



Flournoy Union
Elementary School District

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

www.flournoyschool.org 530-833-5331; 530-833-5332 fax

PUBLIC HEARING BOARD MEETING AGENDA
Tuesday, October 9, 2018

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, October 9, 2018 at **6:15 p.m.**
TYPE: Regular Board Meeting
LOCATION: Flournoy Elementary School; 15850 Paskenta Rd, Flournoy, CA 96029
POSTED: 10/05/2018 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 _____
Mark Calfee _____
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.

2. CLOSED SESSION None

_____/_____/_____
Motion/Second Aye/Noes /Abstain

3. PUBLIC SESSION - REPORT OF CLOSED SESSION ITEMS

4. PLEDGE OF ALLEGIANCE

Recognize staff present:

Lane Bates, Superintendent _____
Rachel Davis, Teacher _____
Melinda Flournoy, Business Manager _____
Amanda Taylor, Teacher _____
Cody Weston, Custodian _____
Mei Vance, Instructional Aide _____
Erin Murphy, Instructional Aide _____

5. **ADOPTION OF AGENDA**

____/____/____
Motion/Second Ayes/Noes /Abstain

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

Tuesday, September 18, 2018

____/____/____
Motion/Second Ayes/Noes /Abstain

7. **COMMENTS**

- A. From members of the Board of Education
- B. From the Superintendent and Business Manager
- C. From the Staff/Teachers

8. **GENERAL FUNCTION CONSENT ITEMS**

(Attachments)

- A. Bills and warrants for September
- B. MOUs/Agreements: None

____/____/____
Motion/Second Aye/Noes /Abstain

PUBLIC HEARING

This meeting is declared a public hearing for the purpose of allowing members of the public to discuss the State Department of Education Instructional Materials for Transitional Kindergarten through grade eight.

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

- A. Approval of the Quarterly Report Williams Uniform Complaints for the period ending October 2018.

____/____/____
Motion/Second Aye/Noes /Abstain

- B. Consider Approval of the FUESD Comprehensive School Safety Plan for 2018.

____/____/____
Motion/Second Aye/Noes /Abstain

- C. Consider approval of Resolution Regarding Sufficiency of Instructional Materials and approval of Certification

____/____/____
Motion/Second Aye/Noes /Abstain

- D. Consider approval of the following Updated Board Policies:

- BP/AR 1312.3 Uniform Complaint Procedures
- AR 3230 Federal Grant Funds
- AR 3514.2 Integrated Pest Management
- BP/AR 3551 Food Service Operations/Cafeteria Fund
- BP/AR 3553 Free and Reduced Price Meals
- BP 4111/4211/4311 Recruitment and Selection
- BP/AR 4119.11/4219.11/4319.11
- AR 4161.1/4361.1 Personal Illness/Injury Leave
- AR 4161.8/4261.8/4361.8 Family Care and Medical Leave
- AR 4261.1 Personal Illness/Injury Leave
- BP/AR 5022 Student and Family Privacy Rights
- BP/E 5145.6 Parental Notifications
- BP 6162.5 Student Assessment
- BB/E 9270 Conflict of Interest

____/____/____
Motion/Second Aye/Noes /Abstain

10. ANNOUNCEMENTS

- A. Congratulations to Charleigh Merkley our Elks Lodge Student of the Month for October.:)
- B. Friday, October 12, 2018 - Co-Ed Volleyball Game at Bend Elementary School
- C. Tuesday, October 16, 2018 - 3-5 Grade Field Trip to TDFG for Farm Day
- D. Thursday, October 18, 2018 - Girls Volleyball Game at Reeds Creek Elementary School
- E. Friday, October 19, 2018 - No School (Teacher Work Day)
- F. October 22-26, 2018 - Red Ribbon Spirit Week
- G. October 22-24, 2018 - Parent Teacher Conferences
- H. Thursday, November 1, 2018 - 7-8 Field Trip to TDFG for College and Career Day

11. DISCUSSION ON NEXT BOARD MEETING

- A. Next meeting date: Tuesday, November 13, 2018 at 6:15 p.m.
- B. Possible items for action/discussion
 - School Accountability Report Card
 - Updated Policies

12. FURTHER COMMENTS

- A. From members of the Board of Education
- B. From the Superintendent

Adjournment at _____ p.m.



**Flournoy Union
Elementary School District**

PO Box 2260; 15850 Paskenta Rd.
Flournoy, CA 96029
www.flournoysschool.org
530-833-5331; 530-833-5332 fax

**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, September 18, 2018 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, Lindsey Belter, Cathy Bjornestad-Tobin
MEMBERS ABSENT: Andrew Meredith, Mark Calfee
RECOGNIZED STAFF: Lane Bates, Rachel Davis, Amanda Taylor, Melinda Flournoy

1. Call the Meeting to Order and Roll Call

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

CLOSED SESSION

Government Code 54957 Personnel Issues

(Adjourned to closed session at 6:20 pm)

A. No reportable action.

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 Lindsey Belter and second by Cathy Bjornestad-Tobin, the agenda was approved. Aye: 3

5. Approval of Minutes from the meeting of: None

6. Announcements: None

7. Comments:

A. From members of the Board of Education: None

B. From the Superintendent: Mr. Bates informed the board of the back to school night activities and discussed the need to paint the school.

C. From the Staff/Teachers: None

8. Donations and Gifts to the District: None

9. General Function Consent Items:

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

PUBLIC HEARING

This meeting is declared a public hearing for the purpose of allowing members of the public to discuss the State Department of Education Instructional Materials for Transitional Kindergarten through grade eight.

10. Discussion/Action Items – New Business

- A. Approval of the Quarterly Report Williams Complaints for the period ending July 2018

On motion by Lindsey Belter and second by Cathy Bjornestad-Tobin the Quarterly Williams Report was approved.

- B. Consider approval of the Authorized Signatures for the Budget revisions, interfund transfers and payment of expenditures.

On motion by Lindsey Belter and second by Cathy Bjornestad-Tobin the authorized signatures was approved.

- C. Consider approval of Resolution Regarding Sufficiency of Instructional Materials and approval of Certification

On motion by Cathy Bjornestad-Tobin and second by Lindsey Belter the Board approved the Resolution Regarding Sufficiency of Instructional Materials. Aye 3

- D. Consider approval of the 2017-2018 Unaudited Actuals (Pursuant of Ed Code Section 41200)

On motion by Lindsey Belter and second by Cathy Bjornestad-Tobin r the Board approved the 2017-2018 Unaudited Actuals. Aye 3

- E. Consider approval of adding a .5 FTE Teacher. (due to increased enrollment and to increase NSS Funding)

On motion by Cathy Bjornestad-Tobin and second by Lindsey Belter the Board approved to add a .5 FTE Teacher. Aye 3

- F. Consider approval of Resolution of Adopting the GANN limit

On motion by Cathy Bjornestad-Tobin and second by Lindsey Belter the Board approved the Resolution of Adopting the GANN limit. Aye 3

- G. Consider approval of adding a long term substitute teacher until a .5 FTE is hired.

On motion by Cathy Bjornestad-Tobin and second by Lindsey Belter the Board approved to add a long term sub until a .5 FTE is hired. Aye 3

- H. Approval of new hire Cody Weston for the custodial position.

On motion by Cathy Bjornestad-Tobin and second by Lindsey Belter the Board approved Cody Weston for the custodial position. Aye 3

11. Adjournment

With no further business, the meeting was adjourned at 6:55 p.m. on motion by Sara Valoroso

Checks Dated 09/01/2018 through 09/30/2018

Check Number	Check Date	Pay to the Order of	FD-OBJT	Comment	Expensed Amount	Check Amount
40171184	09/10/2018	Tehama Co Dept of Education	01-7142	2017/18 FFS Psych Services	3,859.00	
				2017/18 Nursing Services Final	2,385.00	
				2017/18 Special Ed Billback	4,881.00	11,125.00
40171981	09/20/2018	Lane Bates	01-4300	Extension cords & fogger		40.08
40171982	09/20/2018	Lane Chiropractic	01-5800	Pre Employment Physical		105.00
40171983	09/20/2018	AT&T/Calnet	01-5901	Phone Bill		43.87
40171984	09/20/2018	Coastal Business Systems Inc.	01-5600	Copier Lease & Color charges		360.79
40171985	09/20/2018	Culligan	01-5502	Meter Reading		95.00
40171986	09/20/2018	Schoolyard Communications	01-4300	Parents Rights Books		31.22
40171987	09/20/2018	Green Waste	01-5506	Garbage Bill		173.81
40171988	09/20/2018	J.C. Nelson Supply Co.	01-4300	Maint. Supplies		400.19
40171989	09/20/2018	J.M. Distributing Dairy Prod.	13-4700	Milk for School Lunches		205.06
40171990	09/20/2018	LV.NET LLC	01-5903	Internet Access Point to Point		2,121.80
40171991	09/20/2018	Pacific Gas & Electric Co	01-5503	Electric Bill		2,285.29
40171992	09/20/2018	US Bank	01-4300	office, class, cafe, mail. supply's	533.84	
			01-5600	office, class, cafe, mail. supply's	85.28	
			13-4300	office, class, cafe, mail. supply's	243.54	862.66
Total Number of Checks					13	17,849.77

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL	12	17,401.17
13	CAFETERIA SPEC REV	2	448.60
Total Number of Checks			13
Less Unpaid Tax Liability			.00
Net (Check Amount)			17,849.77

8.A

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.

**Quarterly Report on Williams Uniform Complaints
Valenzuela/CAHSEE Lawsuit Settlement**
Education Code 35186(d)

District: **Flournoy Union Elementary School**

Person completing this form: Melinda Flournoy Title: Business Manager

Quarterly Report Submission Date: € January 2018
(check one) € April 2018
€ July 2018
☒ October 2018

Date for information to be reported publicly at governing board meeting: **Tuesday, October 9, 2018**

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 (Williams Lawsuit)	0		
Teacher Vacancy or Misassignment (Williams Lawsuit)	0		
Facilities Conditions (Williams Lawsuit)	0		
CAHSEE Intensive Instruction and Services (Valenzuela Lawsuit)	0		
TOTALS	0	0	0

Print Name of District Superintendent

Signature of District Superintendent

Date

9.B

FLOURNOY ELEMENTARY SCHOOL

15850 Paskenta Rd. • Flournoy, CA 96029-2260 • 530.833.5331

RACHEL DAVIS, PRINCIPAL

Comprehensive School Safety Plan 2018

FLOURNOY UNION ELEMENTARY SCHOOL DISTRICT

15850 Paskenta Road • Flournoy • 530-833-5331

LANE BATES, SUPERINTENDENT

TABLE OF CONTENTS

I. STRATEGIES AND PROGRAMS THAT

MAINTAIN A HIGH LEVEL OF SCHOOL SAFETY

Pg.

Table of Contents Continued

Pg.

A. Emergency Response Plan

1. Administration of the Plan

- Assumptions and Purpose
- Levels of Emergencies
- Plan Implementation
- Hazard Assessment
- Staff Training
- Emergency Drills
- Evacuation Routes
- Parent Communication
- Student Release/Emergency File
- Communication

2. General Emergency Procedures

- Multi-Hazard Reference Guide
- Lockdown Procedures
 - Campus Disorder
 - Firearm/Shooting
 - Hostage/Barricaded Subject
 - Threatening Intruder
- Shelter In Place Procedures
 - Air Pollution
 - Biological/Chemical Threat
 - Chemical Spill/Toxic Emissions
 - Severe Wind/Weather
 - Stinging Insects
 - Utility Failure/Temperature Stress
- Evacuation Procedures
- Drop, Cover & Hold Procedures
 - Aircraft Accident
 - Bomb Threat
 - Earthquake
 - Flood
 - Fire/Explosion

3. School Evacuation Map

4. Incident Command System Structure

- District & School Assignments
- Emergency Telephone Numbers

5. Emergency Forms

- Yearly Letter to Parents
- Bomb Threat Checklist
- Verification of Emergency Drills
- Building and Site Hazard Assessment
- Classroom Hazard Inspection
- Student Release Authorization Form
- Student Release Log

B. Curriculum that Emphasizes Prevention and Alternatives to Violence

1. Character Counts!
2. Second Step
3. Gang Resistance Education and Training [G.R.E.A.T.] Program

C. Prevention and Intervention Strategies to Promote Drug-Free Schools

1. Drug Abuse Resistance Education [D.A.R.E.]
2. Too Good for Drugs

D. Community Relationships

1. School Resource Officer Program

II. PROCEDURES FOR COMPLYING WITH EXISTING LAWS RELATED TO SCHOOL SAFETY

A. Child Abuse Reporting Procedures

B. Suspension and Expulsion Policy

1. Suspension
2. Expulsion⁴³

C. Procedures to Notify Teachers of Dangerous Pupils

D. Discrimination and Harassment Policies

1. Discrimination Policy
2. Student Sexual Harassment Policy
3. General Harassment Policy

E. Flournoy Union Elementary School District Dress

F. Positive School Climate/Safe and Orderly Learning Environment

G. Safe Ingress and Egress of Students, Parents/Guardians and Employees

H. Parent Involvement Strategies

I. School Discipline

J. Hate Crime Reporting Procedures

III. CURRENT STATUS OF SCHOOL CRIME

A. UMIRS Data

B. California Healthy Kids Survey

STRATEGIES AND PROGRAMS THAT MAINTAIN A HIGH LEVEL OF SCHOOL SAFETY

EMERGENCY RESPONSE PLAN

Administration of the Plan

ASSUMPTIONS AND PURPOSE:

This plan assumes that the staff and students remaining on the school campus will be self-sufficient for at least 72 hours and may be required to provide food, shelter, and first aid for themselves during that time.

This Emergency Response Plan is designed to provide a framework for protecting students, staff and school facilities. The plan details the flow of command from the district level to the school level. It describes the different positions necessary to respond to an emergency and suggests responsibilities associated with each position. Section binders have been provided to assist staff members in the development and preparation stages.

LEVELS OF EMERGENCIES:

There are three levels of emergencies:

- **Level One Emergency**
A localized emergency that school site personnel can manage by following their own emergency plan. Example: Power outage, campus disorder
- **Level Two Emergency**
A moderate to severe emergency, somewhat beyond the school district response capability, which may require mutual aid assistance from the fire department, police department, etc.
Example: fire, intruder on campus, bomb threat.
- **Level Three Emergency**
A major disaster that requires mutual aid assistance; recovery time is extensive and response time may be delayed or impaired

PLAN IMPLEMENTATION:

The Emergency Response Plan will be:

- Initiated by the Superintendent, principal or designee;
- Implemented requiring the support of all staff who are mandated to remain on campus and perform their assigned duties until released;
- Reviewed annually for modifications.

HAZARD ASSESSMENT:

A physical survey of each campus for hazardous conditions will be performed each year under the direction of the principal or designee. In addition to the structural inspection each teacher and staff member will be required to conduct a survey of his/her classroom or office/office space. Appropriate forms will be completed and submitted to the school and/or district office for remedy.

STAFF TRAINING:

Understanding that training is the most effective way to ensure a safe response to a natural or man-caused disaster, all certificated and classified staff will be trained in accordance with the guidelines set out in this Emergency Response Plan. As the district or school climate changes, modifications may be necessary.

On an annual basis:

Allocate time to formulate and maintain the specific teams.

Staff members designated for medical responsibilities will receive first aid and CPR certification as well as training in

triage. Certifications will be kept up-to-date.

The Principal will review and discuss the responsibilities set forth in the Emergency Response Plan with classified and certificated staff.

EMERGENCY DRILLS:

In accordance with state law:

- Drills will be initiated by announcement, uniform bell or air horn signals.
- Fire drills will be conducted on a monthly basis.
- "Drop, Cover, and Hold" drills will be held each quarter.
- Earthquake plans will be initiated on a rotating basis at least twice during each school year.

Together with the Emergency Response Plan and Incident Command System training of staff members, certain components have been provided each teacher and staff member to use during drills or an actual event. They are:

- SAFE and HELP placards to be placed in designated windows or hung on doors to signal safety or the need for help;
- ORANGE and GREEN Alert Vests to be worn when evacuating a classroom or building to signal to the Incident Commander the status of the class.

All staff and students will participate in drills. Drills are recorded on the Verification of Emergency Drill Form.

EVACUATION ROUTES:

The Principal or Designee is responsible for establishing and maintaining a safe evacuation route from all school buildings. Evacuation routes will be reviewed on an annual basis and updates will be made, if necessary. Evacuation routes will be posted in all classrooms, multi-purpose rooms, libraries, and school offices.

PARENT COMMUNICATION:

Parents will be notified and reminded on an annual basis of the procedures set out in the Emergency Response Plan. The Student Release Policy will be reviewed on an annual basis. Parents will be required to complete the Emergency Card which authorizes the district to release their students to other adults in the event of an emergency or disaster. A sample letter to parents and forms pertaining to policies and procedures have been included in this plan.

STUDENT RELEASE/EMERGENCY FILE:

In all emergency situations, the principal or designee (under the direction of the Superintendent) will make the decision to release students. When students are released certain portions of the Emergency Response Plan may be implemented.

If the evacuation of students is necessary, an emergency file containing pertinent information for each student will be maintained and available in the school office. Each school secretary or designee will be instructed to bring all emergency information to the evacuation assembly area. A student release policy will be followed for the safe release of students to their parents or other responsible adults.

COMMUNICATION:

During an emergency each site will report the condition of the site, i.e. injuries, damage to buildings. Sites will report directly to the Superintendent (District Emergency Operations Center Director) or designee. Telephones and cell phones may be used but cannot be relied upon. Communication will occur only to report emergency conditions or to request emergency assistance. No other calls will be made. Students and parents will be informed of this policy and encouraged to adhere to it. Parents will be contacted through the district's off-site Teleparent notification system.

If telephone or electrical services are interrupted, another means of communication must be available. A bullhorn, whistle, or runners will be utilized within the school grounds. This process of communication will be established prior to an incident so that everyone understands the meaning of the signal(s). Communication from district to school sites may be established with the use of two-way radios, talk-around or via the microwave communication system already established at the district office and school sites.

General Emergency Procedures

The Emergency Response Plan establishes a format of general procedures to be followed in the event of any emergency. **Administrators will develop and maintain emergency response teams according to these procedures and will drill and practice with their staff using these specific instructions.** Minor adjustments may be necessary due to staff size but all modifications must be approved by the District Office. Uniformity to response is of utmost importance. Staff will be updated on an annual basis of any changes to established procedures. (This information is also provided in the Emergency Response Guide, located in each classroom.) This section has been divided into three major areas:

How to and When to Lockdown:

Campus Disorder
Firearm/Shooting
Hostage/Barricaded Subject
Threatening Intruder

How to and When to Shelter In Place:

Air Pollution
Biological/Chemical Threat
Chemical Spills

Severe Weather

Stinging Insects

Utility Failure/Heat Stress

How and When to Evacuate, Drop Cover and Hold

Aircraft Accident

Bomb Threat

Earthquake

Fire/Explosion

Flood

The introductory page at the beginning of each section provides specific instructions and directives to the Emergency Manager and Teacher. These responses will be practiced and drilled on a regular basis to ensure quick and efficient response in the event of an emergency. Dates for drills will be set at the beginning of each school year. Verification of drills will be submitted to the District Office each June.

The General Emergency Procedures provide uniform responses to events that may occur at a school site. When conscientiously practiced and used in conjunction with the Incident Command System districts can be ensured that schools will respond effectively, efficiently, and safely and in a manner approved by the state and federal government.

The information has been formatted simply and at times may seem repetitive. However, when used by the Emergency Manager any subject can be taken from the plan book, reproduced and presented to the staff on a single page.

MULTI-HAZARD REFERENCE GUIDE:

The Multi-Hazard Reference Guide is provided in this section. It is also posted in each classroom, teaching facility and administrative building. The Multi-Hazard Reference Guide identifies the specific sound, signal, and/or announcement heard in the event of an emergency, as well as a quick explanation and response to follow when hearing a specific signal.

The Flournoy Union Elementary School District has selected four signals:

1. The fire alarm signals an evacuation;
2. A verbal announcement of "Lockdown" activates a Lockdown;
3. A verbal broadcast "Shelter-In-Place" initiates a "Shelter-In-Place" mode; and
4. A verbal announcement "All Clear" returns staff and students to a normal schedule.

MULTI-HAZARD REFERENCE GUIDE

<p>SUDDEN SHAKING</p> <p>VIOLENT CRASH OR EXPLOSION</p>	<p>DO THIS:</p> <ul style="list-style-type: none"> • Duck, Cover, and Hold! • Stay under table and chairs until shaking or noise stops. • Stay away from windows. • Do NOT pry open doors/windows. • Check for safest evacuation route. <p><u>If evacuating:</u></p> <ul style="list-style-type: none"> • Wear ORANGE or GREEN vest to signal safe evacuation or need for help. • Hang HELP or SAFE placard on outside of door handle. Do not lock doors. 	
<p>WHEN YOU HEAR</p> <p>FIRE ALARM</p> <p>OR</p> <p>ANNOUNCEMENT</p>	<p>DO THIS:</p> <ul style="list-style-type: none"> • Stop! Check for safest route. • Go upwind from odor or smoke. • Evacuate to safest assembly area. • Need Help: Wear Orange Vest • All Safe: Wear Green Vest <p>WHAT YOU NEED:</p> <ul style="list-style-type: none"> • Clipboard • Class Roster 	
<p>WHEN YOU HEAR</p> <p>“LOCKDOWN”</p>	<p>DO THIS:</p> <ul style="list-style-type: none"> • Close windows; lock doors. • Turn out lights. • Instruct students to sit on floor away from windows/ doors in small groups. • Do not release students; do not admit students. • Do not use telephones, cell phones, or intercom system. <p>WHAT YOU NEED:</p> <ul style="list-style-type: none"> • SAFE or HELP placards to place in window 	
<p>WHEN YOU HEAR</p> <p>“SHELTER-IN-PLACE”</p>	<p>DO THIS:</p> <ul style="list-style-type: none"> • Close windows and doors. • Instruct students to only sit at desks. • Do not release students. • <i>Changes will be communicated.</i> <p>WHAT YOU NEED:</p> <ul style="list-style-type: none"> • SAFE or HELP placards to place in window 	
<p>WHEN YOU HEAR</p> <p>“ALL CLEAR”</p>	<p>DO THIS:</p> <ul style="list-style-type: none"> • Return to regular schedule. 	

LOCKDOWN PROCEDURES

Purpose: If evacuation is not a safe option, Lock-Down is used whenever there is a significant threat to the safety of children or staff. Intruder on campus and gun on campus are just two examples of when a Lock-Down might be necessary.

Inform: Whenever a Lock-Down becomes necessary the Incident Commander (usually the Lead Teacher) will notify staff using the phone system and saying, "The Lock-Down procedure is now in effect."

Appropriate Responses: Upon hearing the words "Lock-Down" teachers will do the following:

1. Lock and barricade exterior doors as quickly as possible, shut off the lights and close any shades or other window coverings.
2. Communicate real time information on intruder location. Use clear and direct language using any communication means possible.
3. Gather students and staff in a location that is out of sight of any uncovered windows. You may need to use desks as a cover for protections. If there are no window coverings, the safest place may be directly under the windows.
4. Take roll.
5. Keep students quiet and immobile. Do not allow them to leave for any reason.
6. Do not answer the door to anyone. The exception may be if one of your students is at the door and you can safely let him/her in.
7. Do NOT respond to a Fire Drill Bell if an actual emergency lockdown is in progress.
8. Await word from Incident Commander. The Office will call for Roll.
9. Under no circumstance are students to be dismissed from the room until the all-clear signal is given. If children are outside of their classroom, as during lunch or recess, they will run to off-site evacuation areas or be brought into the main classroom, the doors will be locked and the children will move to the most non-visible areas.

CAMPUS DISORDER

Signal: By use of the Intruder Alert Alarm, the Incident Commander will initiate, "The Intruder Alert

Signal." This will be followed by the announcement "This is a code Red alert." The ALL CLEAR signal will be announced as "ALL CLEAR" by use of the phone system.

PURPOSE - The above signal will be sounded if one of the following situations exists:

- A dangerous individual on school site.
- Threats expressed or a warning received via the telephone leading the office staff to believe a dangerous individual is in route to the school.
- Shots believed to have been heard on campus.
- Unannounced or unexpected individual entering school site with a weapon.
- Individual displaying uncontrolled, very threatening emotional or mental attitude.
- Any similar or other dangerous situation requiring the immediate sheltering of students.

Appropriate responses:

- Principal will first announce the lock-down is in effect & then call 911.

Staff in classrooms, library, cafeteria, kitchen, office, etc. will:

- Look out in the halls and order all students into a classroom.
- Lock all windows and doors, and if the room has blinds make sure they are drawn and closed.
- Take attendance and have a list of names ready of any students that are additional, or students not there who should be. The office will call your room for this list. Remember to be patient as the situation in the office will be unpredictable.
- Have students and volunteers remain absolutely quiet – under no circumstances should any student leave the room until the all clear signal is given. Wait for further instructions or signal.
- Students in the restroom should stay in the restroom, quietly, until staff has come to escort them to a more secure place, or the all clear signal has been given.

Staff outside on yard duty will:

- Stay alert for instructions.
- Check for strangers in immediate area.
- If yard looks clear, quietly and quickly move students into the classroom.*
- Keep watching for office staff that might have information.
- Get names of students who are in the cafeteria and wait for the office to call for this information.
- Wait for further instructions or the all-clear signal.

_ Do Not call the office with your class phone.

_ Do Not send anyone to the office to "See what is happening."

_ Do Not delay – i.e. Student in, doors locked.

_ Do Not leave your students.

_ Do Not allow your students to go anywhere, including the restroom.

_ Do Not open your door to anyone except clearly identified staff or students. Certainly an irrational person is unpredictable. You are asked to act in a specific way, but remain alert and use common sense.

The office staff's highest priority will be the safety of you and your students.

Their second priority is to keep you informed. If you hear nothing at first, remember they may be much occupied dealing with a dangerous situation.

This situation WILL NOT BE DRILLED unless all staff are notified. Do not treat the signal as a possible drill.

* If there is a random shooting on the school yard, drill your students to drop and cover and REMAIN STILL or safely move to a SAFE ZONE. Do not move to assist a student or staff member. We must try to ensure the safety of the majority of students and staff.

FIREARM/SHOOTING

Immediate response to a rapidly changing incident is critical. In most cases, initiate LOCKDOWN procedures to isolate students from danger or send them to a secure area. Safety must always be the foremost consideration.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Remain calm. Do not confront the shooter(s)
- Assess the situation

Is the shooter in the school?

Has shooter been identified?

Has the weapon been found and/or secured?

- Depending on the situation, initiate LOCKDOWN or EVACUATION, as appropriate.
- Call 911. Provide essential detail of the situation, i.e., suspect, location, weapons, number of persons involved, motive, injuries/casualties, action taken by the school (e.g. LOCKDOWN).
- Identify command post for police to respond. Assist police in entering the school: provide officers with critical information.
- Ensure injured students and staff receives medical attention.
- If shooter has left, secure all exterior doors to prevent re-entry
- If a firearm is known to exist, do not touch it. Allow a law enforcement officer to take possession of the weapon.
- Keep crime scene secure. Organize OFF-SITE EVACUATION, if necessary, or prepare to continue with classes.
- Isolate and separate witnesses
- Gather information for police about the incident and everyone involved with it:

Name of suspect(s)

Location of shooting

Number and identification of casualties and injured

Current location of the shooter(s)

- Prepare written statements for telephone callers and media. Refer media inquiries to designated Public Information Officer.
- Prepare letter for students to take home to their families.
- Arrange for immediate crisis counseling for students and staff.
- Provide liaison for family members of injured students and staff members.
- Debrief staff and school police officer.
- Provide informational updates and counseling, if appropriate, to staff, students and their families during the following few days.

STAFF ACTIONS:

- If gunfire is heard inside the school, implement LOCKDOWN immediately. Do not wait for the LOCKDOWN announcement.
- Alert the principal/administrator and/or Tehama County Department of Education.
- Take immediate action to prevent casualties. If it is safe to clear hallways, bathrooms and open areas, direct students to the closest classroom.
- Isolate the suspect and/or area. Move others to a safe area to protect them from danger. Implement LOCKDOWN or

EVACUATION, as appropriate.

- Provide first aid for victims, if needed
- Account for all students.
- Remain calm and quiet in the secured area away from doors and windows. No one out, no one in until further instructions are provided by the principal or law enforcement.
- Assist police officers – provide identity, location and description of individual and weapons.

STUDENT ACTIONS:

- Move quickly and quietly to the closest safe classroom
- If rooms are locked, immediately hide in the closest safe zone: bathroom, janitorial closet, office area, and out buildings.
- Lock the door or move furniture or trash can to bar access to the room.
- Remain quiet until further instructions are provided by the principal or law enforcement.

HOSTAGE/BARRICADED SUBJECT

PRINCIPAL/ ADMINISTRATOR ACTIONS

Call 911. Provide all known essential details of the situation:

- Number of hostage takers and description
- Type of weapons being used
- Number and names of hostages
- Any demands or instructions the hostage taker has given
- Description of the area

Identify an assembly area for responding officers away from the hostage situation. Have school liaison wait at assembly area for police arrive.

Protect building occupants before help arrive by initiating a LOCKDOWN or EVACUATION (or commendation of both) for all parts of the building.

Secure exterior doors from outside access.

When police arrive, assist them in a quiet, orderly evacuation away from the hostage situation.

Gather information on students and/or staff involved and provide the information to the police. If the parent of the student is involved, gather information about the child.

Identify media staging area, if appropriate. Implement a hotline for parents.

Account for students as they are evacuated.

Provide recovery counseling for students and staff.

STAFF ACTIONS

If possible, assist in evacuation students to a safe area away from the danger. Protect student by implementing a LOCKDOWN.

Alert the principal/administrator.

Account for all students.

THREATENING INTRUDER

Signal: By use of verbal announcement, the Incident Commander will initiate, "The Intruder Alert

Signal." This will be followed by the announcement "This is a code Red alert." The ALL CLEAR signal will be announced as "ALL CLEAR" by use of the phone system or verbal announcement.

PURPOSE - The above signal will be sounded if one of the following situations exists:

- A dangerous individual on school site.
- Threats expressed or a warning received via the telephone leading the office staff to believe a dangerous individual is in route to the school.
- Shots believed to have been heard on campus.
- Unannounced or unexpected individual entering school site with a weapon.
- Individual displaying uncontrolled, very threatening emotional or mental attitude.
- Any similar or other dangerous situation requiring the immediate sheltering of students.

Appropriate responses:

- Principal will first announce the lock-down is in effect & then call 911.

Staff in classrooms, library, cafeteria, kitchen, office, etc. will:

- Look out in the halls and order all students into a classroom.
- Lock all windows and doors, and if the room has blinds make sure they are drawn and closed.
- Take attendance and have a list of names ready of any students that are additional, or students not there who should be. The office will call your room for this list. Remember to be patient as the situation in the office will be unpredictable.
- Have students and volunteers remain absolutely quiet – under no circumstances should any student leave the room until the all clear signal is given. Wait for further instructions or signal.
- Students in the restroom should stay in the restroom, quietly, until staff has come to escort them to a more secure place, or the all clear signal has been given.

Staff outside on yard duty will:

- Stay alert for instructions.
- Check for strangers in immediate area.
- If yard looks clear, quietly and quickly move students into the cafeteria.*
- Keep watching for office staff that might have information.
- Get names of students who are in the cafeteria and wait for the office to call for this information.
- Wait for further instructions or the all-clear signal.

_ Do Not call the office with your class phone.

_ Do Not send anyone to the office to "See what is happening." –

_ Do Not delay – i.e. Student in, doors locked.

_ Do Not leave your students.

_ Do Not allow your students to go anywhere, including the restroom.

_ Do Not open your door to anyone except clearly identified staff or students. Certainly an irrational person is unpredictable. You are asked to act in a specific way, but remain alert and use common sense.

The office staff's highest priority will be the safety of you and your students.

Their second priority is to keep you informed. If you hear nothing at first, remember they may be much occupied dealing with a dangerous situation.

This situation WILL NOT BE DRILLED unless all staff are notified. Do not treat the signal as a possible drill.

* If there is a random shooting on the school yard, drill your students to drop and cover and REMAIN STILL. Do not move to assist a student or staff member. We must try to ensure the safety of the majority of students and staff.

SHELTER IN PLACE PROCEDURES

Purpose: The Shelter in Place emergency response is used for such emergencies as chemical spill or air-born toxic chemicals/fumes. It is used whenever the need arises to keep children inside the classroom and not exposed to outside air.

Code: When it is deemed necessary by the Incident Commander to call for a Shelter in Place emergency response he/she announce over the Phone System and verbal "Shelter in Place."

Appropriate Responses: Upon hearing the command "Shelter in Place" all teachers will:

1. Get all students inside (if they are not already).
2. Take roll.
3. Shut and lock all windows and doors.
4. Shut-off heating, air conditioning or any other device that could circulate outside air into the classroom.
5. Under no circumstance are students to be dismissed from the room until the all-clear sign is given

AIR POLLUTION

The Air Quality Index (AQI) was issued in 1999 by the U.S. EPA for daily air quality report to the public. The following levels of pollution have been established by the Air Pollution Control District. Each school will be informed by the Regional or County Superintendent to abide by each standard:

AQI Index Values	Health Categories	Cautionary Statements for 8-Hour Ozone
0 to 50	Good Green Flag	None
51 to 100	Moderate Yellow Flag	Unusually sensitive people should consider limiting prolonged outdoor exertion.
101 to 150	Unhealthy for Sensitive Groups Orange Flag	Active children and adults, people with respiratory disease, such as asthma, should limit prolonged outdoor exertion.
151 to 200	Unhealthy Red Flag	Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
201 to 300	Very Unhealthy Red Flag	Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else especially children, should limit outdoor exertion
301 to 500	Hazardous Red Flag	Everyone should avoid all outdoor exertion.

BIOLOGICAL/CHEMICAL THREAT

This is an incident involving the discharge of a biological substance in a solid, liquid or gaseous state. Such incidents may include the release of radioactive materials. A biological agent can be introduced through:

- Postal mail, via a contaminated letter or package
- A building's ventilation system
- A small explosive device to help it become airborne
- A contaminated item such as backpack, book bag, or other parcel left unattended
- The food supply
- Aerosol release (for example, with a crop duster or spray equipment)

Defense against biological release (e.g. anthrax, smallpox, plague, ricin etc.) is difficult because usually appear after some time has lapsed. Indicators that may suggest the release of a biological or chemical substance include multiple victims suffering from: water eyes, choking or breathing difficulty, twitching or the loss of coordination. Another indicator is the presence of distressed animals or dead birds. Determine which scenario applies and implement the appropriate response procedures.

Outside the building

STAFF ACTIONS:

- Notify principal
- Move student away from immediate vicinity of danger (if outside, implement REVERSE EVACUATION).
- Segregate individuals who have been topically contaminated by a liquid from unaffected individuals. Send affected individuals to a designated area medical attention.
- Follow standard student assembly, accounting and reporting procedures.

PRINCIPAL/ ADMINISTRATORS ACTIONS:

- Initiate SHELTER IN PLACE
- Shut off HVAC units
- Move to central location where windows and doors can be sealed with duct tape.
- Call 911. Provide location and nature of the emergency and school actions taken.
- Notify District Superintendent of the situation.
- Turn on a battery-powered commercial radio and listen for instructions. (Hand held radio)
- Complete the Biological and Chemical Release Response Checklist
- Remain inside the building until the Department of Health or Fire Department determines it is safe to leave.
- Arrange for psychological counseling for students and staff.

STAFF ACTIONS:

- Notify principal or administrator.
- Segregate individual who have been topically contaminated by a liquid from unaffected individuals.
- Implement EVACUATION or OFF-SITE EVACUATION, as appropriate. Send affected individuals to a designated area for medical attention.
- Follow standard student assembly, accounting and reporting procedures.
- Prepare a list of those who are in the affected area to provide to emergency response personnel.

PRINCIPAL/ADMINISTRATOR ACTIONS:

- Initiate EVACUATION of building or OFF-SITE EVACUATION, to move students away from immediate vicinity of danger.
- Move up-wind from the potential danger.
- Call 911. Provide exact location and nature of emergency.
- Designate security team to isolate and restrict access to potentially contaminated areas.
- Wait for instructions from emergency responders—Health or Fire Departments.

- Notify District Superintendent of the situation.
- Arrange for immediate psychological counseling for students and staff.
- Complete the Biological and Chemical Release Response Checklist
- Wait to return to the building until it has been declared safe by local HazMat or appropriate agency.
- **THOSE WHO HAVE DIRECT CONTACT WITH BIOLOGICAL AGENT:**
- Wash affected areas with soap and water.
- Immediately remove and contain contaminated clothing
- Do not use bleach on potentially exposed skins
- Remain in safe, but separate area, isolated from those who are unaffected, until emergency response personnel arrive.

CHEMICAL SPILL/TOXIC EMISSIONS

This incident could be the result of spilled cleaning chemical within the school building, in the school lab a material a student brings to school, or a broken gas main. Any such accidents could endanger the students and staff. Hazardous material spills may occur inside a building, such as a spill in a chemistry lab.

PERSON DISCOVERING SPILL

Alert others in immediate area to leave the area.

Close window and doors and restrict access to affected area.

Notify principal/administrator.

DO NOT eat or drink anything or apply cosmetics.

PRINCIPAL/ADMINISTRATOR ACTIONS:

Notify Fire Department and the Department of Public Health. Provide the following information:

- School name and address, including nearest cross street(s)
- Location of the spill and/or materials released; name of substance, if known
- Characteristics of spill (color, smell, visible gasses)
- Injuries, if any
- Your name and telephone number

Notify Maintenance/Building and Grounds Manager to shut off Mechanical ventilating systems.

If necessary, proceed to school EVACUATION using primary or alternative routes, avoiding exposure to the chemical fumes.

Post a notice on the school office door stating location of alternative school site.

Notify District Superintendent of school status and location of alternate site.

Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

If EVACUATION is implemented, direct all students to report to nearest designated building or assembly area. Take class roster and emergency backpack and student kits. Check that all students have left the building. Students are not to be left unattended at any time during evacuation process. Students are to remain reunite during evacuation.

Upon arrival at evacuation site, take attendance. Notify principal/site administrator of any missing students.

Upon arrival at evacuation site, take roll and report attendance to Principal immediately. Notify emergency response personnel of any missing students.

Do not return to the building until emergency response personnel have determined it is safe.

SEVERE WIND/WEATHER

Severe weather can be accompanied by high winds, downed trees, and swollen creeks. An emergency response is required when this type of weather poses any risk to the staff and students. Assure that each student's method of returning home is safe and reliable.

SEVERE STORM

PRINCIPAL/ ADMINISTRATOR/STAFF ACTIONS:

- Monitor weather forecasts and weather-related communications to determine onset of storm conditions that may affect school operations.
- Report to site early morning to check for power outages, flooding, etc.
- Determine whether school will be closed or remain open.
- Notify superintendent of school status.
- Assign staff to activate staff and parent phone trees or use the all-call to notify parents.
- Post school status on school website.
- Notify utility companies of any break or suspected break in utility lines.
- Take appropriate action to safeguard school property.
- Upon passage of the storm, return to normal routine.

WINDSTORM

PRINCIPAL/ADMINISTRATOR ACTIONS:

- Monitor weather forecasts to determine onset of storm conditions that may affect school operations.
- Notify utility companies of any break or suspected break in utility lines.
- Keep staff and students in sheltered areas of the building until winds have subsided and it is safe to return to the classroom.
- Take appropriate action to safeguard school property.
- Upon passage of the storm, return to normal routine.

STAFF ACTIONS:

- Evacuate any classrooms bearing full force of wind.
- Initiate TAKE COVER with students in the shielded areas within the building. Stay away from windows.
- Take attendance. Report any missing students to principal/site administrator.
- Close all blinds and curtains.
- Avoid auditoriums, gymnasiums and other structures with large roof spans.
- Remain with students near an inside wall or on lower floors of the building. Make arrangements for special needs, snacks and quiet recreational activities.

STINGING INSECTS

Stinging insects can sometimes invade inside or outside of buildings.

PRINCIPAL/ ADMINISTRATOR/STAFF ACTIONS:

- Monitor assess the situation
- Evacuate or Shelter in Place depending on situation
- Call 911 if students are attacked
- Review impacted students emergency cards for allergies
- Call parents of affected children

UTILITY FAILURE/TEMPERATURE STRESS

EVACUATION is implemented when conditions make it unsafe to remain in the building. This ACTION provides for the orderly movement of students and staff along prescribed routes from inside school buildings to a designated outside area of safety.

EVACUATION is considered appropriate for, but is not limited to, the following types of emergencies:

- Fire Explosion or threat of explosion
- Bomb threat Post earthquake
- Chemical accident

See next page for how to assist those with disabilities during an evacuation.

See also: OFF-SITE EVACUATION, which is implemented when it is not safe to remain on the school campus and REVERSE EVACUATION, when it is unsafe to remain outside.

ANNOUNCEMENT:

1. Fire alarm (bell or horn signal).
2. Provided time is available, make an announcement over the public address system: Example: "Attention please. We need to institute an EVACUATION of all buildings. Teachers are to take their students to their designated Assembly Area. Students please remain with your teacher."
3. Use messengers with oral or written word to deliver additional instructions to teachers in hold areas.

PRINCIPAL/ADMINISTRATOR:

The Assembly Area should be a safe location on the school campus away from the building and emergency response equipment that may arrive at the school. If unsafe for the current emergency, designate an alternate Assembly Area.

When clearance to return to the buildings is determined or received from appropriate agencies, announce ALL CLEAR to return to classrooms and resume school activities.

Send home with students for their parents/guardians a brief written description of the emergency, how it was handled and, if appropriate, what steps are being taken in its aftermath.

STAFF ACTIONS:

- Instruct students to leave the building in an orderly manner using the designated evacuation routes and reassemble in the assigned Assembly Area.
- Take the emergency backpack and student roster when leaving the building and take attendance when the class is reassembled in a safe location. Report attendance to the Incident Commander/designee.
- Remain in the Assembly Area until further instructions are given.
- Wait for another ACTION or the ALL CLEAR instruction to return to school buildings and normal class routine.

HOW TO ASSIST THOSE WITH DISABILITIES DURING AN EVACUATION

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help.

Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

To alert visually-impaired individuals

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.

To alert individuals with hearing limitations

- Turn lights on/off to gain person's attention –OR indicate directions with gestures –OR write a note with evacuation directions.

To evacuate individuals using crutches, canes or walkers

- Evacuate these individuals as injured persons.
- Assist and accompany to evacuation site, if possible –OR use a sturdy chair (or one with wheels) to move person –OR help carry individual to safety.

To evacuate individuals using wheelchairs

- Give priority assistance to wheelchair users with electrical respirators

EVACUATION PROCEDURES

Evacuation On-Campus

Purpose: An Evacuation On-Campus is used whenever there is a threat to the safety of students and staff inside buildings. This is most often but not limited to a fire in a building or immediately following an earthquake.

Code: Whenever a Evacuation On-Campus becomes necessary the Incident Commander will notify staff using the bell system known on campus as the "Fire Alarm."

Appropriate Responses: Upon hearing the fire alarm ring teachers will do the following:

1. Get all students to their designated on-campus evacuation site (the line-up area for fire drills).
2. Take roll.
3. Make sure all students and staff wait quietly for either the all clear bell to ring or the Incident Commander to give further instructions.

Evacuation Off-Campus

Purpose: An Evacuation Off-Campus is used whenever there is a threat to the safety of students and staff on the school site. This is most often but not limited to a fire, smoke, flood, etc.

Code: Whenever a Evacuation Off-Campus becomes necessary the Incident Commander will notify staff using the bell system known on campus as the "Fire Alarm" and announce that this is an evacuation off Campus.

Appropriate Responses: Upon hearing the fire alarm ring and hearing the announcement "Evacuation Off-Campus" teachers will do the following:

1. Line up students to walk to Evacuation Area. Exit school grounds through East gate and turn left onto Osborn Rd single file to a safe distance from school. Exit school grounds south gate and gather in the parking area off Co Rte A9.
2. Take roll.
3. Walk in an orderly quiet fashion to identified Evacuation Area.
4. Take roll again.
5. Listen for and follow specific instruction given by the Incident Commander or designee.

DROP, COVER & HOLD AND PROCEDURES

DROP, COVER, and HOLD

On command, instruct students to move away from windows, bookshelves, and heavy suspended light fixtures. Get under a table or other sturdy furniture with back to windows.

AIRCRAFT ACCIDENT

Emergency response will depend on the size of the aircraft, nature of the crash, and proximity to the school. If it is safe to remain inside the building, all students should be kept in the school under supervision. The crash may also result in an explosion, chemical spill or utility interruption.

Aircraft crashes into the school

STAFF ACTIONS:

- Notify the Principal
- Move students away from immediate vicinity of the crash
- EVACUATE students from the building using primary and/or alternate fire routes to a safe assembly area away from the crash scene. Take class roster/nametags and emergency backpack.
- Check school site to assure that all students have evacuated.
- Take attendance at the assembly area
- Report missing students to the Principal/designee and emergency response personnel.
- Maintain control of the students a safe distance from the crash site.
- Care the injured, if any.
- Escort students back to the school site when emergency response officials have determined it is safe to return to the building.

PRINCIPAL/ADMINISTRATOR ACTIONS:

- Notify police and fire department (call 911)
- Determine immediate response procedures, which may include EVACUATION, OFF-SITE EVACUATION or DIRECTED TRANSPORTATIONS.
- Notify District Superintendent, who will contact the Office of Emergency Services.
- Arrange for first aid treatment and removal of injured occupants from building.
- Secure area to prevent unauthorized access until the Fire Department arrives. Ensure that students and staff remain at a safe distance from the crash.
- Account for all building occupants and determine extent of injuries.
- Do not re-enter building until the authorities provide clearance to do so.

Aircraft crashes near school

STAFF ACTIONS:

- Notify Principal
- Move students away from immediate vicinity of the crash.
- Remain inside with students unless subsequent explosions or fire endanger the building.

PRINCIPAL/ADMINISTRATOR ACTIONS:

- Notify police and fire department (call 911)
- Initiate SHELTER IN PLACE, if warranted.
- Initiate REVERSE EVACUATION for students and staff outside or direct them to designated area until further instructions are received.
- Ensure that students and staff remain at a safe distance from the crash
- Notify District Superintendent, who will contact the Office of Emergency Services.
- Fire department officials will secure area to prevent unauthorized access. Do not enter affected areas until the appropriate authorities provide clearance to do so.

BOMB THREAT

In the event that the school receives a bomb threat by telephone follow the Bomb Threat Checklist. Keep the caller on the telephone as long as possible and listen carefully to all information the caller provides. Make a note of any voice characteristics, accents, or background noises and complete the Bomb Threat Report as soon as possible.

PERSON RECEIVING THREAT BY TELEPHONE:

- Listen, do not interrupt caller
- Keep the caller on the line with statements such as: "I am sorry, I did not understand you. What did you say?"
- Alert someone else by prearranged signal to notify the telephone company to trace the call while the caller is on the line.
- Notify administrator immediately after completing the call.
- Complete the bomb threat checklist
- Remain calm and courteous
- Read phone's visual display
- Keep caller talking. Pretend hearing difficulty.
- Notice details: background noises, voice description.
- Ask: When? Where? What? Who?
- Don't touch and suspicious objects

PERSON RECEIVING THREAT BY MAIL:

- Note the manner in which the threat was delivered, where it was found and who found it.
- Limit handling of item by immediately placing it in an envelope so that fingerprints may be detected. Written threats should be turned over to law enforcement.
- Caution students against picking up or touching any strange objects or packages.
- Notify principal or site administrator.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Call 911
- If the caller is still on the phone, contact the phone company to trace the call. Tell the telephone operator the name of school, name of caller, phone number on which the bomb threat came in. This must be done quickly since the call cannot be traced once the caller has hung up.
- Instruct staff and students to turn off cell phones and two-way radios. Do not use those devices during this threat since explosive devices can be triggered by radio frequencies.
- Determine whether to evacuate the threatened building or adjoining buildings. If the suspected bomb is in a corridor, modify evacuation routes to bypass the corridor.
- Use the intercom, or the PA system to evacuate the threatened rooms.
- If it is necessary to evacuate the entire school, use the fire alarm.
- Notify the District Superintendent of the situation.
- Direct a search team to look for suspicious packages, boxes or foreign objects.
- Do not return to the school building until it has been inspected and determined safe by proper authorities.
- Avoid publicizing the threat any more than necessary.

SEARCH TEAM ACTIONS:

- Use a systematic, rapid and thorough approach to search the building and surrounding areas.
- Check classrooms and work areas, public area (foyers, offices, bathrooms and stairwells), unlocked closets, exterior areas (shrubbery, trash cans, debris boxes) and power sources (computer rooms, gas valves, electric panels, telephone panels).
- If a suspicious item is found, make no attempt to investigate or examine object.

STAFF ACTIONS:

- Evacuate students as quickly as possible, using primary or alternate routes.
- Upon arrival at the designated safe site, take attendance. Notify the principal/site administrator of any missing students.
- Do not return to the building until emergency response officials determine it is safe.

EARTHQUAKE

The major threat of injury during an earthquake is from falling objects, glass shards and debris. Many injuries are sustained while entering or leaving buildings. Therefore, it is important to quickly move away from windows, free standing partitions and shelves and

take the best available cover under a study desk or table, in a doorway or against an inside wall. All other actions must wait until the shaking stops. If persons are protected from falling objects, the rolling motion of the earth may be frightening but not necessarily dangerous.

Inside Building

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Direct inspection and assessment of school buildings. Report building damage and suspect breaks in utility lines or pipes to fire department responders.
- Send search and rescue team to look for trapped students and staff
- Post guards a safe distance away from building entrances to assure no one re-enters.
- Notify District Office of school and personnel status. Determine who will inform public information media as appropriate.
- Do NOT re-enter building until it is determined to be safe by appropriate facilities inspector.
- Determine whether to close school. If school must be closed, notify staff members, students and parents.

STAFF ACTIONS:

- Give DROP, COVER, and HOLD ON command. Instruct students to move away from windows, bookshelves, and heavy suspended light fixtures. Get under a table or other sturdy furniture with back to windows.
- Check for injuries, and render First Aid.
- After shaking stops, EVACUATE building. Avoid evacuation routes with heavy architectural ornaments over the entrances. Do not return to the building. Bring attendance roster and emergency backpack.
- Check attendance at the assembly area. Report any missing students to principal/site administrator.
- Warn students to avoid touching electrical wires and keep a safe distance from any downed power lines.
- Stay alert for aftershocks.
- Do NOT re-enter building until it is determined to be safe

Outside Buildings

STAFF ACTIONS:

- Move student away from buildings, trees, overhead wires, and poles. Get under tables or other sturdy furniture with back to windows. If not near any furniture, drop to knees, clasp both hands behind neck, bury face in arms, make body as small as possible, close eyes, and cover ears with forearms. If notebooks or jackets are handy, hold over head for added protection. Maintain position until shaking stops.
- After shaking stops, check for injuries, and render first aid.
- Check attendance. Report any missing student to principal/site administrator
- Stay alert for aftershocks
- Keep a safe distance from any downed power lines.
- Do NOT re-enter building until it is determined to be safe.
- Follow instructions of principal/site administrator

During Non-School Hours

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Inspect school buildings with Maintenance/Building and Grounds Manager to assess damage and determine corrective actions.

- Confer with District Superintendent if damage is apparent to determine the advisability of closing the school
- Notify fire department and utility staff members, students and parents. Arrange for alternative learning arrangement such as portable classrooms if damage is significant and school closing will be of some duration.
- Notify District Office, who will inform public information media as appropriate.

FLOOD

Flooding could threaten the safety of students and staff whenever storm water or other sources of water threaten to inundate school grounds or buildings. Flooding may occur if a water pipe breaks or prolonged rainfall causes urban streams to rise. Flooding may also occur as a result of damage to water distribution systems such as failure of a dam or levee. If weather related, an alert message will be broadcast over the weather radio station.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Issue STAND BY instruction. Determine if evacuation is required
- Notify local police department of intent to EVACUATE, the location of the safe evacuation site and the route to be taken to that site.
- Delegate a search team to assure that all students have been evacuated.
- Issue DIRECTED TRANSPORTATION instruction if students will be evacuated to a safer location by means of busses and cars.
- Post a notice on the office door stating where the school has relocated and inform the District Office
- Monitor AM radio weather station 1610 for flood information
- Notify District Superintendent of school status and action taken
- Do not allow staff and students to return to the building until proper authorities have determined that it is safe to do so.

STAFF ACTIONS:

- If warranted, EVACUATE students using evacuation plan. Take the class roster emergency backpack and student comfort kits. Take attendance before leaving the campus.
- Remain with students throughout the evacuation process
- Upon arrival at the safe site, take attendance. Report any missing students to principal/site administrator and emergency response personnel
- Do not return to school building until it has been inspected and determined safe by property authorities.

BUS DRIVER ACTIONS:

- If evacuation is by bus DO NOT drive through flooded streets and or roads. Do NOT attempt to cross bridges, overpasses or tunnels that may be damage by flooding.

FIRE/EXPLOSION

FIRE (ONSITE)

Should any fire endanger the students or staff, it is important to act quickly and decisively to prevent injuries and contain the spread of the fire. All doors leading to the fire should be closed. Do not re-enter the area for belongings. If the area is full of smoke, students and employees should be instructed to crawl along the floor, close to walls, which will make breathing easier and provide direction.

Before opening any door, place a hand an inch from the door near the top to see if it is hot. Be prepared to close the door quickly at the first sign of fire. All fires, regardless of their size, which are extinguished by school personnel, require a call to the Fire Department to indicate that the "fire is out". Within School Building

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Sound the fire alarm to implement EVACUATION of the building.
- Immediately EVACUATE the school using the primary or alternate fire routes.
- Notify the Fire Department (call 911).
- Direct search and rescue team to be sure all students and personnel have left the building.
- Ensure that access roads are kept open for emergency vehicles.
- Notify District Office of situation.
- Notify appropriate utility company of suspected breaks in utility lines or pipes.
- If needed, notify bus dispatch for OFF-SITE EVACUATION by DIRECTED TRANSPORTATION.
- Do not allow staff and students to return to the building until the Fire Department declares that it is safe to do so.

STAFF ACTIONS:

- EVACUATE students from the building using primary or alternate fire routes. Take emergency backpack and student kits. Maintain control of the students a safe distance from the fire and firefighting equipment.
- Take attendance. Report missing students to the Principal/designee and emergency response personnel.
- Maintain supervision of students until the Fire Department determines it is safe to return to the school building.

NEAR THE SCHOOL

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Notify the Fire Department (Call 911). The Fire Marshall will direct operations once on site.
- Determine the need to implement an EVACUATION. If the fire threatens the school, execute the actions above. If not, continue with school routine.

FIRE (OFFSITE)

A fire in an adjoin area, such as a wild land fire, can threaten the school building and endanger the students and staff. Response actions are determined by location and size of the fire, its proximity to the school and the likelihood that it may endanger the school community.

PRINCIPAL/SITE ADMINISTRATOR ACTIONS:

- Determine if EVACUATION of school site is necessary.
- Contact local fire departments (Call 911) to determine the correct action for your school site.
- If necessary, begin evacuation of school site to previously identified safe site using school evacuation plan. If needed, contact bus dispatch for OFF-SITE EVACUATION and DIRECTED TRANSPORTATION by bus.
- Direct inspection of premises to assure that all students and personnel have left the building.
- Notify the school district where the school has relocated and post a notice on the office door stating the temporary new location.

- Monitor radio station for information
- Do not return to the building until it has been inspected and determined safe by proper authorities.

STAFF ACTIONS:

- If students are to be evacuated, take attendance to be sure all students are present before leaving the building site.
- Stay calm. Maintain control of the students a safe distance from the fire and firefighting equipment.
- Take attendance at the assembly area. Report any missing students to the principal/site administrator and emergency response personnel.
- Remain with students until the building has been inspected and it has been determine safe to return.

EXPLOSION

Emergency response will depend on the type of explosion (smoke bomb, chemical lab incident, etc.) and proximity to the school. All Students should be kept away from the explosion and under supervision.

PRINCIPAL/SITE ADMINISTRATOR:

- Determine whether site evacuation should be implemented. If so, sound fire alarm. This will automatically implement action to EVACUATE the building. EVACUATION may be warranted in some buildings but others may be used for SHELTER IN PLACE.
- Notify Fire Department (call 911). Provide school name, address, exact location within the building, your name and phone number and nature of the emergency.
- Secure area to prevent unauthorized access until the Fire Department arrives.
- Advise the District Superintendent of school status.
- Notify emergency response personnel of any missing students.
- Notify utility company of breaks or suspected breaks in utility lines or pipes. Provide school name, address, location within building, your name and phone.
- Direct a systematic, rapid and thorough approach to search the building and surrounding areas. Check classrooms and work areas, public areas (foyers, offices, bathrooms and stairwells), unlock closets, exterior areas (shrubbery, trash cans, debris boxes), and power sources (computer rooms, gas valves, electric panels, telephone panels).
- Determine if Student Release should be implemented. If so, notify staff, students and parents.
- If damage requires the school to be closed, notify parents and staff of school status and alternate site for classroom instruction.

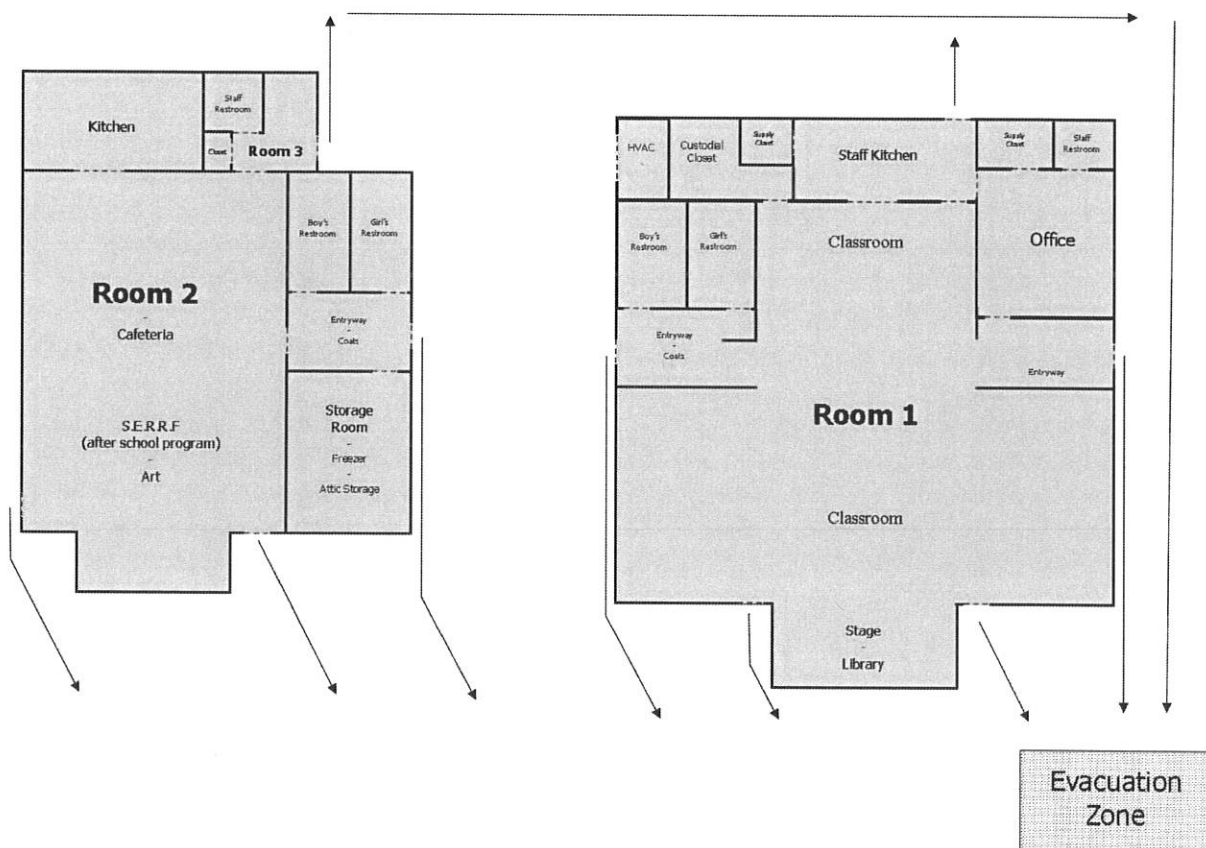
Do not return to the school building until it has been inspected and determined safe by proper authorities.

STAFF ACTIONS:

- Initiate DROP, COVER, AND HOLD ON.
- If explosion occurred inside the school building, EVACUATE to outdoor assembly area. Keep students and staff at a safe distance from the building(s) and away from firefighting equipment.
- Check to be sure all students have left the school site. Remain with students throughout evacuation process.
- Upon arrival at assembly area, check attendance. Report status to site administrator immediately.
- Render first aid as necessary.
- Do not return to the building until the emergency response personnel determine it is safe to do so.
- If explosion occurred in the surrounding area, initiate SHELTER IN PLACE. Keep students at a safe distance from site of the explosion.

School Evacuation Map for Flournoy Elementary School

Flournoy Elementary School Evacuation Map



Insert as Attachment

Emergency Telephone Numbers

This list will be updated on an annual basis and be provided to all key persons.

Name of Organization	Telephone Numbers
Fire, Medical Aid	911
District Office	530-833-5331
Fire Department	530.529.7405 or 529.8541
Local Police Department	530.824.7000
Sheriff Department	530.529.7950
Hospital	530.529.8000
Nearest Emergency Assistance	911
California Highway Patrol	530.527.2034
English Radio Station: <i>KRCR (Channel 7) ABC</i>	530-243-7777
Spanish Radio Station: <i>Action News Now Channel 24 News</i>	
Clergy/Counselor: <i>TCDE Special Schools, Psychologist</i>	530.527.8614
Electric Company <i>Pacific Gas & Electric (PG&E)</i>	1-800-743-5000
The Gas Company <i>Tri R Gas</i>	530-527-3219
The American Red Cross	530.673.1460

Emergency Forms and Letters

YEARLY LETTER TO PARENTS:

Dear Parents:

Providing for your student's safety when at school is a major responsibility of our staff. All schools and child development centers have a disaster plan. The principal and staff are prepared to make prompt and responsible decisions in any situation that could threaten the safety of the students.

The need to lockdown or shelter-in-place, evacuate students or close school before the regularly scheduled closing time could arise from a relatively minor emergency such as a prolonged interruption of power or from a major event such as a violent incident on campus, an earthquake, or severe storm. During these times, communication and/or transportation may be disrupted.

In the event of a major emergency or disaster, information will be given primarily through our phone notification system, as well as local radio stations: **KRCR (Channel 7) ABC** and **Action News Now Channel 24 News**.

District Release Policy

- No student will be dismissed from school unless a parent (or individual designated by a parent) comes for him/her.
- No student will be released to another person, even a relative or baby sitter, unless there is written permission to that effect or that particular person is listed on the student's *Emergency Card* in our files and is able to identify him/herself. If any of your contact information changes during the year, please visit the office to update the Emergency Card.
- All parents or designated persons who come for students must sign their student(s) out at the office, unless directed elsewhere on campus by posted signs.

Please be assured, we are prepared to care for your student in emergency situations. Members of our staff are trained in the areas of first aid, search and locate, and student safety to ensure that all your student needs will be met. We will communicate with local emergency services. They will be apprised of our current status and the need for additional resources.

We ask for your help in the following ways:

- Do not call the school. We will contact you, if necessary. It is essential that telephone lines be kept open for emergency calls. Turn to the above radio stations for more information.
- Do not drive to the school. The school access routes and street entrances must remain clear for emergency vehicles. We will notify you through our Teleparent phone notification system when safe access is recommended.

During the school year your child will be trained in the necessary emergency procedures. Each will learn how to react, where to assemble, and what to expect in an emergency situation.

We suggest that you meet with your immediate family and develop an emergency plan. There are several free publications available to assist you. Please call the local chapter of the American Red Cross at 530.673.1460 or visit them online at www.redcross.org. More information can be found at www.fema.org

If you have any questions or comments regarding our emergency preparations, please call the school office.

Sincerely,

Principal

Estimados padres:

Preparación para la seguridad de su estudiante cuando en la escuela, es una responsabilidad importante de nuestro personal. Todas las escuelas y centros de desarrollo del niño tienen un plan del desastre. Preparan al director y al personal para tomar decisiones pronto y responsables en cualquier situación que podría amenazar a la seguridad de los estudiantes.

La necesidad de cerrar las puertas, tener un lugar seguro, evacuar estudiantes, o que la escuela cierre antes de la hora regularmente. Esto podría presentarse de una emergencia relativamente de menor importancia tal como una interrupción prolongada de la energía o de un gran evento tal como un incidente violento en campus de la escuela, un terremoto, o tormenta severa. Durante estas épocas, la comunicación y/o el transporte pueden ser interrumpidos.

En caso de emergencia importante o de desastre, la información será dada sobre todo a través de nuestro sistema de la notificación del teléfono de **Teleparent**, así como estaciones de radio local: **KRCR (Channel 7) ABC** de las noticias y **Action News Now Channel 24 News**.

La póliza de lanzamiento del distrito

- No se despedirá a ningún estudiante de escuela a menos que un padre (o el individuo señalado por un padre) venga para él/ella.
- No se lanzará a ningún estudiante a otro del pariente o de bebé canguro de la persona, incluso, a menos que haya permiso de escritura a ese efecto o esa persona particular es mencionada en la tarjeta de la emergencia del estudiante que se encuentran en nuestros archivos y puede identificar él/ella misma. Si cualquiera de su información de contacto cambia durante el año, visite por favor la oficina para poner al día la tarjeta de la emergencia.
- Todos los padres o personas señaladas que vienen para los estudiantes deben firmar a sus estudiantes hacia fuera en la oficina, a menos que sean dirigidos a otra parte en campus por las muestras fijadas.

Por favor sea confiado, nosotros estamos preparados para cuidar su estudiante en situaciones de emergencia. Entrenan en las áreas de los primeros auxilios, búsqueda y localizan a los miembros de nuestro personal, y seguridad del estudiante para asegurarse de que todas sus necesidades de los estudiantes serán cubiertas. Comunicaremos con servicios de emergencia locales. Serán informados de nuestro estado actual y de la necesidad de recursos adicionales.

Pedimos su ayuda de las maneras siguientes:

- No llame a la escuela. Le entraremos en contacto con, en caso de necesidad. Es esencial que las líneas telefónicas estén mantenidas abiertas para las llamadas de emergencia. Dé vuelta a las estaciones de radio antedichas para más información.
- No conduzca a la escuela. Las rutas de acceso de la escuela y las entradas de la calle deben seguir siendo claras para los vehículos de la emergencia. Le notificaremos a través de nuestro sistema de la notificación del teléfono de Teleparent cuando se recomienda el acceso seguro.

Durante el año escolar, entrenarán a su niño en los procedimientos de emergencia necesarios. Cada uno aprenderá cómo reaccionar, donde montar, y qué a esperar en una situación de emergencia.

Sugerimos que usted encuentre con su familia inmediata y desarrollamos un plan de emergencia. Hay varias publicaciones libres disponibles para asistirle. Llame por favor el capítulo local de la Cruz Roja americana en 530.673.1460 o visítelas en línea en www.redcross.org. Más información se puede encontrar en www.fema.org

Si usted tiene algunas preguntas o comentarios con respecto a nuestras preparaciones de la emergencia, por favor llame a la oficina de escuela.

Sinceramente,

Principal

CURRICULUM THAT EMPHASIZES PREVENTION AND ALTERNATIVES TO VIOLENCE

Character Counts!

Character Counts! is two things: an educational framework for teaching universal values and a national coalition of organizations that support each other. A person of character is a good person, someone to look up to and admire; knows the difference between right and wrong and always tries to do what is right; sets a good example for everyone; makes the world a better place; and lives according to the six pillars of character.

These six pillars, or core ethical values, form the foundation of the *Character Counts!* program:

Trustworthiness - Be honest • Don't deceive, cheat or steal • Be reliable — do what you say you'll do • Have the courage to do the right thing • Build a good reputation • Be loyal — stand by your family, friends and country

Respect - Treat others with respect; follow the Golden Rule • Be tolerant of differences • Use good manners, not bad language • Be considerate of the feelings of others • Don't threaten, hit or hurt anyone • Deal peacefully with anger, insults and disagreements

Responsibility - Do what you are supposed to do • Persevere: keep on trying! • Always do your best • Use self-control • Be self-disciplined • Think before you act — consider the consequences • Be accountable for your choices

Fairness - Play by the rules • Take turns and share • Be open-minded; listen to others • Don't take advantage of others • Don't blame others carelessly

Caring - Be kind • Be compassionate and show you care • Express gratitude • Forgive others • Help people in need

Citizenship - Do your share to make your school and community better • Cooperate • Get involved in community affairs • Stay informed; vote • Be a good neighbor • Obey laws and rules • Respect authority • Protect the environment

Second Step

Second Step is a violence prevention curriculum implemented in kindergarten through third grades and sixth grade. Middle school counselors in 7th and 8th grades use it as a supplement, as well.

Students participating in *Second Step* learn and practice vital social skills, such as empathy, emotion management, problem solving, and cooperation. These essential life skills help students in the classroom, on the playground, and at home.

Research indicates that children who are socially competent perform better academically. *Second Step* lessons give tools to help children become socially skilled and develop strong bonds to school.

The engaging photo-lesson cards show adults and children expressing emotions and solving problems in real-life situations. Lesson cards include objectives, scripts, discussion questions, role-plays, and other activities. Lively classroom videos also spark discussion, enriching students' learning of important social and emotional skills.

Gang Resistance Education and Training [G.R.E.A.T.] Program

The *Gang Resistance Education and Training* program educates students in grade 6 and is taught by the same police officers that teach the D.A.R.E. program. While many of the goals are the same as D.A.R.E., the G.R.E.A.T. program helps youths avoid gang membership, prevent violence, and develop positive relationships with law enforcement. The officers teach lessons focused on personal skills, resiliency skills, resistance skills and social skills.

PREVENTION AND INTERVENTION STRATEGIES THAT PROMOTE DRUG-FREE SCHOOLS

Drug Abuse Resistance Education [D.A.R.E.]

The *Drug Abuse and Resistance Education* [D.A.R.E.] program educates students in grades K-5 and is staffed by three full time police officers. This community policing partnership between the two entities has been in place for almost twenty years. The goals of this program are to develop skills students need to avoid involvement in drugs, gangs, and violence. The officer-led classroom lessons teach children how to resist peer pressures and live productive drug and violence-free lives.

Too Good For Drugs

Too Good for Drugs is a school-based prevention program designed to reduce risk factors and enhance protective factors related to alcohol, tobacco and other drug (ATOD) use among students.

Too Good for Drugs has a separate, developmentally appropriate curriculum for each grade level in kindergarten through eighth grade. Each curriculum builds on earlier grade levels, an instructional design which enables students to learn important skills sequentially and retain them year after year.

Too Good for Drugs builds five essential life skills:

- Goal setting
- Decision making
- Bonding with pro-social others
- Identifying and managing emotions
- Communicating effectively

Too Good for Drugs is implemented in fourth through sixth grades. Seventh and eighth grades will begin implementing this curriculum in 2009-2010.

COMMUNITY RELATIONSHIPS

Flournoy Union Elementary School District has teamed with local law enforcement to promote positive relationships with law enforcement, as well as prevent violence and criminal activity through three different partnerships:

PROCEDURES FOR COMPLYING WITH EXISTING LAWS RELATED TO SCHOOL SAFETY

CHILD ABUSE REPORTING PROCEDURES

Child abuse as severe consequences and the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. *Reasonable suspicion* means that is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency.

Employees who are mandated reporters are obligated to report all known or suspected incidents of child abuse and neglect. The reporting duties of mandated reporters are individual and cannot be delegated to another person. Mandated reports shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

Child abuse or neglect includes the following:

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child as defined in Penal Code 11165.1
3. Neglect as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child
5. Unlawful corporal punishment or injury

Child abuse or neglect does not include:

1. A mutual affray between minors
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment
3. An injury resulting from the exercise by a teacher, vice principal, principal or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning.
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student.
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student.

Initial Telephone Report

In cases of suspected child abuse or neglect, the principal or designee is notified immediately. As soon as practicably possible, a report is made by telephone to Child Protective Services and the police department. When the report is made, the reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received. **The phone number for CPS is 1.800.323.7711 or 530.527.1911**

Written Report

Within 24 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to CPS a written report that includes a completed Department of Justice form. **The address for Child Protective Services is**

310 South Mail St., Red Bluff, CA 96080

SUSPENSION AND EXPULSION POLICY

Suspension

Suspension is the temporary removal of a pupil from regular classroom instruction or from school as initiated by a teacher or administrator for adjustment purposes.

A teacher may suspend any pupil from his or her class for the remainder of that day and the following day. A teacher may also refer a pupil to the principal or designee for consideration of a suspension from the school. The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for no more than five consecutive school days unless the suspension is extended pending expulsion.

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or (2) Willfully used violence against another person.
- b. Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- c. Unlawfully possessed, used, sold or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d. Unlawfully ordered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person *another* liquid, substance, or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage, or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school or private property.
- g. Stolen or attempted to steal school property or private property.
- h. Possessed or used tobacco, or any products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by pupil of his/her own prescription products.
- i. Committed an obscene act or engage in habitual profanity or vulgarity.
- j. 11014.5 of the Health and Safety Code.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm, meaning a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing as defined in Education Code 32050.

A student in grade 4-12 may also be suspended for:

1. Sexual Harassment – Conduct considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.
2. Hate Violence - Caused, attempted to cause, threatened to cause, or participated in an act of hate violence [injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

3. Hazing/Bullying/Harassment – Harassment of students or staff, including bullying, intimidation, hazing, or initiation activity or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering.
4. Hostile Educational Environment – Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.
5. Terrorist Threats – Made terrorist threats against school officials and/or school property.

Expulsion

Expulsion is the removal of a pupil from enrollment in a school or the district as ordered by the Board of Education. Pupils can be expelled only for those reasons for which they can also be suspended.

Mandatory Expulsion – State law requires that the superintendent or the school principal must recommend expulsion if the student has committed any of the following acts at a school or at a school activity [Education Code 48915]:

1. Possessing, selling or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a specified controlled substance.
4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
5. Possession of an explosive.

Discretionary Recommendation – The superintendent or principal must recommend expulsion if the student has committed any of the following acts at school or at a school activity, unless particular circumstances make expulsion inappropriate [Education Code 48915]:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife, explosive or other dangerous object of no reasonable value use to the student.
3. Unlawful possession of any specified controlled substance, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

State law provides for due process and rights to appeal any order of expulsion.

PROCEDURES TO NOTIFY TEACHERS OF DANGEROUS PUPILS

Flournoy Union Elementary School District NOTIFICATION TO TEACHER OF STUDENT CONDUCT _____ SCHOOL YEAR

Student _____ Sex _____ DOB _____ Grade _____ Date of Incident _____

To Student's Teacher(s): The above named student has engaged in, or is reasonably suspected to have engaged in, one or more of the acts indicated below. You are being provided with notification of the student's conduct pursuant to the requirements of Education Code Section 49079. You may review the student's records if you need more specific information. Any information provided pursuant to this notice shall be received in confidence for the limited purpose for which it was provided. Further dissemination is prohibited.

STUDENT INCIDENT (E.C. 48900)

- a. _____ Caused, attempted to cause, or threatened to cause physical injury to another person.
(Circle if applicable:) Mutual Combat 1 Battery 2
- b. _____ Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- c. _____ Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d. _____ Unlawfully offered, arranged, or negotiated to sell any controlled substance as listed in Chapter 2 (commencing with Section 11053 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e. _____ Committed or attempted to commit robbery or extortion.
- f. _____ Caused or attempted to cause damage to school property or private property.
- g. _____ Stole or attempted to steal school property or private property.
- h.* _____ Possessed or used tobacco, or any products containing tobacco or nicotine products, including but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. *(Teacher notification not required for this incident.)
- i. _____ Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. _____ Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k. _____ Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials or other school personnel engaged in the performance of their duties.
- l. _____ Knowingly received stolen school property or private property.
- m. _____ Possession of an imitation firearm.
- n. _____ Committed or attempted to commit a sexual assault or committed a sexual battery.
- o. _____ Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- .2 _____ Committed unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, as defined in Education Code Section 212.5. This section only applies to grades 412. (E.C. 48900.2)
- .3 _____ Caused, threatened to cause, or participated in an act of hate violence. This section only applies to grades 412. (E.C. 48900.3)
- .4 _____ Harassment, threats, or intimidation that is so severe that it actually causes, or can reasonably be expected to cause, material disruption of classwork, substantial disorder, and the invasion of the rights of student(s) by creating intimidating or hostile education environment. This section only applies to grades 412 (E.C. 48900.4)
- .7 _____ Has made terroristic threats against school officials or school property, or both. (E.C. 48900.7)

RECORD OF TEACHER REVIEW			
Date	Signature	Date	Signature
Date	Signature	Date	Signature

Date	Signature	Date	Signature
Date	Signature	Date	Signature

DISCRIMINATION AND HARASSMENT POLICIES

Discrimination Policy

District program and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

The Board of Trustees shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct that may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

The *Assistant Superintendent of Personnel* handles complaints regarding discrimination and inquiries regarding policies. Any student who feels that he/she is being harassed should immediately contact a school employee or the principal. Any student who observes an incident of harassment should report the harassment to a school employee or the principal, whether or not the victim files a complaint.

Student Sexual Harassment Policy

The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

The Board expects students or staff to immediately report incidents of sexual harassment to the student's teacher, Principal, Vice-Principal or Designee or to another District Administrator. Any student who engages in the sexual harassment of anyone in or from the District may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal.

DEFINITION

Committed sexual harassment as defined in Education Code 212.5. Pursuant to Education Code 48900.2, the conduct constitutes harassment if it would be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.

INSTRUCTION/INFORMATION

The Superintendent or designee shall provide to all district students age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made.

COMPLAINT PROCESS

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee. Any school employee who observes any incident of sexual harassment

involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint. In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the Director of Personnel or the Superintendent or designee.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

DISCIPLINARY MEASURES

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action.

For students in grades 4 through 12, disciplinary action may include suspension/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

RECORD KEEPING

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools. All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action.

PROHIBITED SEXUAL HARASSMENT CONDUCT

Prohibited 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 gender, in the educational setting, when:

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 district program or activity

Types of conduct which are prohibited in and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposely cornering or blocking normal movements
10. Displaying sexually suggestive objects
11. Continuing to express sexual interest after being informed that the interest is unwelcome
12. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response.

NOTIFICATIONS

A copy of the district's sexual harassment policy and regulations shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules,

regulations, procedures and standards of conduct are posted

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, trimester, semester or summer session
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct
5. Be provided to employees and employee organizations

COMPLAINT PROCEDURE

1. Informal Resolution
 - a. Students and or staff members who feel aggrieved because of conduct that may constitute sexual harassment should directly inform the persons engaging in conduct that such conduct is offensive and must stop.
 - b. Students and or staff members who feel aggrieved because of conduct that may constitute sexual harassment shall inform the Principal, Vice Principal, immediate supervisor, or designee so that he/she may take remedial action.
2. Formal Complaints
 - a. An aggrieved student may file a written complaint with the Principal, Vice Principal, or designee. A copy of the written complaint shall be forwarded to the Superintendent or his designee.
 - b. The informal resolution procedures set forth above are not a precondition to the filing of a complaint.
 - c. Students filing a complaint need not file a complaint with a person they feel is sexually harassing them.

INVESTIGATION OF COMPLAINTS AT SCHOOL (SITE-LEVEL GRIEVANCE PROCEDURE)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who witnessed the conduct complained of
 - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. If the alleged harasser is a student, his/her parent/guardian
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
 - f. Legal counsel for the district
 - g. Law enforcement
4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.
5. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue
6. To determine the severity of the harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and gender of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to gender
7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
9. Within ten school days after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue

this follow-up.

ENFORCEMENT

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following: Removing vulgar or offending graffiti; providing staff inservice and student instruction or counseling; notifying parents/guardians of the actions taken; notifying child protective services and/or law enforcement; taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment that he/she knew was not true.

APPEAL TO THE BOARD OF TRUSTEES

The complainant may appeal the decision of the Superintendent to the Board of Trustees in writing. The Board of Trustees shall hear the matter at the next regularly scheduled meeting. At the conclusion of the hearing the Board shall adopt written findings of fact and make a decision.

General Harassment Policy

It is the policy of the Flournoy Union Elementary School District to provide fair and equal treatment to all staff members. In an effort to advance this policy, we have found it necessary to formulate a statement regarding harassment. Harassment creates a negative work environment and affects the work performance of all employees.

1. Pursuant to Education Code section 212.5, unwelcome advances, requests for favors, and other verbal, visual or physical conduct constitute harassment when:
 - A. Submission to the conduct is made either an explicit or implicit condition of employment, status or promotion.
 - B. Submission to, or rejection of, the conduct is used as the basis for an employment decision affecting the harassed employee.
 - C. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
 - D. Submission to, or rejections of, the conduct is the basis for any decision affecting the benefits, services, honors, programs or other available activities.
2. Unlawful harassment may take many forms, including but not limited to:
 - A. VERBAL CONDUCT such as epithets, derogatory comments, slurs or unwanted advances, invitations or comments.
 - B. VISUAL CONDUCT such as derogatory posters, cartoons, drawings, or gestures.
 - C. PHYSICAL CONDUCT such as assault. Blocking normal movement, or interference with work directed at you because of your sex or other protected basis.
 - D. THREATS AND DEMANDS to submit to sexual requests in order to keep your job or avoid some other loss, and offers of job benefits in return for sexual favors.
 - E. RETALIATION for having reported the harassment.
3. Any person believing he/she is a victim of harassing behavior should notify the Assistant Superintendent of Personnel or a District Office Management person unassociated with the employee's assigned worksite. The Assistant Superintendent of Personnel or the District Office Management Person will:
 - A. Fully inform the employee of his/her rights.
 - B. Appoint a three (3) member committee to immediately conduct a thorough, objective and complete investigation of the alleged harassment, report the committee findings to the Superintendent, or the Board of Education if the Superintendent is the accused harasser, who must make a determination about whether unlawful harassment occurred and communicate this alleged finding to the harasser and any other concerned party; and the Superintendent of the Board of Education will take prompt and effective remedial action if harassment has occurred. The action must be commensurate with the severity of the offense and be made known to the victim.

ALL HARASSING BEHAVIOR IS CONSIDERED MISCONDUCT AND MAY SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION AND/OR IMMEDIATE TERMINATION.

Special privacy safeguards will be applied in handling harassment complaints. To the extent feasible, the identity of the charging party

and the person accused of harassment will be kept confidential.

Flourney Union Elementary School District DRESS CODE

General Guidelines

1. Dress and Appearance Standards. Dress and appearance standards are in effect during all times at school, on the way to school, on the way home from school, at any school function or activity regardless of location, and at any other district campus and/or function.
2. Student May Not Remain in the Classroom. A student may not remain in the classroom dressed in a manner which (1) creates a safety hazard for said student or for other students, (2) constitutes a serious or unnecessary distraction to the learning process, (3) tends to disrupt the campus order, or (4) is in conflict with the district's goals and philosophy regarding the prevention of substance abuse and gang activity.
3. Required to Change to Accepted Dress. Students that wear unacceptable clothing will be required to change to accepted dress. All time missed from class due to unacceptable dress may be made up in detention.

Requirements

CLOTHING – Shoes must be worn at all times. Shoes with no back strap, flip flops, cleats, high heels, or sock like slippers are not allowed. All wearing apparel must be of a size that is considered normal for the child. Oversized clothing will not be allowed.

Items NOT Allowed

- Pants, shorts or cutoffs that are oversized, without hems, frayed and slit up the side, sag or don't fit at the waist, or have excessively large legs.
- Oversized tops, tube tops, backless dresses, mini-skirts, see-through tops, fish net, half tops, muscle shirts, undershirts, and tank tops with large armholes. No bare midriffs will be allowed.
- Lycra stretch or other excessively tight or revealing clothing.
- Any clothing worn inside out.
- Any clothing that exposes posteriors or undergarments.

ACCESSORIES – Jewelry or accessories that are disruptive or that might cause a health or safety hazard may not be worn.

Items NOT Allowed

- Head coverings - hats, caps, nets
- Exception: Hats may be worn outside only and solely for the purpose of sun protection. Hats shall be made of pliable canvas material with a 3 – 5 inch brim around the entire circumference of the hat. They may not sport an insignia, other than the school insignia. Hats, by nature of the color, arrangement, trademark, or any other attribute, that denote membership in gangs, or which advocate racial, ethnic, or religious prejudice, drug use, violence, intimidation or disruptive behavior are prohibited.
- Initialed belt buckles, wallets with attached chains, hanging belts, suspenders, straps hanging off the shoulders.
- Hoop earrings larger than a dime, nose rings, facial or body studs.
- Glasses, other than prescription (inside buildings)

OTHER ITEMS NOT ALLOWED

- Tattoos are not allowed. A student with gang-related tattoos will be placed in an alternative program. Other permanent tattoos must be covered at all times. Temporary tattoos will be removed before the student is allowed in class.
- Altered eyebrows, hair colors and/or styles that disrupt student education will not be allowed.
- Words or pictures that are not appropriate for the school environment may not be worn on clothing. (Examples include obscenities, symbols representing alcohol, drugs or tobacco, gang colors, gang materials, gang behavior, weapons, sexually explicit words or pictures, tagging or violence.) Words and pictures on all garments may not be altered in any way. Words and pictures may not be added to plain garments.
- All clothing and materials with Old English or similar lettering will not be allowed.
- Makeup, fake or acrylic nails are not allowed in grades kindergarten through six.
- Before purchasing clothing and materials, parents are strongly urged to consider the possible gang implication of all clothing with logos or insignias.

It is not our purpose to dictate specific dress, but rather to ensure that our students will be dressed in such a way as to maximize their Comprehensive School Safety Plan

10/4/18

school experience. Decency and safety are the guidelines by which the principal will make all decisions regarding clothing.

PARENT INVOLVEMENT STRATEGIES

PARENT INVOLVEMENT

Parents will be engaged through home-school communication, including but not limited to the web site, the monthly calendar, weekly student work and grade reports, and Blackboard Connect Autodialer.

Parents will be included in teacher professional development when appropriate.

Parent conferences will be held in the Fall

School programs are scheduled according to the calendar

SCHOOL DISCIPLINE

The disciplinary actions taken by the administration of will be firm, consistent, and fair. Students who violate school rules and policies are subject to the discipline guidelines listed below. The seriousness of the offense and the conditions under which it occurred are factors to be considered.

1. Alcohol

A. First Offense

1. Suspension and parent conference
2. Referral to law enforcement
3. Suspension pending referral to an alternate program and/or expulsion or exclusion

B. Succeeding Offenses

1. Suspension pending referral to an alternate program, and/or expulsion or exclusion

2. Arson, Vandalism/Defacing or Use of Explosives

In all cases, the student for damages or losses that occur will make payment, and all arson cases will be reported to the fire department.

A. Any Offense

1. School site discipline
2. Suspension and parent conference
3. Referral to law enforcement
4. Severe violation will result in recommendation for expulsion and arrest

3. Battery (Bodily Harm)

A. Any Offense

1. Suspension and parent conference
2. Referral to law enforcement

4. Assault and/or Battery on Teachers or Other School Personnel

A. Any Offense

1. Suspension
2. Referral to law enforcement

5. Classroom Referrals and Defiance of Authority

This includes, but is not limited to, noncompliance towards each school's gum/candy policy, violation of Flournoy Union Elementary School District's dress/appearance code, and disruptive behavior.

A. Any Offense

1. School site discipline
2. Parent conference
3. Possible suspension
4. Possible placement in an alternate program
5. Possible expulsion or exclusion

6. Drugs and/or Narcotics

A. Use or Possession

1. Referral to law enforcement
2. Suspension and parent conference
3. Recommendation for expulsion
4. Selling

7. Extortion (Force or Fear)

A. First Offense

1. School site discipline
2. Suspension and parent conference
3. Possible referral to law enforcement
4. Possible referral to an alternative program

B. Succeeding Offenses

1. Suspension
2. Referral to law enforcement
3. Recommendation for expulsion

8. Forgery

A. Any Offense

1. Parent conference
2. School site discipline
3. Possible suspension

9. Gambling

A. Any Offense

1. School site discipline

10. Hazing/Student Harassment

A. Any Offense

1. School site discipline
2. Suspension
3. More serious offenses may lead to a recommendation for expulsion

11. Insults and/or Abuse to School Personnel

A. Any Offense

1. School site discipline
2. Suspension and parent conference
3. Possible recommendation for expulsion

12. Loitering

Students may not be on a school campus without permission of that school's administration. Repeated offenses, or refusal to leave, will lead to suspension and/or arrest.

13. Profanity, Vulgarity or Pornography

A. Any Offense

1. School site discipline
2. Possible suspension
3. Serious or repeated violations may lead to expulsion or placement in an alternative program

14. Student Sexual Harassment

The Governing Board prohibits unlawful sexual harassment of or by any student by anyone in or from the District. Any student who engages in the sexual harassment of anyone in or from the District may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal. The Board expects students or staff to immediately report incidents of sexual harassment to the principal, vice principal or designee or to another district administrator. The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from, or in, the educational setting. (Education Code 212.6) For the purpose of further clarification, sexual harassment includes, but is not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Assaulting, touching, impeding, or blocking movement.
7. Continuing to express sexual interest after being informed that the interest is unwelcome.
8. Making reprisal, threats of reprisal, or implied threats of reprisal following a report of harassment.

15. Tobacco (Use or possession)

A. Any Offense

1. Parent conference
2. School site discipline
3. Suspension

16. Threats

A. First Offense

1. School site discipline
2. Possible suspension and immediate referral to law enforcement for terrorist threats

B. Succeeding Offenses

1. School site discipline and parent conference
2. Suspension and possible expulsion or placement in an alternative program
3. Referral to law enforcement

17. Weapons

A student in possession of any object that is determined by an administrator to be a weapon, with or without the intent of use, is subject to penalty as designated below:

1. Confiscation
2. Parent contact
3. Police contact
4. Suspension
5. Possible expulsion

18. Withholding Records

A pupil's grades, diploma, and transcripts may be withheld if district property is damaged or not returned by the pupil.

HATE CRIME REPORTING PROCEDURES

The Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation.

In addition, the district shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

The Superintendent or designee shall ensure that staff receives appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways. The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights. At the beginning of each school year, students and staff shall receive a copy of the district's policy on hate-motivated behavior.

UNIFORM COMPLAINT PROCEDURES

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

Complaints Subject to the UCP

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5131.62 - Tobacco)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived

UNIFORM COMPLAINT PROCEDURES (continued)

characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

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

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in

UNIFORM COMPLAINT PROCEDURES (continued)

Education Code 49701 who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

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

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

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the

UNIFORM COMPLAINT PROCEDURES (continued)

complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

UNIFORM COMPLAINT PROCEDURES (continued)

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

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 the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

222 Reasonable accommodations; lactating students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

33380-33384 California Indian Education Centers

35186 Williams uniform complaint procedures

44500-44508 California Peer Assistance and Review Program for Teachers

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49069.5 Rights of parents

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52462 Career technical education
52500-52616.24 Adult schools
54000-54029 Economic Impact Aid
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000- 56865 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I basic programs

6801-7014 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Family Policy Compliance Office: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Department of Justice: <http://www.justice.gov>

UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

(title or position)

(address)

(telephone number)

(email)

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

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

Notifications

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

The Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

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

(cf. 5145.6 - Parental Notifications)

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

UNIFORM COMPLAINT PROCEDURES (continued)

- e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
 - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

UNIFORM COMPLAINT PROCEDURES (continued)

- (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- j. The complainant has a right to appeal the district's decision to CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.
- k. The appeal to CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- l. Copies of the district's UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

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

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

UNIFORM COMPLAINT PROCEDURES (continued)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

All complainants shall be protected from retaliation.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

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, district staff shall assist him/her 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 district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay 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. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

UNIFORM COMPLAINT PROCEDURES (continued)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory 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.
5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. 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 (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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

UNIFORM COMPLAINT PROCEDURES (continued)

The use of mediation shall not extend the district'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 district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

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

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she 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 both parties of the status of the investigation.

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in 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)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district'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 "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

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

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

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

UNIFORM COMPLAINT PROCEDURES (continued)

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

UNIFORM COMPLAINT PROCEDURES (continued)

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

UNIFORM COMPLAINT PROCEDURES (continued)

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

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 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

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 district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory 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

UNIFORM COMPLAINT PROCEDURES (continued)

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
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may 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 co-curricular 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 (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district 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 (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

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

UNIFORM COMPLAINT PROCEDURES (continued)

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district 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, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, 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 district's final written decision of a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

Upon notification by CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. 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

UNIFORM COMPLAINT PROCEDURES (continued)

5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by CDE

FEDERAL GRANT FUNDS

To ensure the lawful expenditure of any federal formula or discretionary grant funds awarded to the district, the Superintendent or designee shall comply with the requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the "Uniform Guidance"), as contained in 2 CFR 200.0-200.521 and Appendices I-XII.

Allowable Costs

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

Period of Performance

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.326 and Appendix II of Part 200, or with any applicable state law or district policy that is more restrictive.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

FEDERAL GRANT FUNDS (continued)

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.

(cf. 3311 - Bids)

4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)

(cf. 3312 - Contracts)

5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available exclusively from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)
6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. *Time and materials type contract* means a contract for which the cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (200.328)

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

FEDERAL GRANT FUNDS (continued)

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

Capital Expenditures

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

Conflict of Interest

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

FEDERAL GRANT FUNDS (continued)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

(cf. 9270 - Conflict of Interest)

Cash Management

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the district for carrying out the purpose of the program or project. Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

All district employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

FEDERAL GRANT FUNDS (continued)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Audits

Whenever the district expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

INTEGRATED PEST MANAGEMENT

Definitions

Integrated pest management (IPM) means a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. (Education Code 17609; Food and Agricultural Code 13181)

(cf. 3510 - Green School Operations)

School site means any facility used as a child day care facility or for kindergarten, elementary, or secondary school purposes and includes the buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by students. (Education Code 17609)

Program Components

The Superintendent or designee shall designate an employee at the district office and/or school site to develop, implement, and coordinate an IPM strategy that incorporates effective, least toxic pest management practices.

The IPM coordinator shall prepare and annually update a districtwide or school site IPM plan based on the template provided by the California Department of Pesticide Regulation (DPR).

The IPM plan shall include the name of the district and/or school IPM coordinator, the pesticides expected to be applied at the school site by district employees and/or pest control applicators, and a date that the plan shall be reviewed and, if necessary, updated. (Education Code 17611.5)

The district shall use pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment. Such pesticides shall only be used after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agricultural Code 13181)

The IPM plan and this administrative regulation shall not apply to reduced-risk pesticides, including self-contained baits or traps, gels or pastes used for crack and crevice treatments, antimicrobials, and pesticides exempt from registration by law. (Education Code 17610.5; 3 CCR 6147)

The district's program shall include, but not necessarily be limited to, the following components:

1. Identifying and monitoring pest population levels and identifying practices that could affect pest populations. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property, or the environment.

INTEGRATED PEST MANAGEMENT (continued)

2. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazards that would indicate corrective action should be taken.
3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.
4. Considering a full range of possible alternative cost-effective treatments. Such alternative treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for the use of chemical control agents.
5. Selecting nonchemical pest management methods over chemical methods whenever such methods are effective in providing the desired control or, when it is determined that chemical methods must be used, giving preference to those chemicals that pose the least hazardous effects to people and the environment.

No pesticide that is prohibited by DPR or the U.S. Environmental Protection Agency, as listed on the DPR web site, shall be used at a school site. (Education Code 17610.1)

6. Limiting pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff. They shall be stored and disposed of in accordance with state regulations and product label directions.

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

7. Informing parents/guardians and employees regarding pesticide use as described in the sections "Notifications" and "Warning Signs" below.
8. Ensuring that persons applying pesticides follow label precautions and are sufficiently trained in the principles and practices of IPM as described in the section "Training" below.
9. Evaluating the effectiveness of treatments to determine if revisions to the IPM plan are needed.

Training

The IPM coordinator and any employee or contractor who may be designated to apply a pesticide at a school site shall annually complete a DPR-approved training course on IPM and the safe use of pesticides in relation to the unique nature of school sites and children's health. (Education Code 17614; Food and Agricultural Code 13186.5)

AR 3514.2(c)

INTEGRATED PEST MANAGEMENT (continued)

(cf. 4231 - Staff Development)

Any district employee who handles pesticides shall also receive pesticide-specific safety training prior to applying pesticides and annually thereafter in accordance with 3 CCR 6724.

Notifications

Staff and parents/guardians of students enrolled at a school site shall be annually notified, in writing, regarding pesticide products expected to be applied at the school site in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it
2. The Internet address (<http://www.cdpr.ca.gov/schoolipm>) used to access information on pesticides and pesticide use reduction developed by the DPR pursuant to Food and Agricultural Code 13184
3. If the school has posted its IPM plan, the Internet address where the plan may be found
4. The opportunity to view a copy of the IPM plan in the school office
5. An opportunity for interested persons to register to receive prior notification of each application of a pesticide at the school site
6. Other information deemed necessary by the IPM coordinator

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)

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

(cf. 5145.6 - Parental Notifications)

Whenever a person registers to receive notice of individual pesticide application pursuant to item #5 above, the IPM coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application. (Education Code 17612)

If a pesticide product not included in the annual notification is subsequently intended for use at a school site, the IPM coordinator shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

INTEGRATED PEST MANAGEMENT (continued)

If a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5, it shall post the school or district IPM plan on the school's web site or, if the school does not have a web site, then on the district web site. If neither the school nor district has a web site, then the IPM plan shall be included with the annual notification sent to staff and parents/guardians pursuant to Education Code 17612 as described above. When not required, the IPM coordinator may post or distribute the IPM plan at his/her discretion. (Education Code 17611.5)

Whenever the IPM coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notifications prior to the application of the pesticide. (Education Code 17612)

Warning Signs

The IPM coordinator shall post a warning sign at each area of the school site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and shall remain posted until 72 hours after the application. The warning sign shall prominently display the following information: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area"
2. The product name, manufacturer's name, and the EPA's product registration number
3. Intended areas and dates of application
4. Reason for the pesticide application

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide to protect the health and safety of students, staff, or other persons or the school site, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

Records

At the end of each calendar year, the IPM coordinator shall submit to DPR, on a form provided by DPR, a copy of the records of all pesticide use at the school site for that year, excluding any pesticides exempted by law and any pesticide use reported by the pest control operator pursuant

to Food and Agricultural Code 13186. The IPM coordinator may submit more frequent reports at his/her discretion. (Education Code 17611)

AR 3514.2(e)

INTEGRATED PEST MANAGEMENT (continued)

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. A school may meet this requirement by retaining a copy of the warning sign posted for each pesticide application with a recording on that copy of the amount of the pesticide used. (Education Code 17611)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Pesticide Use near School Site

Upon receiving notification pursuant to 3 CCR 6692 that a grower expects to use agricultural pesticides within one-quarter mile of a school site Monday through Friday from 6:00 a.m. to 6:00 p.m., the principal or designee shall notify the Superintendent or designee, IPM coordinator, staff at the school site, and parents/guardians of students enrolled at the school.

The principal or designee may communicate with any grower within one-quarter mile of the school to request that the grower not apply pesticides during evenings or weekends when school activities are scheduled.

Legal Reference: (see next page)

INTEGRATED PEST MANAGEMENT (continued)

Legal Reference:

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17608-17614 Healthy Schools Act of 2000

48980 Notice at beginning of term

48980.3 Notification of pesticides

BUSINESS AND PROFESSIONS CODE

8593.2 Licensed pest control operators; training requirements

FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

6250-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 3

6147 Pesticides exempted from registration requirements

6690-6692 Pesticide use near school sites

6724 Training of employees handling pesticides

CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

Management Resources:

CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION PUBLICATIONS

California School IPM Model Program Guidebook

Healthy Schools Act Requirements for Public K-12 Schools

School District Integrated Pest Management Plan Template

U.S. ENVIRONMENTAL PROTECTION AGENCY

Pest Control in the School Environment: Implementing Integrated Pest Management (IPM), May 2017

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California Department of Pesticide Regulation, School IPM: <http://www.cdpr.ca.gov/schoolipm>

U.S. Environmental Protection Agency, Integrated Pest Management at Schools:

<https://www.epa.gov/managing-pests-schools>

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

FOOD SERVICE OPERATIONS/CAFETERIA FUND

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

The Superintendent or designee shall ensure that all food service personnel possess the required qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program in accordance with law.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the California Department of Education (CDE). (42 USC 1776)

Meal Sales

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees is not overtly identified, shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code 49557.5)

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. Such students shall not be overtly identified or treated differently from other students.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3553 - Free and Reduced Price Meals)

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law.

(cf. 3230 - Federal Grant Funds)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)
(cf. 3600 - Consultants)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Procurement of Foods, Equipment and Supplies

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. *Domestic commodity or product* means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

Legal Reference: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49554 Contract for services
49550-49564.5 Meals for needy students
49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

2000-2002 Responsive bidders

20111 Contracts

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.318-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

250.1-250.70 USDA foods

Management Resources: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017
Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, NSD Management Bulletin, USDA-SNP-06-2015, May 2015

Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013

Paid Lunch Equity Requirement, NSD Management Bulletin, USDA-SNP-16-2012, October 2012

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin 00-111, July 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

FAQs About School Meals

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016

Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016

Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016

Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California School Nutrition Association: <http://www.calsna.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Payments for Meals

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site
5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports his/her tickets as lost or stolen. However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, shall not require a student to pay a bill that appears to be the result of identity theft, and shall open a new account with a new account number for a student who appears to be the subject of identity theft.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or be refunded to the student's parents/guardians.

Unpaid and Delinquent Meal Charges

No later than 10 days after a student's school meal account has reached a negative balance, the Superintendent or designee shall so notify the student's parent/guardian. Before sending this notification, the district shall exhaust all options and methods to directly certify the student for free or reduced-price meals. If the district is not able to directly certify the student, the notice to the parent/guardian shall include a paper copy of, or an electronic link to, an application for free or reduced-price meals and the Superintendent or designee shall contact the parent/guardian to encourage submission of the application. (Education Code 49557.5)

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (Education Code 49557.5)

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**Reimbursement Claims**

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to CDE using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (2 CFR 220.14)

U.S. Department of Agriculture Foods

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4212 - Appointments and Conditions of Employment)

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

FREE AND REDUCED PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

To provide optimal nutrition and reduce the administrative burden of food service operations, the Superintendent or designee shall assess the eligibility of district schools to provide breakfast and/or lunch free of charge to all students at the school under a federally funded universal meal service provision, such as Provision 2 or the Community Eligibility Provision, pursuant to 42 USC 1759a.

If any district school meets the criteria for a "very high poverty school" through its eligibility for the federal Community Eligibility Provision reimbursement rate pursuant to 42 USC 1759a, the district shall apply to the California Department of Education (CDE) to operate a universal meal service, unless the Board adopts a resolution stating that the district is unable to comply with this requirement due to fiscal hardship. The resolution shall be part of the public agenda for at least two consecutive Board meetings, first as an information item and then as an action item. The Board shall reconsider the resolution at least once every four years. (Education Code 49564; 42 USC 1759a)

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

The Board shall approve, and shall submit to the CDE for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

FREE AND REDUCED PRICE MEALS (continued)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

(cf. 5125 - Student Records)

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meal program for the following purposes: (Education Code 49558)

1. Disaggregation of academic achievement data

(cf. 6162.51 - State Academic Achievement Tests)

2. Identification of students eligible for services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576

(cf. 6171 - Title I Programs)

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations. (Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the local control funding formula and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with

FREE AND REDUCED PRICE MEALS (continued)

the local agency, for reduced-price meals. He/she also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

(cf. 5141.6 - School Health Services)

*Legal Reference:*EDUCATION CODE

48980 Notice at beginning of term

49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49564.5 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6576 Elementary and Secondary Education Act

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

Management Resources: (see next page)

FREE AND REDUCED PRICE MEALS (continued)

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Direct Certification Implementation Checklist Free and Reduced-Price Meals: Universal Meal Service, Nutrition Services Division Management Bulletin SNP-01-2018, January 2018

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2015

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS (continued)

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Food Policy Advocates: <https://cfpa.net>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

FREE AND REDUCED PRICE MEALS

Applications

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. The district's application packet shall include the notifications and information listed in Education Code 49557.2.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3552 - Summer Meal Program)

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

Participants in the CalFresh, California Work Opportunity and Responsibility to Kids (CalWORKS), and Medi-Cal programs shall be directly certified for enrollment in the free and reduced-price meal program without further application. Participants in other state or federal programs may be directly certified when authorized by law. (Education Code 49561, 49562; 42 USC 1758; 7 CFR 245.6)

FREE AND REDUCED PRICE MEALS (continued)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6175 - Migrant Education Program)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

FREE AND REDUCED PRICE MEALS (continued)

Confidentiality/Release of Records

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data and/or the provision of services under the federal Elementary and Secondary Education Act pursuant to 20 USC 6301-6576.

(title or position)

In using the records for such purposes, the Superintendent or designee shall ensure that:
(Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meal program are maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meal program is not publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law are met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meal program is destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following:
(Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.

FREE AND REDUCED PRICE MEALS (continued)

4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

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

(cf. 3555 - Nutrition Program Compliance)

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Prices

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

All Personnel

BP 4111(a)

4211

RECRUITMENT AND SELECTION

4311

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 4000 - Concepts and Roles)

(cf. 4100 - Certificated Personnel)

(cf. 4200 - Classified Personnel)

(cf. 4300 - Administrative and Supervisory Personnel)

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she shall also disseminate job announcements to ensure a wide range of candidates.

The district's selection procedures shall include screening processes, interviews, recommendations from previous employers, and observations when appropriate, as necessary to identify the best possible candidate for a position.

(cf. 4112.61/4212.61/4312.61 - Employment References)

The Superintendent or designee may establish an interview committee to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential in accordance with law.

(cf. 2230 - Representative and Deliberative Groups)

No inquiry shall be made with regard to any information prohibited by state or federal nondiscrimination laws.

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider

RECRUITMENT AND SELECTION (continued)

salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4312.1 - Contracts)

Incentives

With Board approval and in accordance with district needs, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

Legal Reference: (see next page)

RECRUITMENT AND SELECTION (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
35035 Responsibilities of superintendent
44066 Limitations on certification requirement
44259 Teaching credential; exception; designated subjects; minimum requirements
44750 Teacher recruitment resource center
44830-44831 Employment of certificated persons
44858 Age or marital status in certificated positions
44859 Prohibition against certain rules and regulations re: residency
45103-45139 Employment (classified employees)
49406 Examination for tuberculosis

GOVERNMENT CODE

815.2 Liability of public entities and public employees
6250-6276.48 Public Records Act
12900-12996 Fair Employment and Housing Act, including:
12940-12957 Discrimination prohibited; unlawful practices

HEALTH AND SAFETY CODE

53570-53574 Teacher Housing Act of 2016

LABOR CODE

432.3 Salary information

UNITED STATES CODE, TITLE 5

552 Freedom of Information Act

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigration related employment practices

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

COURT DECISIONS

C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

Management Resources: (see next page)

RECRUITMENT AND SELECTION (continued)

Management Resources:

CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION PUBLICATIONS

Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017

WEB SITES

California County Superintendents Educational Services Association: <http://ccsesa.org/recruit>

California Department of Education: <https://www.cde.ca.gov>

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Education Job Opportunities Information Network: <http://www.edjoin.org>

Teach USA: <https://culturalvistas.org/programs/us/teach-usa>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

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

(cf. 4030 - Nondiscrimination in Employment)

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

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

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed

BP 4119.11(b)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Legal Reference: (see next page)

BP 4119.11(c)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Prohibited 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 work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

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

SEXUAL HARASSMENT (continued)

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 4300 - Administrative and Supervisory Personnel)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities

SEXUAL HARASSMENT (continued)

such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

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

Notifications

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted

SEXUAL HARASSMENT (continued)

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on: (Government Code 12950)

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

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Certificated Personnel

AR 4161.1(a)
4361.1

PERSONAL ILLNESS/INJURY LEAVE

Certificated employees employed five school days per week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 44978; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment; quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

PERSONAL ILLNESS/INJURY LEAVE (continued)

7. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 44979, 44980)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the

PERSONAL ILLNESS/INJURY LEAVE (continued)

U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of his/her disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives his/her disability rating decision, he/she shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

Notification of Absence

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent from his/her duties for an additional period of up to five school months, the employee shall

PERSONAL ILLNESS/INJURY LEAVE (continued)

receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, he/she shall receive 50 percent of his/her regular salary during the additional period of absence. (Education Code 44983)

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

Parental Leave

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code 44977.5)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

PERSONAL ILLNESS/INJURY LEAVE (continued)

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
 2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
 3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
- (cf. 4112.9/4212.9/4312.9 - Employee Notifications)*
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference: (see next page)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference:

EDUCATION CODE

- 44964 Power to grant leave of absence in case of illness, accident, or quarantine
- 44965 Granting of leaves of absence for pregnancy and childbirth
- 44976 Transfer of leave rights when school is transferred to another district
- 44977 Salary deduction during absence from duties up to five months after sick leave is exhausted
- 44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted
- 44978 Provisions for sick leave of certificated employees
- 44978.1 Inability to return to duty; placement in another position or on reemployment list
- 44978.2 Leave for military service connected disability
- 44979 Transfer of accumulated sick leave to another district
- 44980 Transfer of accumulated sick leave to a county office of education
- 44981 Leave of absence for personal necessity
- 44983 Exception to sick leave when district adopts specific rule
- 44984 Industrial accident or illness
- 44986 Leave of absence for disability allowance applicant

GOVERNMENT CODE

- 12945.1-12945.2 California Family Rights Act
- 12945.6 Parental leave

LABOR CODE

- 220 Sections inapplicable to public employees
- 230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
- 230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
- 233 Illness of child, parent, spouse or domestic partner
- 234 Absence control policy
- 245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

- 5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 29

- 2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

- 2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

- 825.100-825.800 Family and Medical Leave Act of 1993
- 1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

- Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

All Personnel

AR 4161.8(a)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE

The district shall not deny any eligible employee the right to family care, medical, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA) nor restrain or interfere with the employee's exercise of such right. In addition, the district shall not discharge an employee or discriminate or retaliate against him/her for taking such leave or for his/her opposition to or challenge of any unlawful district practice in relation to any of these laws or for his/her involvement in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in *loco parentis*, as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee for FMLA and CFRA purposes means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the previous 12-month period. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

FAMILY CARE AND MEDICAL LEAVE (continued)

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in *loco parentis* to the employee when the employee was a child. *Parent* does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or his/her child, parent, or spouse, including, but not limited to, treatment for substance abuse, that involves either of the following: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when a health care facility formally admits him/her to the facility with the expectation that he/she will remain overnight and occupy a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

FAMILY CARE AND MEDICAL LEAVE (continued)

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin, as defined

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

OPTION 1: This 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

AR 4161.8(d)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

OPTION 4: This 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government Code 12945.2, 12945.6; 2 CCR 11088; 29 USC 2612)

Use/Substitution of Paid Leave

OPTION 1: An employee shall use his/her accrued vacation leave, other accrued time off, and any other paid time off negotiated with the district for any otherwise unpaid FMLA or CFRA leave not involving his/her own serious health condition. For PDL, CFRA, or FMLA leave due to an employee's own serious health condition, the employee shall use accrued sick leave and may use accrued vacation leave and other paid time off at his/her option. (Government Code 12945, 12945.2, 12945.6; 2 CCR 11044; 29 USC 2612)

OPTION 2: During the period of PDL or any FMLA or CFRA leave, the employee may elect to use his/her accrued vacation leave, accrued sick leave, or any other paid time off negotiated with

the district that he/she is eligible to use. (Government Code 12945, 12945.2, 12945.6; 2 CCR 11044; 11092; 29 USC 2612)

The district and employee may also negotiate for the employee's use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

AR 4161.8(e)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (2 CCR 11042, 11090; 29 USC 2612)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

AR 4161.8(f)

4261.8

4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the

AR 4161.8(g)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job

5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

AR 4161.8(h)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.

AR 4161.8(i)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work. The certification shall address the employee's ability to perform the essential functions of his/her job.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

However, the district may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)
(cf. 4217.3 - Layoff/Rehire)

The district may also refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

AR 4161.8(j)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while his/her child, parent, or spouse who is a military member is on covered active duty or on call to covered active duty status. (29 USC 2612; 29 CFR 825.126)

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. (29 USC 2611; 29 CFR 825.126)

AR 4161.8(k)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

AR 4161.8(l)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in *loco parentis*. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in *loco parentis* to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

AR 4161.8(m)

4261.8

4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating

- b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

AR 4161.8(n)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. **General Notice:** Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11050, 11091)

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

2. **Eligibility Notice:** When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
3. **Rights and Responsibilities Notice:** Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification

AR 4161.8(o)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

- a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's

entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial
- f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. **Designation Notice:** When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as

AR 4161.8(p)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Legal Reference: (see next page)

AR 4161.8(q)
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE (continued)

Legal Reference:

EDUCATION CODE

44965 *Granting of leaves of absence for pregnancy and childbirth*

FAMILY CODE

297-297.5 *Rights, protections, and benefits under law; registered domestic partners*

300 *Validity of marriage*

GOVERNMENT CODE

12926 *Fair employment and housing act, definitions*

12940 *Unlawful employment practices*

12945 *Pregnancy; childbirth or related medical condition; unlawful practice*

12945.1-12945.2 *California Family Rights Act*
12945.6 *Parental leave*
12946 *Fair Employment and Housing Act: discrimination prohibited*
CODE OF REGULATIONS, TITLE 2
11035-11051 *Sex discrimination: pregnancy, childbirth and related medical conditions*
11087-11098 *California Family Rights Act*
UNITED STATES CODE, TITLE 1
7 *Definition of marriage*
UNITED STATES CODE, TITLE 29
2601-2654 *Family and Medical Leave Act of 1993, as amended*
UNITED STATES CODE, TITLE 42
2000ff-1-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*
CODE OF FEDERAL REGULATIONS, TITLE 29
825.100-825.800 *Family and Medical Leave Act of 1993*
COURT DECISIONS
United States v. Windsor, (2013) 699 F.3d 169
Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:

U.S. DEPARTMENT OF LABOR PUBLICATIONS
Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
WEB SITES
California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>
U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

PERSONAL ILLNESS/INJURY LEAVE

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee whose work hours are so few as to entitle him/her to less than 24 hours of paid sick leave per fiscal year shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)
2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical or dental appointments, in increments of not less than one hour
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

PERSONAL ILLNESS/INJURY LEAVE (continued)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she shall be entitled to request that the district transfer his/her accumulated sick leave to his/her new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 45191.5)

PERSONAL ILLNESS/INJURY LEAVE (continued)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of his/her disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives his/her disability rating decision, he/she shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

A classified employee who has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month period of absence to which he/she is entitled, receive his/her salary minus the actual amount paid a substitute to fill the employee's position during his/her absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

PERSONAL ILLNESS/INJURY LEAVE (continued)

Parental Leave

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

PERSONAL ILLNESS/INJURY LEAVE (continued)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Short-Term and Substitute Employees

OPTION 1:

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 2:

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of his/her employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 3:

Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Any short-term or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

PERSONAL ILLNESS/INJURY LEAVE (continued)

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
 2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
 3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
- (cf. 4112.9/4212.9/4312.9 - Employee Notifications)*
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference: (see next page)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45191.5 Leave for military service connected disability

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45196.1 Differential pay during parental leave up to 12 weeks after sick leave is exhausted

45202 Transfer of accumulated sick leave and other benefits

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act

12945.6 Parental leave

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

245-249 Healthy Workplaces, Healthy Families Act of 2014

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

STUDENT AND FAMILY PRIVACY RIGHTS

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

Notwithstanding the above requirements for prior written consent, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)**Parent/Guardian Access to Surveys and Instructional Materials**

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

(cf. 1340 - Access to District Records)

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.3 - Health Examinations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical examinations or screenings
 - c. Collection of personal information from students for marketing or sale

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
March 2018

PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians and students all notifications required by law and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

PARENTAL NOTIFICATIONS (continued)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, he/she shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

221.5 *Prohibited sex discrimination*
231.5 *Sexual harassment policy*
234.7 *Student protections relating to immigration and citizenship status*
262.3 *Appeals for discrimination complaints; information regarding availability of civil remedies*
310 *Language acquisition programs*
313 *Reclassification of English learners, parental consultation*
313.2 *Long-term English learner, notification*
440 *English language proficiency assessment; instruction in English language development*
8483 *Before/after school program; enrollment priorities*
17288 *Building standards for university campuses*
17611.5-17612 *Notification of pesticide use*
32221.5 *Insurance for athletic team members*
32255-32255.6 *Right to refuse harmful or destructive use of animals*
32390 *Fingerprint program; contracts; funding; consent of parent/guardian*
33479.3 *The Eric Paredes Sudden Cardiac Arrest Prevention Act*
35160.5 *Extracurricular and cocurricular activities*
35178.4 *Notice of accreditation status*
35182.5 *Advertising in the classroom*
35183 *School dress codes; uniforms*
35186 *Complaints concerning deficiencies in instructional materials and facilities*
35211 *Driver training; district insurance, parent/guardian liability*
35256 *School Accountability Report Card*
35258 *School Accountability Report Card*
35291 *Rules for student discipline*
37616 *Consultation regarding year-round schedule*
39831.5 *School bus rider rules and information*
44050 *Employee codes of conduct, employee interactions with students*
44808.5 *Permission to leave school grounds*
46010.1 *Notice regarding excuse to obtain confidential medical services*
46014 *Regulations regarding absences for religious purposes*
46600-46611 *Interdistrict attendance agreements*
48000 *Minimum age of admission*
48070.5 *Promotion or retention of students*
48204 *Residency requirements*
48205 *Absence for personal reasons*
48206.3 *Students with temporary disabilities; individual instruction; definitions*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

- 48207-48208 *Students with temporary disabilities in hospitals*
- 48213 *Prior notice of exclusion from attendance*
- 48216 *Immunization*
- 48260.5 *Notice regarding truancy*
- 48262 *Need for parent conference regarding truancy*
- 48263 *Referral to school attendance review board or probation department*
- 48301 *Interdistrict transfers*
- 48350-48361 *Open Enrollment Act*
- 48354 *Option to transfer from school identified under Open Enrollment Act*
- 48357 *Status of application for transfer from school identified under Open Enrollment Act*
- 48412 *Certificate of proficiency*
- 48432.3 *Voluntary enrollment in continuation education*
- 48432.5 *Involuntary transfers of students*
- 48850-48859 *Education of foster youth and homeless students*
- 48900.1 *Parental attendance required after suspension*
- 48904 *Liability of parent/guardian for willful student misconduct*
- 48904.3 *Withholding grades, diplomas, or transcripts*
- 48906 *Notification of release of student to peace officer*
- 48911 *Notification in case of suspension*
- 48911.1 *Assignment to supervised suspension classroom*
- 48912 *Closed sessions; consideration of suspension*
- 48915.1 *Expelled students; enrollment in another district*
- 48916 *Readmission procedures*
- 48918 *Rules governing expulsion procedures*
- 48929 *Transfer of student convicted of violent felony or misdemeanor*
- 48980 *Required notification at beginning of term*
- 48980.3 *Notification of pesticide use*
- 48981 *Time and means of notification*
- 48982 *Parent signature acknowledging receipt of notice*
- 48983 *Contents of notice*
- 48984 *Activities prohibited unless notice given*
- 48985 *Notices to parents in language other than English*
- 48987 *Child abuse information*
- 49013 *Use of uniform complaint procedures for complaints regarding student fees*
- 49063 *Notification of parental rights*
- 49067 *Student evaluation; student in danger of failing course*
- 49068 *Transfer of permanent enrollment and scholarship record*
- 49069 *Absolute right to access*
- 49070 *Challenging content of student record*
- 49073 *Release of directory information*
- 49073.6 *Student records, social media*
- 49076 *Access to student records*
- 49077 *Access to information concerning a student in compliance with court order*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for student
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49452.7 Information on type 2 diabetes
- 49452.8 Oral health assessment
- 49456 Results of vision or hearing test
- 49471-49472 Insurance
- 49475 Student athletes; concussions and head injuries
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- 51225.1 Exemption from district graduation requirements
- 51225.2 Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs; privacy
- 51938 HIV/AIDS and sexual health instruction
- 52164 Language census
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills
- 52164.3 Reassessment of English learners; notification of results
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies regarding written notification rights
- 56321 Special education: proposed assessment plan
- 56321.5-56321.6 Notice of parent rights pertaining to special education
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Development of individualized education program; right to audio record meeting
- 56341.5 Individualized education program team meetings
- 56343.5 Individualized education program meetings
- 56521.1 Behavioral intervention
- 58501 Alternative schools; notice required prior to establishment
- 60615 Exemption from state assessment
- 60641 California Assessment of Student Performance and Progress
- 69432.9 Submission of grade point average to Cal Grant program

CIVIL CODE

- 1798.29 District records, breach of security

HEALTH AND SAFETY CODE

- 1596.857 Right to enter child care facility
- 104420 Tobacco use prevention
- 104855 Availability of topical fluoride treatment
- 116277 Lead testing of school drinking water
- 120365-120375 Immunizations
- 120440 Sharing immunization information
- 124100-124105 Health screening and immunizations

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

PENAL CODE

626.81 Notice of permission granted to sex offender to volunteer on campus

627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

852 Exemptions from state assessments

863 Reports of state assessment results

3052 Behavioral intervention

4622 Notification of uniform complaint procedures

4631 Uniform complaint procedures; notification of decision and right to appeal

4702 Student transfer from school identified under Open Enrollment Act

4917 Notification of sexual harassment policy

11303 Reclassification of English learners

11511.5 English language proficiency assessment; test results

11523 Notice of proficiency examinations

18066 Child care policies regarding excused and unexcused absences

18094-18095 Notice of Action; child care services

18114 Notice of delinquent fees; child care services

18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

6318 Parent and family engagement

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.7 Student records, annual notification
 - 99.30 Disclosure of personally identifiable information
 - 99.34 Student records, disclosure to other educational agencies
 - 99.37 Disclosure of directory information
 - 104.32 District responsibility to provide free appropriate public education
 - 104.36 Procedural safeguards
 - 104.8 Nondiscrimination
 - 106.9 Dissemination of policy, nondiscrimination on basis of sex
 - 200.48 Teacher qualifications
 - 300.300 Parent consent for special education evaluation
 - 300.322 Parent participation in IEP team meetings
 - 300.502 Independent educational evaluation of student with disability
 - 300.503 Prior written notice regarding identification, evaluation, or placement of student with disability
 - 300.504 Procedural safeguards notice for students with disabilities
 - 300.508 Due process complaint
 - 300.530 Discipline procedures
- #### CODE OF FEDERAL REGULATIONS, TITLE 40
- 763.84 Asbestos inspections, response actions and post-response actions
 - 763.93 Asbestos management plans

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2017 (AB 97, Ch. 14, Statutes of 2017) extends the suspension of these requirements through the 2017-18 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Copy of sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	AR 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	Education Code 48354; 5 CCR 4702	AR 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	Education Code 48357; 5 CCR 4702	AR 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Within 30 days of foster youth, homeless youth, former juvenile court school student, or child of military family being transferred between high schools	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
V. Classroom Notices			
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints re: sufficiency of instructional materials, teacher vacancy or misassignment, maintenance of facilities

STUDENT ASSESSMENT

The Governing Board recognizes that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

(cf. 6162.51 - State Academic Achievement Tests)

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4315 - Evaluation/Supervision)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6011 - Academic Standards)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6190 - Evaluation of the Instructional Program)

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and test publisher's directions, and that test administration procedures are fair and equitable for all students.

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

(cf. 6162.54 - Test Integrity/Test Preparation)

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

STUDENT ASSESSMENT (continued)

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

(cf. 0510 - School Accountability Report Card)

Interim and Formative Assessments

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6152 - Class Assignment)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Learners)

The Superintendent or designee shall ensure that teachers who administer interim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the state achievement tests required and administered as part of the California Assessment of Student Performance and Progress, or any predecessor assessments, pursuant to Education Code 60640-60649
2. The results of any end-of-course examinations taken
3. The results of any vocational education certification examinations taken

(cf. 6178 - Career Technical Education)

STUDENT ASSESSMENT (continued)

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if he/she is an adult or emancipated minor. The student or his/her parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

313 *Assessment of English language development*
10600-10610 *California Education Information System*
44660-44665 *Evaluation and assessment of performance of certificated employees (Stull Act)*
49558 *Free and reduced-price meals; use of individual applications and records*
51041 *Evaluation of educational program*
51450-51455 *Golden State Seal Merit Diploma*
52052 *Accountability; numerically significant student subgroups*
52060-52077 *Local control and accountability plan*
60600-60649 *Assessment of academic achievement, especially:*
60640-60649 *California Assessment of Student Performance and Progress*
60800 *Physical fitness testing*
60810-60812 *Assessment of English language development*
60900 *California Longitudinal Pupil Achievement Data System*
CODE OF REGULATIONS, TITLE 5
850-864 *California Assessment of Student Performance and Progress*
UNITED STATES CODE, TITLE 20
9622 *National Assessment of Educational Progress*

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>
Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>
U.S. Department of Education: <http://www.ed.gov>

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
March 2018