD MEETING**

1. Next meeting date: **Tuesday, September 10, 2019 at 6:15 p.m.**
2. Possible items for action/discussion
  - GANN Limit Certification
  - Instructional Materials Resolution - Public Hearing
  - Unaudited Financial Statements
  - Comprehensive School Safety Plan Update
  - Updated Policies

12. **FURTHER COMMENTS**

1. From members of the Board of Education
2. From the Superintendent

Adjournment at \_\_\_\_\_ p.m.



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## MINUTES OF THE GOVERNING BOARD OF THE FLOURNOY UNION ELEMENTARY SCHOOL DISTRICT

*MISSION STATEMENT: The Mission of Flournoy Elementary School is to provide academic excellence, responsible citizens, and a lifelong desire for learning in a safe environment.*

**DATE OF MEETING:** Tuesday, June 11, 2019 at 6:15 p.m.  
**TYPE OF MEETING:** Public Hearing Board Meeting  
**PLACE:** Flournoy Elementary School; 15850 Paskenta Road, Flournoy, CA 96029  
**MEMBERS PRESENT:** Sara Valoroso, Cathy Bjornestad-Tobin, Tyson Carter, Andrew Meredith  
**MEMBERS ABSENT:** Lindsey Belter  
**RECOGNIZED STAFF:** Lane Bates, Melinda Flournoy, Rachel Davis

1. Call the Meeting to Order and Roll Call

Board President Sara Valoroso called meeting to order at 6:18 p.m.

2. Public comment pertaining to agenda None

3. Pledge of Allegiance

Board President Sara Valoroso led the Pledge of Allegiance.

4. Adoption of Agenda

On motion by Cathy Bjornestad-Tobin and second by Tyson Carter, the agenda was approved. Aye: 3

5. Approval of Minutes from the meeting of: May 14, 2019

On motion by Tyson Carter and second by Cathy Bjornestad-Tobin, the agenda was approved.  
Aye: 3

6. Comments:

- A. From members of the Board of Education: None
- B. From the Superintendent Lane informed the board about the meeting with Elkins regarding food service operations for 2019/20.
- C. From the Staff/Teachers: None

7. Donations and Gifts to the District: None

8. General Function Consent Items:

On Motion by Cathy Bjornestad-Tobin and second by Tyson Carter, the monthly bills, warrants and Agreements and MOU's were approved. Aye:3

9. Public Hearing

- 2019/2020 Budget for the Flournoy Union Elementary School District
- 2019/2020 Local Control and Accountability (LCAP) for Flournoy Union Elementary School District.

10. Discussion/Action Items – New Business

- Discuss and approve the Education Protection Account Expenditures.

On motion by Tyson Carter and second by Cathy Bjornestad-Tobin the Board approved the Education Protection Account Expenditures. Aye:4

- Discuss and approve the resolution for FUESD Commitment to Reorganize with Elkins Elementary School District.
- On motion by Tyson Carter and second by Andrew Meredith the Board approved resolution for FUESD Commitment to Reorganize with Elkins Elementary School District. Aye: 4

11. Announcements

12. Adjournment

With no further business, the meeting was adjourned at 6:58 p.m. on motion by Sara Valoroso





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**MINUTES OF THE GOVERNING BOARD OF THE  
FLOURNOY UNION ELEMENTARY SCHOOL DISTRICT**

*MISSION STATEMENT: The Mission of Flournoy Elementary School is to provide academic excellence, responsible citizens, and a lifelong desire for learning in a safe environment.*

**DATE OF MEETING:** Tuesday, June 12, 2019 at 6:15 p.m.  
**TYPE OF MEETING:** Public Adoption Board Meeting  
**PLACE:** Flournoy Elementary School; 15850 Paskenta Road, Flournoy, CA 96029  
**MEMBERS PRESENT:** Sara Valoroso, Cathy Bjornestad-Tobin, Tyson Carter, Andrew Meredith  
**MEMBERS ABSENT:** Lindsey Belter  
**RECOGNIZED STAFF:** Lane Bates, Melinda Flournoy, Rachel Davis

**1. Call the Meeting to Order and Roll Call**

Board President Sara Valoroso called meeting to order at 6:16 p.m.

**2. Public comment pertaining to agenda      None**

**3. Pledge of Allegiance**

Board President Sara Valoroso led the Pledge of Allegiance.

**4. Adoption of Agenda**

On motion by Andrew Meredith and second by Cathy Bjornestad-Tobin, the agenda was approved. Aye: 4

**5. Comments:**

- A. From members of the Board of Education: None
- B. From the Superintendent: None
- C. From the Staff/Teachers: None

**6. Discussion/Action Items – New Business**

- 2019/2020 Budget for the Flournoy Union Elementary School District

On motion by Cathy Bjornestad-Tobin and second by Andrew Meredith the Board approved the 2019/2020 Budget for the Flournoy Union Elementary School District. Aye: 4

- 2019/2020 Local Control and Accountability (LCAP) for Flournoy Union Elementary School District.

On motion by Andrew Meredith and second by Tyson Carter the Board approved the 2019/2020 Local Control and Accountability (LCAP) for Flournoy Union Elementary School District. Aye: 3

**7. Adjournment**

With no further business, the meeting was adjourned at 6:25 p.m. on motion by Sara Valoroso



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**MINUTES OF THE GOVERNING BOARD OF THE  
FLOURNOY UNION ELEMENTARY SCHOOL DISTRICT**

*MISSION STATEMENT: The Mission of Flournoy Elementary School is to provide academic excellence, responsible citizens, and a lifelong desire for learning in a safe environment.*

**DATE OF MEETING:** Tuesday, June 12, 2019 at 6:15 p.m.  
**TYPE OF MEETING:** Public Adoption Board Meeting  
**PLACE:** Flournoy Elementary School; 15850 Paskenta Road, Flournoy, CA 96029  
**MEMBERS PRESENT:** Sara Valoroso, Cathy Bjornestad-Tobin, Tyson Carter, Andrew Meredith  
**MEMBERS ABSENT:** Lindsey Belter  
**RECOGNIZED STAFF:** Lane Bates, Melinda Flournoy, Rachel Davis

**1. Call the Meeting to Order and Roll Call**

Board President Sara Valoroso called meeting to order at 6:16 p.m.

**2. Public comment pertaining to agenda      None**

**3. Pledge of Allegiance**

Board President Sara Valoroso led the Pledge of Allegiance.

**4. Adoption of Agenda**

On motion by Andrew Meredith and second by Cathy Bjornestad-Tobin, the agenda was approved. Aye: 4

**5. Comments:**

- A. From members of the Board of Education: None
- B. From the Superintendent: None
- C. From the Staff/Teachers: None

**6. Discussion/Action Items – New Business**

- 2019/2020 Budget for the Flournoy Union Elementary School District

On motion by Cathy Bjornestad-Tobin and second by Andrew Meredith the Board approved the 2019/2020 Budget for the Flournoy Union Elementary School District. Aye: 4

- 2019/2020 Local Control and Accountability (LCAP) for Flournoy Union Elementary School District.

On motion by Andrew Meredith and second by Tyson Carter the Board approved the 2019/2020 Local Control and Accountability (LCAP) for Flournoy Union Elementary School District. Aye: 3

**7. Adjournment**

With no further business, the meeting was adjourned at 6:25 p.m. on motion by Sara Valoroso



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**MINUTES OF THE GOVERNING BOARD OF THE  
FLOURNOY UNION ELEMENTARY SCHOOL DISTRICT**

*MISSION STATEMENT: The Mission of Flournoy Elementary School is to provide academic excellence, responsible citizens, and a lifelong desire for learning in a safe environment.*

**DATE OF MEETING:** Wednesday, July 24, 2019 at 6:15 p.m.  
**TYPE OF MEETING:** Special Board Meeting  
**PLACE:** Flournoy Elementary School; 15850 Paskenta Road, Flournoy, CA 96029  
**MEMBERS PRESENT:** Sara Valoroso, Andrew Meredith, Tyson Carter  
**MEMBERS ABSENT:** Cathy Bjornestad-Tobin, Lindsey Belter  
**RECOGNIZED STAFF:** Lane Bates, Melinda Flournoy, Rachel Davis

1. Call the Meeting to Order and Roll Call

Board President Sara Valoroso called meeting to order at 6:18 p.m.

2. Public comment pertaining to agenda None

3. Pledge of Allegiance

Board President Sara Valoroso led the Pledge of Allegiance.

4. Adoption of Agenda

On motion by Andrew Meredith and second by Tyson Carter, the agenda was approved. Aye: 3

5. Discussion/Action Items – New Business

- Discuss and approve Estimates on repairs to the HVAC System in the first building.

On motion by Andrew Meredith and second by Tyson Carter the Board approved option two in the amount of \$10,069.00. Aye: 3

6. Adjournment

With no further business, the meeting was adjourned at 6:26 p.m. on motion by Sara Valoroso

## Checks Dated 06/01/2019 through 06/30/2019

Check Number	Check Date	Pay to the Order of	FD-OBJT	Comment	Expensed Amount	Check Amount
40185699	06/12/2019	Ashleigh Fuchs	01-5202	Mileage Reimbursement for subbing		435.00
40185700	06/12/2019	AT&T/Calnet	01-5901	Phone Bill		76.98
40185701	06/12/2019	Basic Laboratory, Inc.	01-5502	Drinking Water Monitoring		78.60
40185702	06/12/2019	Calif. Dept. of Ed Cde Press	13-4700	Commodities		79.80
40185703	06/12/2019	California Safety Company	01-5507	Annual Fire Test	393.75	
40185704	06/12/2019	Christy White Associates		Monthly Central Station Monitoring	100.00	493.75
40185705	06/12/2019	Coastal Business Systems Inc.	01-5802	2018-19 District Audit		2,655.00
40185706	06/12/2019	CSM Consulting	01-5600	Copier Lease and Usage		578.85
40185707	06/12/2019	Culligan	01-5800	E-rate services from April-June 2019		350.00
40185708	06/12/2019	Elkins School District	01-5502	Water Meter Reading	429.98	191.28
			13-4700	Cost for food through June 3, 2019		
			13-5825	4th Qtr. MOU for Cook	3,418.75	3,848.73
40185709	06/12/2019	Green Waste	01-5506	Garbage Bill		219.01
40185710	06/12/2019	J.M. Distributing Dairy Prod.	13-4700	Milk for school lunches		225.78
40185711	06/12/2019	LV.NET LLC	01-5800	Internet Access		2,121.80
40185712	06/12/2019	Pacific Gas & Electric Co	01-5503	Electric Bill		1,518.90
40185713	06/12/2019	Tehama Co Dept of Education	01-4300	Diplomas/Cum Folders	13.72	
			01-5800	Cooperative Agreement	100.00	
				SARB Contract	814.00	
40185714	06/12/2019	US Bank		School Services Consortium	420.00	1,347.72
			01-4300	Cafe/Maint.	191.28	
			01-5800	Cafe/Maint.	1,000.00	
40185715	06/12/2019	Wilgus Fire Control, Inc.	13-4300	Cafe/Maint.	257.49	1,448.77
			01-5600	Fire Extinguisher Inspection		197.03
Total Number of Checks					17	15,867.00

## Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL	14	11,455.20
13	CAFETERIA SPEC REV	4	4,411.80
Total Number of Checks			17
Less Unpaid Tax Liability			.00
Net (Check Amount)			15,867.00

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.

908 - Flournoy School District

Generated for MELINDA FLOURNOY (MFLOURNOY908), Aug 8  
2019 11:01AM

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## Checks Dated 07/01/2019 through 07/31/2019

Check Number	Check Date	Pay to the Order of	FD-OBJT	Comment	Expensed Amount	Check Amount
40186778	07/03/2019	AT&T/Calnet	01-5901	Phone Bill		78.04
40186779	07/03/2019	Basic Laboratory, Inc.	01-5502	Drinking Water Monitoring		78.60
40186780	07/03/2019	Blackboard Connect	01-5800	All Call		162.00
40186781	07/03/2019	Diverse Network Associates Inc	01-5800	Annual Website Hosting		1,069.20
40186782	07/03/2019	Christy White Associates	01-5802	Annual Contract Amount		590.00
40186783	07/03/2019	Coastal Business Systems Inc.	01-5600	Copier Lease		180.92
40186784	07/03/2019	Corning Ace Hardware	01-4300	Paint/Supplies		162.36
40186785	07/03/2019	Green Waste	01-5506	Garbage		231.53
40186786	07/03/2019	LV.NET LLC	01-5800	Internet Access		2,185.45
40186787	07/03/2019	Pacific Gas & Electric Co	01-5503	Electric Bill		2,565.29
40186788	07/03/2019	TCSIG	76-9513	Health Insurance	2,446.00	
			76-9522	Health Insurance	842.00	
			76-9552	Health Insurance	159.00	
			76-9553	Health Insurance	51.00	3,498.00
40186789	07/03/2019	Tehama Co Dept of Education	01-7142	2018/19 Bus Replacement		237.00
40186790	07/03/2019	US Bank	01-4300	Fuel for Van EOY Trip		186.51
40186791	07/03/2019	Woods Pest Control	01-5505	General Pest Cycle 4		175.00
Total Number of Checks					14	11,399.90

## Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL	13	7,901.90
76	WARRANT/PASS-THRU	1	3,498.00
Total Number of Checks		14	11,399.90
Less Unpaid Tax Liability			.00
Net (Check Amount)			11,399.90

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.



**Flournoy Union  
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**MEMORANDUM OF UNDERSTANDING**  
***2019-2020 Cafeteria Services***

This Memorandum of Understanding by and between the *Flournoy Union Elementary School District*, (hereinafter called "FUESD") and *Elkins Elementary School District*, (hereafter called "EESD"), outlines respective responsibilities of the parties for offering Cafeteria services of providing *Lunches under the National School Lunch Program*.

The term of the agreement is *August 12, 2019* through *June 2, 2020*.

This MOU may only be terminated prior to the completion date by agreement of both parties. Any such termination must provide a minimum of a 30-day notice. Notice of termination on behalf of Maria Herrera shall be approved by Marla Katzler, EESD and Lane Bates, FUESD. An additional agreement will be necessary to execute and carry on said service the following year.

**It is hereby agreed that:**

**FUESD** will provide services of Maria Herrera for 180 days at 2.98 hours per day.

**EESD** agrees in consideration of the services rendered by **FUESD** under the terms of this agreement, to pay to the **FUESD** the sum of \$14,542.00. **FUESD** will invoice **EESD** four times during the school year in October, January, April and June. Said billing to be paid within 30 days of invoicing.

**FUESD** will provide meals (breakfast/ lunch and SERRF snacks) that comply with the nutrition standards established by the United States Department of Agriculture to **EESD** at a cost of the following per meal, Breakfast = \$1.79, Lunch= \$3.39 , SERRF Snack= \$0.91. In addition, if requested, extra milks will be provided at the cost of \$0.40 per milk.

**EESD** will perform the free and reduced price application process, including review and approval of application.

**EESD** will provide all personnel necessary to serve, supervise the consumption of the meals and clean up.

**EESD** will claim reimbursement from the California Department of Education for all meals served to children enrolled in EESD.

**EESD** will be responsible for point-of-service meal counts.

**EESD** will assume responsibility for any over claims identified during a review or audit.

**EESD** Will ultimately be responsible for meal count and claiming accountability.

**FUESD** will invoice **EESD** monthly. **EESD** will be obligated to accept and pay for the number of meals requested but not served.

**FUESD** will prepare the meals in the **FUESD** Cafeteria located at 15850 Paskenta Road, Flournoy, CA 96029. This preparation site will maintain the appropriate state and local health certifications for the facility.

**EESD** will notify **FUESD** of the meals needed no later than 9:00 a.m. each day.

**EESD** is responsible for the food safety as detailed in the Food Safety Program. Once the food is delivered to **EESD**, it is the responsibility of **EESD** to maintain the integrity of the food (maintain temperature). This is to include the refrigeration of potentially hazardous foods (meats, dairy products).

**FUESD** will be responsible for providing warmers for maintaining the food integrity during transil.

**FUESD** will provide the necessary utensils, napkins and trays.

No later than one (1) week prior to the end of each month, **FUESD** will provide to **EESD** a monthly menu covering the meals to be served for the following month.

#### **Indemnify and Hold Harmless**

Each party hereto will defend, indemnify and hold the other party harmless against any and all liability, losses, claims, damages or judgments arising from any act by, or negligence of, the indemnifying party or its subcontractors or their officers, agents, employees, or of either while engaged in the performance of this Agreement or while in or about the premises for any reason connected in any way whatsoever with the performance of this Agreement.

#### **Independent Contractor Status**

The parties hereto agree that the relationship between them created by this Agreement is that of independent contractors. Each party will be responsible for providing its own salaries, payroll taxes, withholding, insurance, workers' compensation coverage and other benefits of any kind, as required by law, for its own employees.

#### **Accepted for Flournoy Union Elementary School District**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

#### **Accepted for Elkins Elementary School District**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_





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**MEMORANDUM OF UNDERSTANDING**  
**2019-2020 Custodial Services**

This Memorandum of Understanding by and between the **Flournoy Union Elementary School District**, (hereinafter called "FUESD") and **Elkins Elementary School District**, (hereafter called "EESD"), outlines respective responsibilities of the parties for offering Custodial services

The term of the agreement is **July 1, 2019** through **June 30, 2020**.

This MOU may only be terminated prior to the completion date by agreement of both parties. Any such termination must provide a minimum of a 30-day notice. Notice of termination on behalf of Cody Weston shall be approved by Marla Katzler, EESD and Lane Bates, FUESD. An additional agreement will be necessary to execute and carry on said service the following year.

**It is hereby agreed that:**

- **FUESD** will provide services of Cody Weston for 240 days at 1.95 hours per day.
- **EESD** agrees in consideration of the services rendered by **FUESD** under the terms of this agreement, to pay to the **FUESD** the sum of **\$9,541.54**. **FUESD** will invoice **EESD** three times during the school year in December, March and June. Said billing to be paid within 30 days of invoicing.
- **FUESD** will pay contract funds directly to payroll, payroll taxes, SUI, PERS, OASDI and Medicare, Workers Comp.
- **EESD** will provide equipment and supplies needed to carry out custodial duties.
- **EESD** will provide supervision of said custodian while on EESD facilities.

**Indemnify and Hold Harmless**

Each party hereto will defend, indemnify and hold the other party harmless against any and all liability, losses, claims, damages or judgments arising from any act by, or negligence of, the indemnifying party or its subcontractors or their officers, agents, employees, or of either while engaged in the performance of this Agreement or while in or about the premises for any reason connected in any way whatsoever with the performance of this Agreement.

**Independent Contractor Status**

The parties hereto agree that the relationship between them created by this Agreement is that of independent contractors. Each party will be responsible for providing its own salaries, payroll taxes, withholding, insurance, workers' compensation coverage and other benefits of any kind, as required by law, for its own employees.

**Accepted for Flournoy Union Elementary School District**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**Accepted for Elkins Elementary School District**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_





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**MEMORANDUM OF UNDERSTANDING**  
**2019-2020 Custodial Services**

This Memorandum of Understanding by and between the *Flournoy Union Elementary School District*, (hereinafter called "FUESD") and *Elkins Elementary School District*, (hereafter called "EESD"), outlines respective responsibilities of the parties for offering Custodial services

The term of the agreement is *July 1, 2019* through *June 30, 2020*.

This MOU may only be terminated prior to the completion date by agreement of both parties. Any such termination must provide a minimum of a 30-day notice. Notice of termination on behalf of Cody Weston shall be approved by Marla Katzler, EESD and Lane Bates, FUESD. An additional agreement will be necessary to execute and carry on said service the following year.

**It is hereby agreed that:**

- **FUESD** will provide services of Cody Weston for 240 days at 1.95 hours per day.
- **EESD** agrees in consideration of the services rendered by **FUESD** under the terms of this agreement, to pay to the **FUESD** the sum of **\$9,541.54**. FUESD will invoice **EESD** three times during the school year in December, March and June. Said billing to be paid within 30 days of invoicing.
- **FUESD** will pay contract funds directly to payroll, payroll taxes, SUI, PERS, OASDI and Medicare, Workers Comp.
- **EESD** will provide equipment and supplies needed to carry out custodial duties.
- **EESD** will provide supervision of said custodian while on EESD facilities.

**Indemnify and Hold Harmless**

Each party hereto will defend, indemnify and hold the other party harmless against any and all liability, losses, claims, damages or judgments arising from any act by, or negligence of, the indemnifying party or its subcontractors or their officers, agents, employees, or of either while engaged in the performance of this Agreement or while in or about the premises for any reason connected in any way whatsoever with the performance of this Agreement.

**Independent Contractor Status**

The parties hereto agree that the relationship between them created by this Agreement is that of independent contractors. Each party will be responsible for providing its own salaries, payroll taxes, withholding, insurance, workers' compensation coverage and other benefits of any kind, as required by law, for its own employees.

**Accepted for Flournoy Union Elementary School District**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**Accepted for Elkins Elementary School District**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

# Quarterly Report on Williams Uniform Complaints

Education Code 35186(d)

District: Flournoy Elementary School District

Person completing this form: Melinda Flournoy

Title: Business Manager

Quarterly Report Submission Date:  
(check one)

- ☐ January 2019  
☐ April 2019  
☒ July 2019  
☐ October 2019

Date for information to be reported publicly at governing board meeting: August 13, 2019

Please check the box that applies:

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

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
<b>TOTALS</b>	0		

Lane Bates

Print Name of District Superintendent

\_\_\_\_\_  
Signature of District Superintendent

\_\_\_\_\_  
Date

**Flourney Union Elementary School District  
COOK/BAKER SALARY SCHEDULE  
2019-2020**

Step	Column A
	<b>Hourly Rate</b>
1	\$15.00
2	\$15.30
3	\$15.61
4	\$15.92
5	\$16.24
6	\$16.56
7	\$16.89
8	\$17.23
9	\$17.57
10	\$17.93
11	\$18.28
12	\$18.65
13	\$19.02
14	\$19.40
15	\$19.79
16	\$20.19
17	\$20.59
18	\$21.00
19	\$21.42
20	\$21.85
<b>Board Approval 8/13/2019</b>	
Revised/Approved 8/13/2019 Effective 7/1/2019	

## **Board Policy**

### **Complaints Concerning District Employees**

BP 1312.1

#### **Community Relations**

The Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

(cf. 9323 - Meeting Conduct)

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3555 - Nutrition Program Compliance)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4144/4244/4344 - Complaints)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Any complaint subject to this policy and the accompanying administrative regulation shall be

investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

### Appeals

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.

(cf. 9130 - Board Committees)

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

The Board's decision shall be final.

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

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

### Legal Reference:

#### EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719

Board Approved 8/13/19

(6/93 6/94) 5/19

# **Administrative Regulation**

## **Complaints Concerning District Employees**

AR 1312.1

### **Community Relations**

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with the collective bargaining agreement.
2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.
3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.
4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.
5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:

- a. The full name of each employee involved
- b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
- c. A copy of the signed original complaint
- d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved

Board Approved 8/13/19

(6/94 3/01) 5/19



# **Board Policy**

## **Bullying**

BP 5131.2

### **Students**

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 6020 - Parent Involvement)

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

Any employee who permits or engages in bullying or retaliation related to bullying shall be

subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination  
32282 Comprehensive safety plan  
32283.5 Bullying; online training  
35181 Governing board policy on responsibilities of students  
35291-35291.5 Rules  
48900-48925 Suspension or expulsion  
48985 Translation of notices  
52060-52077 Local control and accountability plan

##### PENAL CODE

422.55 Definition of hate crime  
647 Use of camera or other instrument to invade person's privacy; misdemeanor  
647.7 Use of camera or other instrument to invade person's privacy; punishment  
653.2 Electronic communication devices, threats to safety

##### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

##### UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

##### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

##### CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

##### COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

#### Management Resources:

##### CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010  
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss/>

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <http://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <http://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

National School Safety Center: <http://www.schoolsafety.us>

Partnership for Children and Youth: <http://www.partnerforchildren.org>

U.S. Department of Education: <http://www.ed.gov>

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(7/15 5/18) 5/19

# **Administrative Regulation**

## **Bullying**

AR 5131.2

### **Students**

#### Definitions

Bullying is an unwanted, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and involves repetition or potential repetition of a deliberate act.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles

#### Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements

strategies to promote a positive, collaborative school climate

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

2. Providing to students, through student handbooks and other age-appropriate means, information about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

#### Staff Development

The Superintendent or designee shall make the California Department of Education's online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (Education Code 32283.5)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior

4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

#### Student Instruction

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6142.94 - History-Social Science Instruction)

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

#### Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

(cf. 1312.3 - Uniform Complaint Procedures)

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim

files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

#### Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

(cf. 5141.52 - Suicide Prevention)

Board Approved 8/13/19



# **CSBA Sample**

## **Board Policy**

### **Sexual Health And HIV/AIDS Prevention Instruction**

BP 6142.1

#### **Instruction**

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's educational program shall address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

(cf. 5030 - Student Wellness)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6142.8 - Comprehensive Health Education)

The district shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

\*\*\*Note: The following paragraph may be revised to reflect the grade levels offered by the district.\*\*\*

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7. (Education Code 51934)

(cf. 6143 - Courses of Study)

The district's comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the district's comprehensive sexual health and HIV prevention education. The Superintendent or designee shall use such identified methods to



inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.

#### Parent/Guardian Consent

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the accompanying administrative regulation, that they may request in writing that their child be excused from participating in comprehensive sexual health and HIV prevention education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51938, 51939)

(cf. 5022 - Student and Family Privacy Rights)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

#### Legal Reference:

##### EDUCATION CODE

220 Prohibition of discrimination

33544 Inclusion of sexual harassment and violence in health curriculum framework

48980 Notice at beginning of term

49381 Human trafficking prevention resources

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation

51240 Excuse from instruction due to religious beliefs

51513 Test, questionnaire, survey, or examination containing questions about beliefs or practices

51930-51939 California Healthy Youth Act

51950 Abuse, sexual abuse, and human trafficking prevention education

67386 Student safety; affirmative consent standard

##### HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

##### PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

##### UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education requirements and prohibited use of funds

#### Management Resources:

#### CSBA PUBLICATIONS

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

#### HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

California LGBTQ Youth Report, January 2019

#### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Sex Education and HIV/AIDS/STD Instruction:  
<http://www.cde.ca.gov/ls/he/se>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Partnership to End Domestic Violence: <http://www.cpedv.org>

California Safe Schools Coalition: <http://www.casafeschools.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Human Rights Campaign: <http://www.hrc.org/hrc-story/hrc-foundation>

U.S. Food and Drug Administration: <http://www.fda.gov>

Board Approved 8/13/19

(7/08 12/15) 5/19

# **CSBA Sample**

## **Administrative Regulation**

### **Sexual Health And HIV/AIDS Prevention Instruction**

AR 6142.1

#### **Instruction**

##### Definitions

Comprehensive sexual health education means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

HIV prevention education means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

##### General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials: (Education Code 51933)

1. Are age appropriate
2. Are medically accurate and objective
3. Are aligned with and support the following purposes as specified in Education Code 51930:
  - a. To provide students with the knowledge and skills necessary to protect their sexual and

reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy

b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family

c. To promote understanding of sexuality as a normal part of human development

d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end

e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors

4. Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds

(cf. 6174 - Education for English Learners)

5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code

6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids

(cf. 6159 - Individualized Education Program)

7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships

9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes

10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so

11. Teach the value of and prepare students to have and maintain committed relationships such as marriage
12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation

(cf. 5145.3 - Nondiscrimination/Harassment)

13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
14. Do not teach or promote religious doctrine

#### Components of Sexual Health and HIV Prevention Education

The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed above in the section "General Criteria for Instruction and Materials," shall include all of the following: (Education Code 51934)

1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body
2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use
3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy

The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

(cf. 5141.25 - Availability of Condoms)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention
5. Information about the effectiveness and safety of reducing the risk of HIV transmission

as a result of injection drug use by decreasing needle use and needle sharing

6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others

7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV

This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and testing is the only way to know if one is HIV-positive.

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence

9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

a. Parenting, adoption, and abortion

b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5

c. The importance of prenatal care

10. Information about sexual harassment, sexual assault, sexual abuse, and human trafficking, including:

a. Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking

b. Information on how social media and mobile device applications are used for human trafficking

11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each

The district's comprehensive sexual health education and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking web sites, computer networks,

or other digital media. (Education Code 51934)

#### Professional Development

The district's comprehensive sexual health education and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (Education Code 51931, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

(cf. 4131 - Staff Development)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for personnel who have demonstrated expertise or received in-service training from the CDE or Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for district personnel teaching comprehensive sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. (Education Code 51950)

#### Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health and HIV prevention education or to provide training for district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)



(cf. 6145.8 - Assemblies and Special Events)

#### Parent/Guardian Notification

At the beginning of each school year or at the time of a student's enrollment, the Superintendent or designee shall notify parents/guardians about instruction in comprehensive sexual health education and HIV prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection
2. That parents/guardians have a right to excuse their child from comprehensive sexual health or HIV prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:
  - a. The date of the instruction
  - b. The name of the organization or affiliation of each guest speaker
  - c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given.

(cf. 5145.6 - Parental Notifications)

#### Nonapplicability to Certain Instruction or Materials

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive



sexual health education or HIV prevention education as defined in Education Code 51931

(cf. 6142.93 - Science Instruction)

2. Instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions

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