

# RIVER DELTA UNIFIED SCHOOL DISTRICT

## Notice of a Regular Meeting of the Board of Trustees

By Order of the President of the Board of Trustees, this is a Call for the Regular Meeting of the Board of Trustees of the River Delta Unified School District to be held:

**October 13, 2015**

**Bates Elementary School ♦ 180 Primasing, Courtland, CA**

*A copy of the full agenda (with backup documents but without confidential closed session items) is available for public review at the District Office, 445 Montezuma St., Rio Vista, California, at least 72 hours prior to the announced meeting of the Board of Trustees or online at <http://riverdelta.org> under the heading: Board of Trustees*

### REGULAR MEETING AGENDA

1. Call the Open Session to Order (@ 5:30 p.m.)
2. Roll Call
3. Review Closed Session Agenda (see attached agenda)
  - 3.1 Announce Closed Session Agenda
  - 3.2 Public Comment on Closed Session Agenda Items Only
4. Approve Closed Session Agenda and Adjourn to the **Closed Session** (@5:35 p.m.)

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Time: \_\_\_\_\_
5. Reconvene to Open Session (@ approx. 6:30 p.m.) Time: \_\_\_\_\_
  - 5.1 Retake Roll Call

Member Donnelly \_\_\_\_; Member Fernandez \_\_\_\_; Member Olson \_\_\_\_; Member Rooney \_\_\_\_; Member Riley \_\_\_\_;  
Member Maghoney \_\_\_\_; Member Bettencourt \_\_\_\_
  - 5.2 Pledge of Allegiance
6. Report of Action taken, if any, during the Closed Session (Government Code Section 54957.1) – Board President Donnelly
7. Review and Approve the **Open Session** Agenda

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_
8. Public Comment: **Anyone may address the Board at this time regarding any subject that is within the Board's subject-matter jurisdiction which is not on this night's agenda** [Government Code Section 54954.3 and Education Code Sections 35145.5 and 72121.5]. **However, please hold your comments on a specific agenda item on this agenda until it is brought up for discussion.** To address the Board, raise your hand and when you have been called on, please step up to the podium and state your name. However, **understand the Board may not take action on any item which is not actually listed on this agenda** (except as authorized by Government Code Section 54954.2). (BB9323) **Individual speakers shall be allowed three minutes to address the Board on any non-agendized item. The Board shall limit the total time for public presentation and input on all items to a maximum of 20 minutes.** With Board consent, the Board President may increase or decrease the time allowed for public comment, depending on the topic and the number of persons wishing to be heard and the overall length of the agenda. The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (BB 9323) Anyone may appear at the Board meeting to testify in support of, or in opposition to, any item on this agenda being presented to the Board for consideration. {If you wish to have an item placed on the agenda for discussion and/or action by the Board, you must notify the Board Secretary/Superintendent in writing no later than ten working days prior to a regularly scheduled Board meeting requesting permission. After the Superintendent's Cabinet has met, you will be notified of their decision.}
9. **Reports, Presentations, Information**
  - 9.1 Board Member(s) and Superintendent Report(s) and/or Presentation(s) –
    - 9.1.1 Board Members' report(s)
    - 9.1.2 Committee Report(s)
    - 9.1.3 Superintendent Beno's report(s).

- 9.2 Business Services' Reports and/or Presentations on: Routine Restricted Maintenance, Deferred Maintenance, Maintenance and Operations, Transportation Department, Food Services Department, District Technology, and District - Elizabeth Keema-Aston, Chief Business Officer, Craig Hamblin, Director of MOT
  - 9.2.1 ADA/Enrollment Report - Elizabeth Keema-Aston
  - 9.2.2 Monthly Financial Report - Elizabeth Keema-Aston
  - 9.2.3 Maintenance, Operations & Transportation Update - Craig Hamblin
- 9.3 Other – Education Services' Reports and/or Presentation(s) –
  - 9.3.1 Williams' Settlement Public Notification regarding sufficiency of teachers, facilities, CAHSEE, and textbook and instructional materials – Third Quarter (July - September) – Amy Bettencourt
  - 9.3.2 Educational Services and Special Education Updates – Amy Bettencourt
    - 9.3.2.1 California Assessment of Student Performance and Progress (CAASPP) data Presentation – Amy Bettencourt
- 9.4 Public Hearing – To acknowledge California School Employees' Association (CSEA)'s Sunshined proposals for negotiation with River Delta Unified School District for 2015-2016

**Open Public Hearing \_\_\_\_pm      Public Comment:      Close Public Hearing \_\_\_\_pm**

**10. Consent Calendar**

- 10.1 Approve Board Minutes
  - Regular Meeting of the Board, September 8, 2015
- 10.2 Receive and Approve Monthly Personnel Reports
  - As of October 13, 2015
- 10.3 District's Monthly Expenditure Report
  - September 2015
- 10.4 Request the approval of the Memorandum of Understanding Agreement #5 with the Sacramento County Office of Education who will provide funding to support the District's Bullying Prevention Program – Pierre Laleau
- 10.5 Request the approval to apply for The Mr. Holland's Opus musical grant for Bates Elementary School for the 2015-2016 school year – Maria Elena Becerra
- 10.6 Request to have declared as surplus the attached list of musical instruments from Bates Elementary School. Instruments to be sold as parts and or scrap metal – Maria Elena Becerra
- 10.7 Request to approve the independent contract with B Street Theatre a non-profit to provide sessions for the After School Program in Isleton, Walnut Grove and Bates Elementary Schools. Cost not to exceed \$3,600 from the ASES grants – Amy Bettencourt
- 10.8 Request to approve the Medi-Cal Administrative Claiming Agreement with Sutter County Superintendent of Schools for the 2015-2016 school year – Amy Bettencourt
- 10.9 Request to approve the Poinsettia Fund-Raising Event anticipated income of \$5,200 to benefit Delta High School's FFA – Laura Uslan
- 10.10 Request to approve the Independent Contract for Services Agreement with Sacramento Theatre Company for the 2015-2016 School year to provide theatre instruction aligned with Common Core State Standards (CCSS) to K-3 students not to exceed \$2,250 – Antonia Slagle
- 10.11 Request to approve the out of state travel for Sue Moehlenbrock to attend the Council of Administrators of Special Education (CASE) Annual Conference hosted in Atlanta, Georgia, Cost not to exceed \$2,000 – Amy Bettencourt
- 10.12 Request to approve the Leave of Absence from Marie Calles – Bonnie Kauzlarich
- 10.13 Request to approve for action sale and donation of surplus District vehicles – Craig Hamblin
- 10.14 Request to acknowledge the "Sunshined" California School Employees' Association negotiation proposals to The River Delta Unified School District for 2015-2016 – Don Beno
- 10.15 Request to approve the out-of-country travel for Delta High School students to travel to Italy during Spring Break (March 10-March 27, 2016) as part of the Travel Abroad Program – Aaron Munoz & Laura Uslan
- 10.16 Donations to Receive and Acknowledge:
  - Rio Vista High School – Rio Vista Rams Football Game Day Breakfast**  
Mrs. Cheryl Apple
  - Rio Vista High School – Athletic Teams**  
Mr. Tom Havens (\$500) Large industrial Fan
  - Rio Vista High School – Portable PA system (\$200)**  
Loretta Abbott
  - Rio Vista High School – In memory of Jared Brisso**  
Mr. and Mrs. Jerry Penick
  - Isleton Elementary School – Musical Instruments**  
Ronda Howard (approx. value \$928.94)

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

**Action Items -- Individual speakers shall be allowed three minutes to address the Board on any agenda item. The Board shall limit the total time for public presentation and input on all items to a maximum of 20 minutes.** With Board consent, the Board President may increase or decrease the time allowed for public comment, depending on the topic and the number of persons wishing to be heard and the overall length of the agenda. The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (BB 9323) Anyone may appear at the Board meeting to testify in support of, or in opposition to, any item on this agenda being presented to the Board for consideration.

- 11. Public Hearing – To acknowledge River Delta Unified School District’s negotiation proposals to the California School Employees’ Association (CSEA) for 2015-2016 – Don Beno

**Open Public Hearing \_\_\_\_\_pm Public Comment: Close Public Hearing \_\_\_\_\_pm**

Request to “Sunshine” the River Delta Unified School District’s negotiation proposals to the California School Employees’ Association (CSEA) Chapter 319 for 2015-2016 – Don Beno

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 12. Request to approve the *second and final* reading of the updated or new Board Policies, Administrative Regulations and Exhibits due to new legislation, mandated language and/or citation revisions as of April 2015 – Don Beno

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 13. Request to approve the First reading of the updated or new Board Policies, Administrative Regulations and Exhibits due to new legislation, mandated language and/or citation revisions including minor revisions as of July 2015 – Don Beno

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 14. Request the approval for River Delta Unified School District to participate in the Adult Education Block Grant Consortium (AEBG) and to approve Pierre Laleau as the district’s official representative and Elizabeth Keema-Aston as the alternative representative – Elizabeth Keema-Aston

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 15. Request to increase the scope of service with the Lease Leaseback contract with de Rutte Builders for the Rio Vista High School gym repairs to include the needed repairs on the Ag Mechanics Building – Don Beno

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 16. Re-Adjourn to continue Closed Session, if needed

- 17. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) – Board President Donnelly

- 18. Adjournment

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstentions: \_\_\_\_\_ Time: \_\_\_\_\_

**A copy of the full agenda (with backup documents but without confidential closed session items) is available for public review at each school site and/or the District Office, 445 Montezuma St., Rio Vista, California, at least 72 hours prior to the announced meeting of the Board of Trustees. The full agenda is also available online at <http://riverdelta.org>.**

**Americans with Disabilities Act Compliance:** Any and all requests for “...any disability-related modification or accommodation, including auxiliary aids or services...” needed to access our agendas or to participate in the public meetings, must be received in writing by the Superintendent’s Office at 445 Montezuma Street, Rio Vista, CA 94571 at least annually before July 1 of each year -- or at least 5 calendar days prior to the individual meeting in question. All inquiries may be directed to the Superintendent’s Office c/o Jennifer Gaston at (707) 374-1711.

**AFFIDAVIT OF NOTICING AND POSTING:**

I, Jennifer Gaston, Executive Assistant to the Board of Trustees, declare that a copy of this Regular Meeting Agenda/Notice was posted in the bulletin board in front of the District Office and that the Board of Trustees Members, District administrative offices and schools, the community libraries and the River News Herald were provided notice or caused to be provided notice via fax, e-mail and/or hand delivery on or before Friday, October 9, 2015, by or before 5:30 p.m.

**By: Jennifer Gaston** Jennifer Gaston, Executive Assistant, to the Superintendent.

ATTACHMENT

RIVER DELTA UNIFIED SCHOOL DISTRICT

Notice of a Regular Meeting of the Board of Trustees

By Order of the President of the Board of Trustees, this is a Call for the Regular Meeting of the Board of Trustees of the River Delta Unified School District to be held:

October 13, 2015

Bates Elementary School ♦ 180 Primasing, Courtland, CA

CLOSED SESSION

As provided by Government Code Section 54957, the Board is requested to meet in closed session for consideration of personnel appointment, employment, discipline, complaint, evaluation or dismissal [Government Code Section 54957], possible or pending litigation [Government Code 54956.9(a)(b)(c)], student discipline [Education Code Sections 49070 (c) and 76232 (c)], employee/employer negotiations [Government Code Section 3549.1 and 54957.6], or real property transactions [Government Code Section 54956.8].

A Closed Session will be held beginning at 5:35 p.m. on October 13, 2015, at the Bates Elementary School, Courtland, California (which is prior to the full Open Session). Any formal action taken by the Board will be reported in the Open Session of this regular meeting of the Board of Trustees [Government Code Section 54957.1]. As needed, this Closed Session may be reconvened following the full Open Session. Any formal action taken by the Board will be reported in Open Session prior to adjournment.

4. CLOSED SESSION

- 4.1 Student Discipline [Education Code Sections 49070 (c) and 76232 (c)]. –
Expulsion Case number 1516-311-001
Expulsion Case number 1516-311-002

- 4.2 Possible or Pending Litigation [Government Code 54956.9(a)(b)(c)]
Following Conference with Legal Counsel Following Conference with Legal Counsel (Kronick, Moskowitz, Tiedemann & Girard, Addison) – Pending or Anticipated Litigation/Potential Case(s) Update(s)
4.2.1 Name(s) unspecified as disclosure would jeopardize the service of process and/or existing/possible settlement negotiations

- 4.3 Personnel Evaluation, Searches, Appointment, Employment, Complaint, Discipline, Dismissal, Non-reelects and Releases [Government Code Section 54957]

Following Conference with Legal Counsel (Kronick, Moskowitz, Tiedemann & Girard, Addison):

Public Employee(s) Evaluation:

- 4.3.1 Superintendent
4.3.2 Certificated
4.3.3 Classified
4.3.4 Public Employee(s) Searches, Appointment, Employment conditions
4.3.5 Complaint, Discipline, Dismissal, Non-reelects, & Releases
4.3.6 Employee/Employer Negotiations [Government Code Section 3549.1 and 54957.6] Following negotiation meetings any/all units.
4.3.6.1 RDUTA
4.3.6.2 CSEA

5. Adjourn to Open Session (@6:30 p.m.) Any formal action taken by the Board in the above items will be reported in Open Session of this regular meeting of the Board of Trustees [Government Code Section 54957.1]. The meeting may be reconvened as needed (i.e. following the end of Open Session).

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstentions: \_\_\_\_\_ Time: \_\_\_\_\_

jg





**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
 445 Montezuma Street  
 Rio Vista, CA 94571-1651

**BOARD AGENDA BRIEFING**

Meeting Date:	October 13, 2015	Attachments: <u>X</u>
From:	Elizabeth Keema-Aston, Chief Business Officer	Item No.: 9.2.1
<hr/>		
<u>SUBJECT:</u>	Monthly Enrollment and ADA Report ( <b>September month 2</b> )	Action Item: <u>    </u>
		Consent Action: <u>    </u>
		Information Only: <u>  x  </u>

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Background: Each month district staff compiles attendance and enrollment data for all school sites. The attached summary shows comparative enrollment and ADA for *2014-2015 and 2015-2016*. The summary also shows the increase/decrease enrollment for current and prior months. The attached charts compare the ADA with Enrollment for the current year and five (5) prior years.

Status: District-wide enrollment ***decreased by 44 students*** compared to the same month last year, decreasing from *2,012 to 1,968* (Does not include Adult Ed)

District-wide enrollment ***increased by 6*** students compared to last month (*August*), increasing from *1,962 to 1,968*. (Does not include Adult Ed)

District-wide attendance ***has decreased 17 ADA*** compared to last month (*August*), *1,909 to 1,892*. (Does not include Adult Ed)

Prepared by: Elvia Navarro, Accounting Specialist

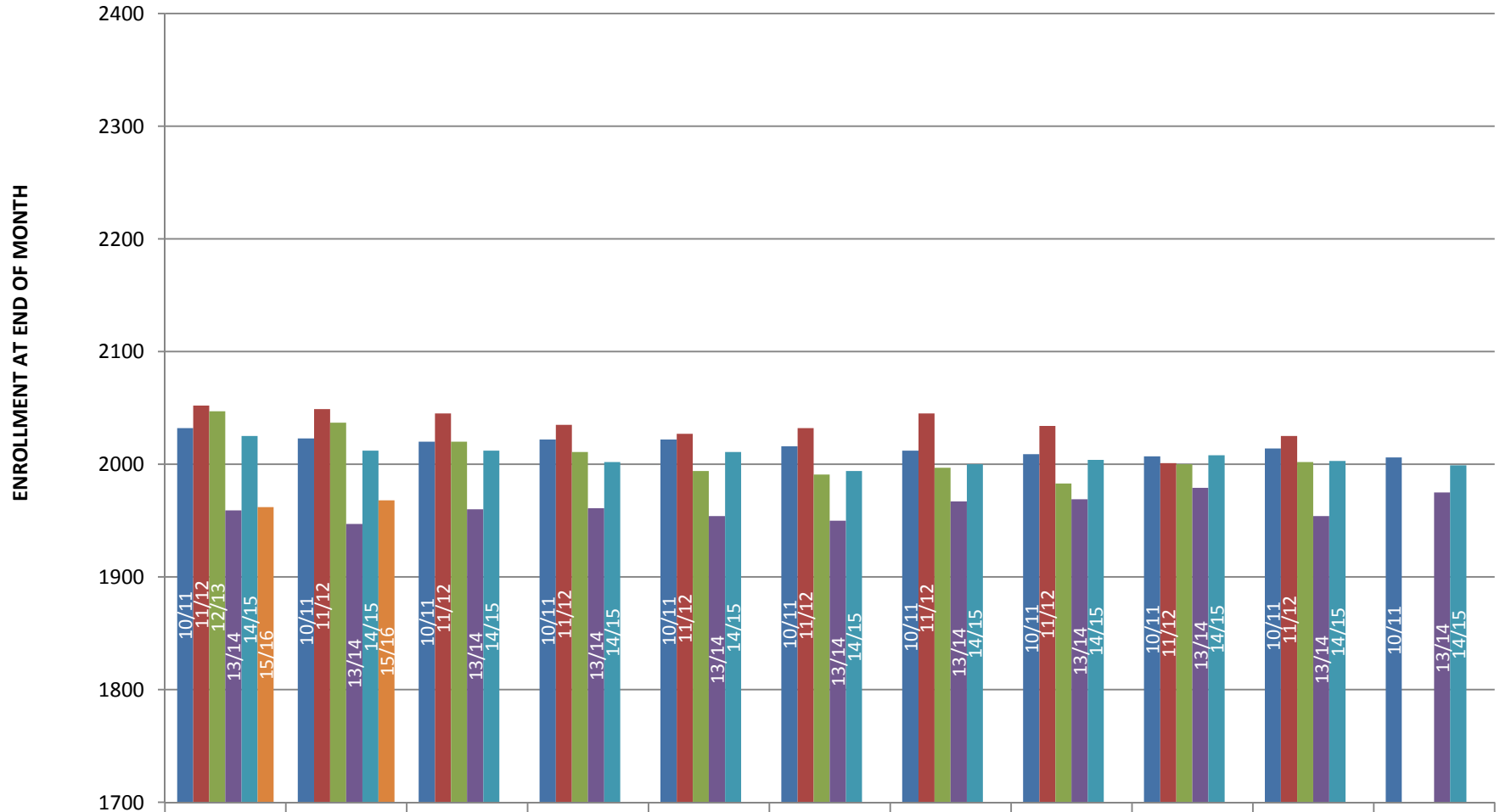
Presenter: Elizabeth Keema-Aston, Chief Business Officer

Recommendation:

That the Board receives the information presented.

SITE		AUG	AUG	% of ADA	SEPT	SEPT	Incr/Decr From Pr Month	% of ADA
		14-15	15-16		14-15	15-16		
BATES	ENR	165	148	98.1%	164	147	-1	98.0%
	ADA	163	146		161	146		
CLARKSBURG (7th & 8th Gr)	ENR	135	147	98.2%	133	146	-1	97.7%
	ADA	131	144		131	143		
ISLETON	ENR	161	153	98.0%	165	156	3	95.7%
	ADA	156	148		160	147		
RIVERVIEW	ENR	293	284	99.4%	291	283	-1	99.2%
	ADA	292	282		282	281		
WALNUT GROVE	ENR	171	168	97.4%	173	164	-4	95.8%
	ADA	164	164		164	159		
D.H. WHITE	ENR	415	365	97.7%	405	373	8	97.2%
	ADA	402	356		396	358		
<b>ELEMENTARY SUB TOTAL</b>	ENR ADA	1,340 1,308	1,265 1,240		1,331 1,294	1,269 1,234	4	
CLARKSBURG (9th Grade)	ENR	71	69	98.7%	72	67	-2	98.1%
	ADA	69	67		69	67		
DELTA HIGH	ENR	207	208	97.5%	204	210	2	96.0%
	ADA	200	203		198	200		
RIO VISTA HIGH	ENR	368	387	97.0%	364	385	-2	95.7%
	ADA	354	373		349	364		
<b>HIGH SCHOOL SUB TOTAL</b>	ENR ADA	646 623	664 643		640 616	662 631	-2	
Mokelumne High (Continuation)	ENR	21	18		21	19	1	
	ADA	18	14		17	15		
River Delta High/Elem (Alternative)	ENR	13	10		15	12	2	
	ADA	5	7		9	7		
Community Day	ENR	5	5		5	6	1	
	ADA	5	5		4	5		
<b>TOTAL K-12 LCFF Funded</b>	ENR ADA	2,025 1,959	1,962 1,909		2,012 1,940	1,968 1,892	6	
Wind River- Adult Ed	ENR	11	17		63	38	21	
<b>TOTAL DISTRICT</b>	ENR	2,036	1,979		2,075	2,006	27	

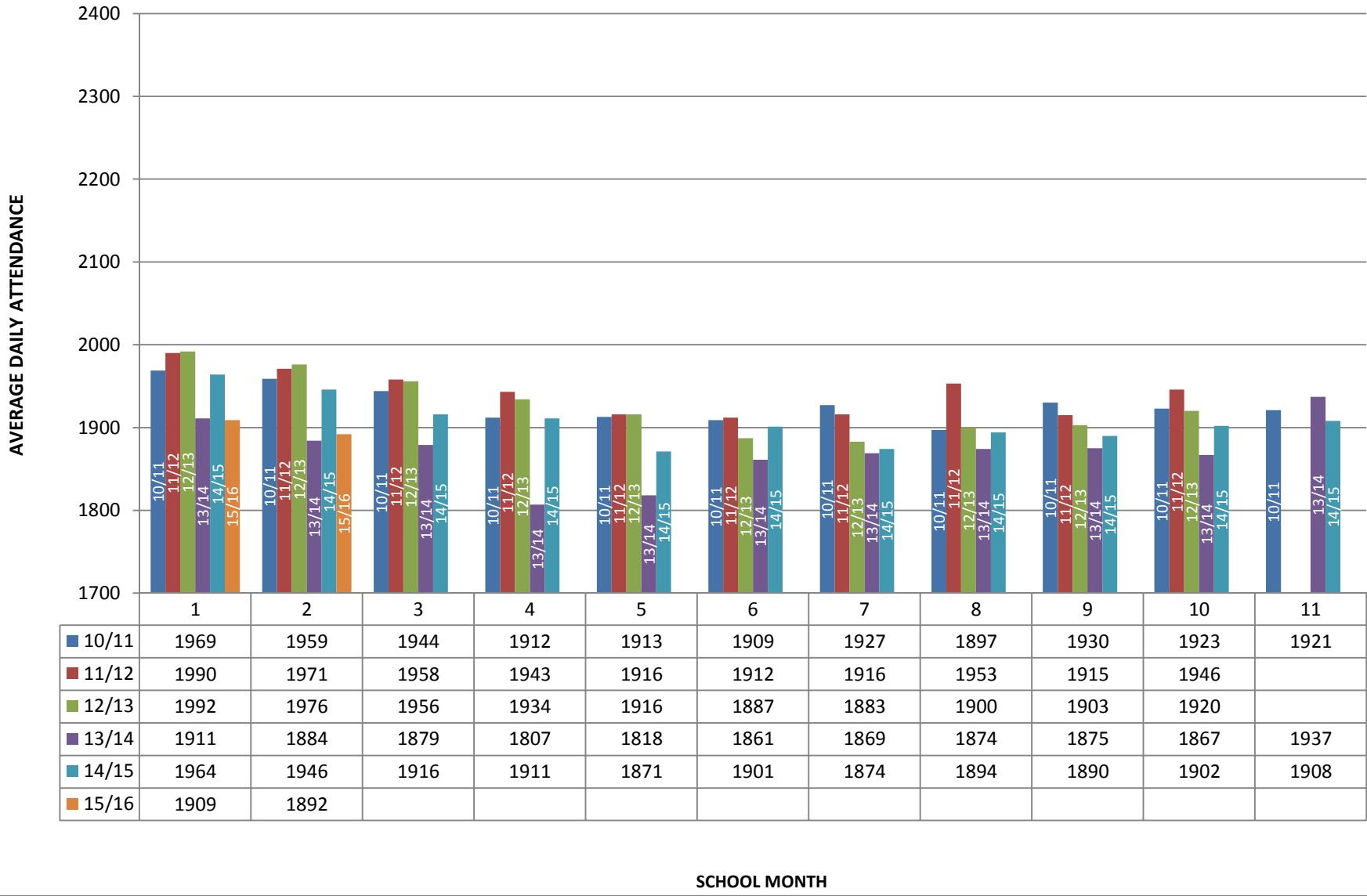
# ENROLLMENT



	1	2	3	4	5	6	7	8	9	10	11
10/11	2032	2023	2020	2022	2022	2016	2012	2009	2007	2014	2006
11/12	2052	2049	2045	2035	2027	2032	2045	2034	2001	2025	
12/13	2047	2037	2020	2011	1994	1991	1997	1983	2000	2002	
13/14	1959	1947	1960	1961	1954	1950	1967	1969	1979	1954	1975
14/15	2025	2012	2012	2002	2011	1994	2000	2004	2008	2003	1999
15/16	1962	1968									

SCHOOL MONTH

## ACTUAL ATTENDANCE



**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015 Attachments:  X

From: Elizabeth Keema-Aston, Chief Business Officer Item Number: 9.2.2

**SUBJECT** Monthly Financial Report Action: \_\_\_\_\_  
Consent Action: \_\_\_\_\_  
Information Only:  X

**Background:**

Each month the Chief Business Officer prepares a monthly financial summary report, showing both budgeted and actual revenues and expenditures for each district fund for the prior month. The report includes: the percentage of the districts ending fund from the prior month, the percentage of the districts ending fund balance (reserves) at the end of the reported month.

This report does not include any encumbered expenditures.

**Status:**

**Presenter:** Elizabeth Keema-Aston, Chief Business Officer

**Other People Who Might Be Present:**

**Cost &/or Funding Sources**

Not Applicable

**Recommendation:**

That the Board receives the Monthly Financial report as submitted.

Time: 5 mins.

**River Delta Unified School District**  
 2015-16 Working Budget vs. Actuals Report  
 September 30, 2015

Working Budget					Actuals thru: 9/30/2015						
	<i>Unaudited</i> Beginning Balance ( A )	Net Income/ Contributions in ( B )	Expense/ Contributions out ( C )	Ending Balance ( D )	YTD Income ( E )	YTD Paid to Delta Charter ( F )	YTD Net Revenue ( G )	Percentage Received ( H )	YTD Expense ( I )	Percentage Spent ( J )	
					<b>(G/B=H)</b>				<b>(I/C=J)</b>		
General Fund:											
<b>(01)</b>											
Unrestricted	1,971,946	15,565,349	14,260,041	3,277,254	909,901	402,095	1,311,996	8.43%	2,905,777	20.38%	
Restricted	633,561	5,999,451	6,142,458	490,554	197,787		1,122,572	18.71%	913,999	14.88%	
Combined	2,605,508	21,564,800	20,402,499	3,767,809	1,107,688	402,095	2,434,568	11.29%	3,819,775	18.72%	
TRAN's					2,840,000		2,840,000				
General Fund - Fund Balance %	18.47%	<i>Represents Ending Balances divided by Budget Expenses (D/C)</i>									
Other Funds											
Adult Ed. (11)	0	0	0	0	5,890		5,890	0%	-	0.00%	
Cafeteria ( 13 )	77,304	920,094	856,771	140,627	293		293	0.03%	74,144	8.65%	
Sp. Res-Other than Cap. Outlay (17)	67,507	(350)	-	67,157	-		-	0.00%	-	0.00%	
Bond Fund ( 21 )	1,057,424	299,119	173,916	1,182,627	-		-	0.00%	16,597	9.54%	
Bond Fund- SFID #1 South (22)	385,668	(5,133)	14,500	366,035	-		-	0.00%	3,770	26.00%	
Bond Fund - SFID #2 North (23)	103,993	(3,452)	16,500	84,041	-		-	0.00%	787	4.77%	
Developer Fees (25)	43,868	239,405	239,404	43,869	21,975		21,975	9.18%	210,374	87.87%	
County School Facilities (35)	1,210,627	-	1,207,475	3,152	-		-	0.00%	0	0.00%	
Capital Projects (49)	36,031	(319)	-	35,712	-		-	0.00%	0	0.00%	

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: 10-13-15

Attachments:  X

From: Craig Hamblin

Item Number: 9.2.3

**SUBJECT**      Monthly M.O.T. Information Report

Action: \_\_\_\_\_  
Consent Action: \_\_\_\_\_  
Information Only:  X

**Background:**

To provide a monthly update on the activities of the Maintenance, Operations & Transportation departments

**Status:**

See attached monthly report for the period of September 2015

**Presenter**

Craig Hamblin

**Other People Who Might Be Present**

**Cost &/or Funding Sources**

**Recommendation:**

That the Board receives this information

Time: 5 mins.

**Maintenance, Operations & Transportation  
Monthly Report for Board Meeting  
October 13, 2015**

**Maintenance & Operations:**

- **Delta High School**
  - Cleared blocked drain in Science Lab sinks - \$406.10
  - Repaired hole in water supply line - \$357.14
  - Repaired herbicide sprayer - \$115.32
  - Replaced motor on vacuum cleaner - \$197.22
  
- **D.H. White Elementary School**
  - Installed new smoke detector - \$131.61
  - Repaired damaged siding on Adult Ed portable - \$131.25
  - Replaced drinking fountain faucet in Rm. 6 - \$263.97
  
- **Isleton Elementary School**
  - Lined field for football - \$325.15
  - Repaired two swings on swing set - \$103.16
  - Installed new door handle and lock on bathroom door - \$375.71
  
- **Rio Vista High School**
  - Installed new 600 amp breaker to water heater in F Bldg. - \$2,174.24
  - Replaced blower motor and condenser motor – \$921.51
  - Repaired AC unit in office area – \$538.28
  - Installed new doors and hardware at front main entrance between library and cafeteria - \$7,064.59
  - Installed new doors and hardware on boys and girls restroom side of foyer - \$11,573.13
  - Cleared blocked drain in snack bar area - \$121.29
  
- **Riverview Middle School**
  - Rebuilt drain system; added specified drain valve; installed belt guard on compressor - \$167.87
  - Installed new doors and hardware at back of gym on boys and girls side - \$9,971.29
  - Repaired blocked urinal and replaced drain screens - \$127.80
  - Installed new control valve body and flow switch - \$1,982.49
  
- **Walnut Grove Elementary School**
  - Replaced batteries in floor scrubber - \$108.00

**Transportation Dept:**

- Purchased from DGS auction 2000 F-350 cargo van for mail delivery. The old delivery van was given to Cafeteria, South to replace non-operational van - \$3500



**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments:   X  

From: Amy Bettencourt, Director of Educational Services

Item Number:   9.3.1  

**SUBJECT:**

Williams Settlement Public Notification regarding sufficiency of teachers, facilities, CAHSEE, and textbook and instructional materials.

Action:           

Consent Action:   X  

Information Only:           

**Background:**

The Williams Settlement requires that all students have qualified teachers, appropriate instructional materials and that their schools be clean and safe. The settlement holds schools accountable for delivering these fundamental elements. Education Code 35186 BP 13124 also requires the district to provide quarterly reports regarding Williams Settlement compliance.

**Status:**

The district has received no complaints this quarter.

**Presenter:**

Amy Bettencourt, Director of Educational Services

**Other People Who Might Be Present:**

None

**Cost &/or Funding Sources**

No cost to the district

**Recommendation:**

That the board receives this item as fulfillment of Williams Settlement requirements.

Time:   2 mins.

## Trisha Salomon

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**From:** support@scoe.net  
**Sent:** Tuesday, October 06, 2015 11:55 AM  
**To:** Trisha Salomon  
**Subject:** Williams UCP Report Submission

\*\*\* COPY OF YOUR SUBMISSION \*\*\*

The following Williams UCP Quarterly Report information has been submitted. The form was submitted on 10/06/15. Questions about this report should be directed to Cyndi Kroeck: (916) 228-2672 or [ckroeck@scoe.net](mailto:ckroeck@scoe.net).

----- NAME: Trisha Salomon

TITLE: Secretary  
PHONE: (707) 374-1729  
EMAIL: [tsalomon@rdusd.org](mailto:tsalomon@rdusd.org)  
DISTRICT: River Delta Unified School District  
YEAR: 2014  
QUARTER: Quarter 1 (July-September)  
TEXTBOOKS\_NUM\_COMPLAINTS: 0  
TEXTBOOKS\_NUM\_RESOLVED: 0  
TEXTBOOKS\_NUM\_UNRESOLVED: 0  
FACILITIES\_NUM\_COMPLAINTS: 0  
FACILITIES\_NUM\_RESOLVED: 0  
FACILITIES\_NUM\_UNRESOLVED: 0  
TEACHERS\_NUM\_COMPLAINTS: 0  
TEACHERS\_NUM\_RESOLVED: 0  
TEACHERS\_NUM\_UNRESOLVED: 0  
CAHSEE\_NUM\_COMPLAINTS: 0  
CAHSEE\_NUM\_RESOLVED: 0  
CAHSEE\_NUM\_UNRESOLVED: 0  
PRESENTED\_TO\_DISTRICT: Yes  
INCLUDES\_ALL\_SITES: Yes  
RESOLUTION\_DESCRIPTION: N/A

Sender: 50.250.206.60 Mozilla/5.0 (Windows NT 6.1; WOW64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/45.0.2454.101 Safari/537.36



# RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street  
Rio Vista, California 94571-1651  
(707) 374-1700 Fax (707) 374-2995  
<http://riverdelta.org>

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the California School Employees Association Chapter 319 to receive public testimony and input from members of the community on the District's Initial Openers for Contract Negotiations with River Delta Unified School District. The public hearing will enable the Board of Trustees to receive public input and testimony but **not to provide a forum for public debate**. The public hearing is scheduled as follows:

**DATE:**  
October 13, 2015

**TIME:**  
After 6:30 p.m.

**LOCATION:**  
Bates Elementary School  
Courtland, California

If you have any questions or need further information, please contact Jennifer Gaston, Executive Assistant to the Superintendent and the Board of Trustees at (707) 374-1711 at 445 Montezuma Street, Rio Vista, CA 94571.

**NOTE:** The Board of Trustees encourages those with disabilities to participate fully in the public meeting process. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, contact the Superintendent's Office at (707) 374-1711 at least 48 hours before the scheduled meeting so that we may make every reasonable effort to accommodate you. [Government Code § 54954.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. §12132).]

## PLEASE POST

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

Walnut Grove School  
D. H. White Elementary  
River Delta High/Elementary School  
Delta Elementary Charter School

Delta High School  
Rio Vista High School  
River Delta Community Day School

Wind River School  
Mokelumne High School

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, CA 94571-1651

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments: \_\_\_x\_\_\_

From: Don Beno, Superintendent

Item Number: 10.1

**SUBJECT** Request to approve the minutes of the Board of Trustee's meeting held on September 8, 2015.

Action: \_\_\_\_\_  
Consent Action: x\_\_\_\_  
Information Only: \_\_\_\_\_

**Background:**

Attached are the minutes for the Board of Trustee's meetings held on:  
September 8, 2015

**Status:**

The board is to review for approval.

**Presenter**

Jennifer Gaston, recorder

**Other People Who Might Be Present**

Board

**Cost &/or Funding Sources**

None

**Recommendation:**

That the Board approves the Minutes as submitted.

# RIVER DELTA UNIFIED SCHOOL DISTRICT

## MINUTES

### REGULAR MEETING

September 8, 2015

1. **Call Open Session to Order** – Board President Donnelly called the Open Session of the meeting of the Board of Trustees to order at 5:30 p.m. on September 8, 2015, at Walnut Grove Elementary School, Walnut Grove, California.
2. **Roll Call of Members:**
  - Sarah Donnelly, President
  - Alicia Fernandez, Vice President (Absent)
  - Don Olson, Clerk
  - Seann Rooney, Member
  - Marilyn Riley, Member
  - Katy Maghoney, Member
  - David Bettencourt

Also present: Don Beno, Superintendent. Mr. Beno was excused from closed session at 5:45pm while the Board discussed his evaluation.
3. **Review, Approve the Closed Session Agenda and Adjourn to Closed Session**
  - 3.1 Board President Donnelly announced items on the Closed Session Agenda.
  - 3.2 Public Comment on Closed Session Agenda Items. – *None to report*
4. **Board President Donnelly asked for a motion to adjourn the meeting to Closed Session @ 5:37 pm**

Member Bettencourt moved to approve, Member Riley seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)
5. **Open Session was reconvened at 6:37 pm**
  - 5.1 Roll was retaken, Member Fernandez was absent, and all other members were present.

Also present: Don Beno, Superintendent; Elizabeth Keema-Aston, Chief Business Officer, and Jennifer Gaston, Recorder.
  - 5.2 The Pledge of Allegiance was led by Board Member, Marilyn Riley.
  - 5.3 2015 Teacher of the Year Recognition – Adrienne Radich Drouin of D.H. White Elementary School – Don Beno had the pleasure of introducing Adrienne Radich Drouin, a first grade teacher at D.H. White Elementary School as River Delta Unified School District's Teacher of the Year. Mr. Beno attended the Teacher of the Year Banquet in Sacramento that honored Mrs. Radich Drouin. Mr. Beno presented Ms. Radich Drouin with a memorable clock as a token of the district's appreciation of her hard work and dedication.
6. **Report of Action taken, if any, during the Closed Session** (Government Code Section 54957.1)
  - 6.1 Board President Donnelly reported the Board took the following actions: Board President Donnelly reported that the Board took action by approving the Superintendent's contract extension for one additional year expiring June 30, 2018.

Member Riley moved to approve, Member Maghoney seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)
7. **Review and Approve the Open Session Agenda**

Board President Donnelly requested a motion to approve the Open Session Agenda.

Member Bettencourt moved to approve, Member Riley seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)
8. **Public Comment:** Ms. Jenny Gornto on behalf of Isleton PTA addressed concerns that the school's campus is not completely fenced in. She stated that the city of Isleton doesn't have an active police presence and that there has been miscellaneous items found on campus that raises concerns. Ms. Gornto would like for the district to consider installing fencing that would completely enclose the campus.
9. **Reports, Presentations, Information**
  - 9.1 Board Member(s) and Superintendent Report(s) and/or Presentation(s) –

- 9.1.1 Board Members' report(s): Member Olson attended a Rio Vista High School Football game, and even though the team lost the players had an incredible game. Member Maghoney attended the Isleton's Back to School Night and mentioned that a lot of parents were in attendance. Member Maghoney also had a chance to speak to many of the teachers and they seem to be happy. Member Maghoney thanked Antonia Slagle for a job well done at Isleton Elementary School. Member Maghoney reported that she took a self-guided tour of Rio Vista High School and noticed the football field looked amazing and the pumpkins were thriving in the garden.
  - 9.1.2 Committee Report(s): None to report
  - 9.1.3 Superintendent Beno's report(s) – Mr. Beno reported that he attended each of the Back to School nights that have occurred. It was nice to see all the parents in attendance along with the students. Teachers presented the curriculum that they would be covering during the school year. Mr. Beno reported that school opened rather smoothly with a few technology issues that are being addressed. The tower project is underway and should be completed soon which will improve the district's internet connectivity issues. Mr. Beno mentioned that later on this evening's agenda the Board will be receiving and acknowledging the negotiation items from River Delta Unified Teachers Association (RDUTA) as well as approving the district's negotiation items with RDUTA.
- 9.2 Business Services' Reports and/or Presentations on: Routine Restricted Maintenance, Deferred Maintenance, Maintenance and Operations, Transportation Department, Food Services Department, District Technology, and District Budget – Elizabeth Keema-Aston, Chief Business Officer; Craig Hamblin, Director of Maintenance, Operations and Transportation
- 9.2.1 ADA/Enrollment Report – Mrs. Keema-Aston reported that the district's enrollment has decreased by 29 students since the end of the 2014-2015 school year. The district will be monitoring the enrollment throughout the school year and making adjustments to the budget as needed.
  - 9.2.2 Monthly Financial Report – Mrs. Keema-Aston reported that the district received the TRANS of 2.8 million dollars which is a loan to help the district's cash flow throughout the year until the tax revenues are received. This loan must be repaid by the end of the fiscal year.
  - 9.2.3 Maintenance, Operations & Transportation Update, Craig Hamblin, Director of MOT congratulated Charlie Myers for finishing a three week driver's training course which will allow him to train bus drivers here in the district. Mr. Hamblin clarified expenditures regarding air conditioning repairs. Mr. Hamblin also informed the Board that the busses are turned off while loading students rather than Idling to adhere to clean air policies. The only exception to the idling policy is the special education vans or busses which will continue to idle, keeping air flowing if necessary due to the health issues of students.
- 9.3 Other – Education Services' Reports and/or Presentation(s) -
- 9.3.1 Receive presentations of the District Schools' Single Plan for Student Achievement for school year 2015-2016 presented by Antonia Slagle, Principal of Isleton Elementary School. Ms. Slagle presented the Single Plan for Student Achievement for school year 2015-2016 for Isleton Elementary School.
  - 9.3.2 California Assessment of Student Performance and Progress (CAASPP) Presentation – Amy Bettencourt reported that the CAASPP results will be released on September 9<sup>th</sup> and will be presented to the Board at the next month's meeting. Mrs. Bettencourt gave a presentation to the Board explaining the individual student score reports which will be sent home to the parents regarding the CAASPP testing results.
- 9.4 Public Hearing – To acknowledge the River Delta Unified Teachers' association (RDUTA) initial negotiation proposals to River Delta USD for 2015-2016 – Don Beno noted the Public Hearing is to receive public testimony and input from members of the community on the bargaining units initial openers for contract negotiations with River Delta Unified School District.

**Open Public Hearing 7:19 pm    Public Comment: None    Close Public Hearing 7:20 pm**

**10. Consent Calendar**

- 10.1 Approve Board Minutes  
Regular Meeting of the Board, August 11, 2015
- 10.2 Receive and Approve Monthly Personnel Reports  
As of September 8, 2015
- 10.3 District's Monthly Expenditure Report  
August 2015
- 10.4 Request the approval of Isleton Elementary School's Single Plan for Student Achievement for school year 2015-2016 – Antonia Slagle

- 10.5 Request to have declared as surplus the attached list of musical instruments from Bates Elementary School. Instruments to be sold as parts and or scrap metal – Maria Elena Becerra
- 10.6 Request to approve the application of the Specific Waiver requesting Delta High School and Clarksburg Middle School to continue with the Joint School Site Council for both schools for the 2015-2016 school year – Laura Uslan
- 10.7 Request to approve the Leave of Absence from Amy Bettencourt – Don Beno
- 10.8 Request to approve the 2015-2016 General Agreement for Nonpublic, Nonsectarian School/Agency “Jane Johnson Speech Therapy” to provide speech therapy services for a district student at a cost not to exceed \$2,000 – Amy Bettencourt
- 10.9 Request to approve the Independent Contract for Services Agreement with Premier Healthcare Services, Inc. for the 2015-2016 school year at a cost not to exceed \$55,000 – Amy Bettencourt
- 10.10 Request to approve the Fund-Raising Event “Jamba Juice” anticipated income of \$250 to benefit Delta High School Cheer – Laura Uslan
- 10.11 Request to approve the Fund-Raising Event “Fall Grams” anticipated income of \$100 to benefit Delta High School’s Cheer – Laura Uslan
- 10.12 Request to approve the Fund-Raising Event “Churros” anticipated income of \$300 to benefit Delta High School’s Latino Club – Laura Uslan
- 10.13 Request to approve the Fund-Raising Event “Spirit Buttons” anticipated income of \$100 to benefit Delta High School’s Leadership – Laura Uslan
- 10.14 Request to approve the Fund-Raising Event “See’s Candy Bar” anticipated income of \$3456 to benefit Rio Vista High School’s AFS Club – Vicky Turk
- 10.15 Request to acknowledge the Sunshined River Delta Unified Teacher’s Association negotiation proposals to the River Delta Unified School District for 2015-2016 – Don Beno
- 10.16 Donations to Receive and Acknowledge:  
  - D.H. White Elementary School**
  - Moose Lodge – School Supplies for students (\$200)
  - Excel Photographers - \$175.75 – Miscellaneous Supplies
  - Target Corporation - \$25 – Miscellaneous Supplies

Board President Donnelly acknowledged those who donated and thanked them for their support.

Member Rooney requested that item number 10.5 be pulled from the consent calendar for discussion.

Member Bettencourt moved to approve the consent calendar pulling item number 10.5, Member Rooney seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

Mr. Beno explained that these instruments are in disrepair and are in need of surplus. Member Rooney asked if this item could be pulled from this evening’s agenda and be placed on hold until the next month’s meeting giving time to look into grants such as The Mr. Holland’s Opus Foundation before deeming these instruments as surplus. Mr. Rooney doesn’t want to miss an opportunity in finding funds to replace these instruments. Member Rooney has contacted Mr. Veirs and will contact Maria Elena Becerra regarding grant opportunities. Item 10.5 will be placed on the October’s agenda if needed.

- 11. Request to approve the Unaudited Actuals Financial Report for 2014-2015 – Elizabeth Keema-Aston

Member Bettencourt moved to approve, Member Riley seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

- 12. Request to approve Resolution #711 regarding the 2014-2015 Appropriations (Gann) Limit Calculation – Elizabeth Keema-Aston

Motion passed by roll call vote Member Rooney moved to approve, Member Olson seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

- 13. Request to approve Resolution #712 to establish Temporary Inter-Fund Transfers of Special or Restricted Monies – Elizabeth Keema-Aston

Motion passed by roll call vote Member Olson moved to approve, Member Riley seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

14. Request to approve the second and final reading of the Board Policy regarding Anaphylaxis Treatment with EpiPen with Auto Injectors due to changes in Ed. Code (49414) – Elizabeth Keema-Aston

Member Rooney moved to approve, Member Riley seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

15. Request to approve the first reading of the updated or new Board Policies, Administrative Regulations and Exhibits due to new legislation, mandated language and/or citation revisions as of April 2015 and July 2015 – Don Beno

Member Bettencourt moved to approve, Member Olson seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

16. Request to hold a Public Hearing and to approve Resolution #713 on the Sufficiency of Textbooks and Instructional Materials as per Education Code §60119 and 5 CCR 9531 for the 2015-2016 school year - Amy Bettencourt

**Open Public Hearing** 7:34 pm

**Public Comment:** Mrs. Bettencourt reported that as of September 8 all textbooks have been receive or orders have been place And are in route which is sufficient. Site visits have been completed at Walnut Grove Elementary School and Clarksburg Middle School, the team found no insufficiency at either site.

**Close Public Hearing** 7:35 pm

Motion passed by roll call vote Member Rooney moved to approve, Member Olson seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

17. Request for approval of the Advanced Placement Psychology Course for Rio Vista High School – Amy Bettencourt

Member Olson moved to approve, Member Riley seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

18. Public Hearing – To acknowledge River Delta Unified School District’s negotiation proposals to the River Delta Unified Teacher’s Association (RDUTA) for 2015-2016 – Don Beno

**Open Public Hearing** 7:37 pm

**Public Comment:** None

**Close Public Hearing** 7:38 pm

Request to approve the River Delta Unified School District’s negotiation proposals to the River Delta Unified Teacher’s Association (RDUTA) for 2015-2016 – Don Beno

Member Olson moved to approve, Member Donnelly seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

19. Request the approval to file a Notice of Completion for the paving and striping of Walnut Grove Elementary School’s Playground – Elizabeth Keema-Aston

Member Bettencourt moved to approve, Member Donnelly seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

20. Re-Adjourn to continue Closed Session was not necessary.

21. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) - Board President Donnelly – adjournment to closed session was not necessary, therefore nothing to report.

22. Adjournment

Member Rooney moved to approve, Member Riley seconded. Motion carried 6 (Ayes: Donnelly, Olson, Rooney, Riley, Maghoney, Bettencourt): 0 (Nays) : 1 (Absent: Fernandez)

The meeting was adjourned at 7:39 p.m.

Submitted:

Approved:

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Don Beno, Superintendent and  
Secretary to the Board of Trustees

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Don Olson, Clerk, Board of Trustees

By: Jennifer Gaston, Recorder  
End



BOARD OF TRUSTEES



RIVER DELTA UNIFIED SCHOOL DISTRICT

Meeting Date: October 13, 2015

Attachments: x

Item no. 10.2

SUBJECT MONTHLY PERSONNEL TRANSACTION REPORT

Action: \_\_\_\_\_

Consent: X

Background

Status:

Presenter: Don Beno, Superintendent

Other People Who Might Be Present:

Cost &/or Funding Sources

Recommendation: That the Board approve the Monthly Personnel Transaction Report as submitted.

Time: \_\_\_\_\_





**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015 Attachments: X

From: Elizabeth Keema-Aston, Chief Business Officer Item No.: 10.3

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Action Item:       
Consent Action: X  
Information Only:     

**SUBJECT:** Approve Monthly Expenditure Summary

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**Background:** The staff prepares a report of expenditures for the preceding month.

**Presenter:** Elizabeth Keema-Aston, Chief Business Officer

**Other People Who Might Be Present:**

**Cost and/or Funding Sources:**

Not Applicable

**Recommendation:**

That the Board approves the monthly expenditure summary report as submitted.

Cutoff amount: \$1.00

Select vendors with 1099 flags: of any setting.

Select payments with 1099 flags: of any setting.

Input file: Unknown Updated:

Report prepared: Fri, Oct 02, 2015, 3:24 PM

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
003556 A-Z BUS SALES 3418 52ND STREET SACRAMENTO, CA 95823  (951) 781-7188 N	386.46	G2P400008 TRANS PARTS G2P400008 TRANS PARTS G2P400008 TRANS PARTS DI56976 TRANS PARTS DI56976 TRANS PARTS DI56976 TRANS PARTS 02P400768 TRANS PARTS 02P400768 TRANS PARTS 02P400768 TRANS PARTS	09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/24/2015 09/24/2015 09/24/2015	16308603 PO-160173 16308603 PO-160173 16308603 PO-160173 16308603 PO-160173 16308603 PO-160173 16308603 PO-160173 16310933 PO-160173 16310933 PO-160173 16310933 PO-160173	.72- .72 207.16 .34- .34 97.22 .29- .29 82.08	N N N N N N N N N
013287 ACSA FOUNDATION FOR ED ADMIN 1575 BAYSHORE HIGHWAY BURLINGAME, CA 94010  (800) 608-2272 N	545.00	CI27203 2016 SPRINTDNTS SYMP	09/03/2015	16307589 PO-160403	545.00	N
002739 ALL WEST COACHLINES INC 7701 WILBUR WAY SACRAMENTO, CA 95828  (916) 423-4000 N	1,100.15	56383 DHS SPORTS TRANS	09/24/2015	16310934 PO-160322	1,100.15	N
010742 APEX LEARNING INC 1215 4TH AVE SUITE 1500 SEATTLE, WA 98161-1001  (206) 381-5600 N	18,000.00	58731 ED SV VIRTUAL SCHOOL 58731 ED SV VIRTUAL SCHOOL	09/24/2015 09/24/2015	16310912 PO-160435 16310912 PO-160435	12,117.00 5,883.00	N N
013873 ARIAS, CARMEN 16211 GRAND ISLAND RD WALNUT GROVE, CA 95690  ( ) - N	131.83	FIRST 5 AUG MILEAGE	09/10/2015	16308647 TC-160026	131.83	N
010038 ASCD 1703 NORTH BEAUREGARD ST ALEXANDRIA, VA 22311-1714	1,335.00	12140168 ADMIN MEMBERSHIP	09/03/2015	16307588 PO-160102	1,335.00	N

(800) 933-2723

N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
003876 ATKINSON ANDELSON LOYA 12800 CENTER COURT DRIVE SUITE 300 CERRITOS, CA 90703  (562) 653-3200	120.00	480758 ED SV FRISK 3 BOOKS 480758 ED SV FRISK 3 BOOKS 480758 ED SV FRISK 3 BOOKS	09/24/2015 09/24/2015 09/24/2015	16310913 PO-160238 16310913 PO-160238 16310913 PO-160238	120.00 9.60 9.60	E N N
013152 AVID CENTER 9246 LIGHTWAVE AVE STE 200 SAN DIEGO, CA 92123  (858) 380-4800	20,720.22	96930 AVID MEMBERSIP MIDD/HS	09/10/2015	16308575 PO-160170	20,720.22	N
014162 BAILEY, SUSAN 3907 LINCOLN AVENUE OAKLAND, CA 94602  ( ) -	33.93	SP ED AUG 15 MILEAGE	09/10/2015	16308648 TC-160015	33.93	N
012312 BALLANCE MPT, MICHAEL R 12270 KIRKWOOD STREET HERALD, CA 95638  (209) 663-8013	525.00	JULY 15 SP ED PHYS THERAPY AUG 15 SP ED PHYS THERAPY	09/03/2015 09/10/2015	16307599 PO-160376 16308576 PO-160376	325.00 200.00	7 7
014367 BANK OF AMERICA PO BOX 15710 WILMINGTON, DE 19886-5710  ( 0) - 0	2,055.20	TEACHER OF YEAR CLOCK DHW MAC MEMORY FIRST 5 VACUUMS SP ED PARENT SUBSCRIPTION MAINT PART BUS OFF PRINTERS FIRST 5 DRDP TRAINING FIRST 5 PLAY SUMMIT	09/24/2015 09/24/2015 09/24/2015 09/24/2015 09/24/2015 09/24/2015 09/24/2015 09/24/2015	16310914 PO-150335 16310914 PO-160278 16310914 PO-160427 16310914 PO-160441 16310914 PO-160444 16310914 PO-160452 16310965 PV-160106 16310965 PV-160106	110.55 650.25 150.26 119.00 86.54 758.60 100.00 80.00	N N N N N N N N
010822 BARKMAN, MELINDA P.O. BOX 524 RIO VISTA, CA 94571  ( ) -	35.65	RMS JULY/AUG MILEAGE	09/10/2015	16308649 TC-160023	35.65	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012586 BAY ALARM 60 BERRY DRIVE PACHECO, CA 94553	665.88	RVHS ALARM DO ALARM DO ALARM	09/24/2015 09/24/2015 09/24/2015	16310966 PV-160104 16310966 PV-160104 16310966 PV-160104	103.38 248.88 313.62	N N N
(209) 465-1986		N BALCO HOLDINGS				
012497 BUSWEST 21107 CHICO STREET CARSON, CA 90745	558.68	BN69699/BN69379 TRANS PRTS BN69895/BF124694 TRANS PARTS	09/10/2015 09/24/2015	16308604 PO-160031 16310935 PO-160031	285.50 273.18	N N
(209) 531-3928		N				
003681 CALIFORNIA AMERICAN WATER P.O. BOX 7150 PASADENA, CA 91109-7150	758.52	ISLE WATER SERVICE ISLE WATER SERVICE ISLE WATER SERVICE	09/10/2015 09/10/2015 09/10/2015	16308636 PV-160087 16308636 PV-160087 16308636 PV-160087	311.41 246.35 200.76	N N N
(888) 237-1333		N				
012079 CALIFORNIA CLEAR BOTTLED P.O. BOX 981 14410 W.G. THORNTON RD WALNUT GROVE, CA 95690	323.25	ZWA010 ASP WATER ZWA010 ASP WATER ZSA010 WG WATER ZWA009 ASP WATER	09/10/2015 09/10/2015 09/24/2015 09/24/2015	16308577 CL-150019 16308577 CL-150019 16310936 PO-160156 16310936 PO-160464	132.75 56.50 203.25 43.75	7 7 7 7
(916) 776-1544		Y				
002344 CALIFORNIA LABORATORY SERVICES 3249 FITZGERALD ROAD RANCHO CORDOVA, CA 95742	345.00	5082055 MAINT WATER TESTING 5072357 MAINT WATER TESTING 5081615 MAINT WATER TESTING 5081677 MAINT WATER TESTING 5081652 MAINT WATER TESTING 5081648 MAINT WATER TESTING	09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015	16308606 PO-160204 16308606 PO-160204 16308606 PO-160204 16308606 PO-160204 16308606 PO-160204 16308606 PO-160204	112.00 65.00 28.00 28.00 56.00 56.00	N N N N N N
( ) -		N GLOBAL LABS IN				
013184 CALIFORNIA PUBLIC EMPLOYEE'S CASHIERING UNIT PO BOX 942703 SACRAMENTO, CA 94229-2703	3,539.63	SEPT 2015 ADMIN CST ACTV EMPL SEPT 2015 ADMIN CST ACTV EMPL SEPT 2015 ADMIN CST ACTV EMPL SEPT 2015 ADMIN CST RETIREES SEPT 2015 ADMIN CST RETIREES SEPT 2015 ADMIN CST RETIREES SEPT 2015 ADMIN CST RETIREES	09/01/2015 09/01/2015 09/01/2015 09/01/2015 09/01/2015 09/01/2015 09/01/2015	16307222 PV-160072 16307222 PV-160072 16307222 PV-160072 16307222 PV-160073 16307222 PV-160073 16307222 PV-160073 16307222 PV-160073	113.85 175.34 1,321.92 899.70 49.14 38.28 941.40	N N N N N N N
( ) -		N				

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010041 CAMACHO, STEVE 220 SIERRA ST RIO VISTA, CA 94571  ( ) - N	217.35	RMS JULY 15 MILEAGE	09/10/2015	16308650 TC-160018	217.35	N
013882 CAPITAL CLUTCH & BRAKE 3100 DULUTH STREET WEST SACRAMENTO, CA 95691  (916) 371-5970 N	1,508.19	1368974/1365840 TRANS PARTS	09/10/2015	16308607 PO-160029	1,508.19	N
011128 CARLI, BETH P.O. BOX 116 RYDE, CA 95680  ( ) - N	37.49	BATES SUPPLIES	09/24/2015	16310937 PO-160415	37.49	N
013347 CASBO PROFESSIONAL DEVELOPMENT 1001 K STREET, 5TH FLOOR SACRAMENTO, CA 95814  ( 0) - 0 N	580.00	CBO REG CBO BOOT CAMP	09/24/2015	16310915 PO-160544	580.00	N
012862 CENTER STATE PIPE & SUPPLY DIV. OF HAJOCA CORP 520 N UNION STREET STOCKTON, CA 95205  (209) 466-0871 N	293.25	S008531836 MAINT SUPPLIES S008598009 MAINT SUPPLIES	09/10/2015 09/10/2015	16308605 PO-160035 16308605 PO-160035	250.47 42.78	N N
003380 CENTRAL VALLEY WASTE SERVICE INC P.O. BOX 78251 PHOENIX, AZ 85062-8251  ( ) - N	3,663.41	TRANS WASTE SERV MOKE WASTE SERV ISLE WASTE SERV WG WASTE SERV BATES WASTE SERV	09/03/2015 09/03/2015 09/03/2015 09/03/2015 09/03/2015	16307621 PV-160081 16307621 PV-160081 16307621 PV-160081 16307621 PV-160081 16307621 PV-160081	130.55 79.29 1,423.16 773.52 1,256.89	N N N N N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014254 CIF SAC-JOQUIN SECTION PO BOX 289 LODI, CA 95241	1,240.00	RVHS STUDENT DUES CIF DHS STUDENT DUES	09/10/2015 09/17/2015	16308578 PO-160475 16309634 PO-160519	655.00 585.00	N N
( ) -						N
013908 CIT TECHNOLOGY FINANCING SERVICES INC PO BOX 1638 LIVINGSTON, NJ 07039	263.38	27421823 CMS XEROX LEASE	09/24/2015	16310938 PO-160318	263.38	N
( ) -						N
000201 CITY OF ISLETON P.O. BOX 716 101 SECOND STREET ISLETON, CA 95641	411.05	50180 ISLE SEWER	09/10/2015	16308608 PO-160092	411.05	N
(916) 777-7770						N
000077 CITY OF RIO VISTA P.O. BOX 745 ONE MAIN STREET RIO VISTA, CA 94571	5,400.34	RVHS SEWER RMS SEWER DO SEWER RVHS WATER RMS WATER DO WATER	09/17/2015 09/17/2015 09/17/2015 09/17/2015 09/17/2015 09/17/2015	16309647 PV-160101 16309647 PV-160101 16309647 PV-160101 16309647 PV-160101 16309647 PV-160101 16309647 PV-160101	1,558.38 480.38 63.85 1,559.22 1,564.13 174.38	N N N N N N
( ) -		N RIO VISTA FIRE				N
010687 CLASSROOM DIRECT W6316 DESIGN DRIVE GREENVILLE, WI 54942	575.91	308102293978 WG SUPPLIES TK 208114556282 DHW PAPER 308102247634 DHW SUPPLIES	09/03/2015 09/10/2015 09/24/2015	16307590 PO-160312 16308579 PO-160082 16310917 PO-160249	208.87 72.07 294.97	N N N
(800) 248-9171		N SCHOOL SPECIAL				N
014088 CLINE, SUZANNE 451 ANDERSON WAY RIO VISTA, CA 94571	232.36	FIRST 5 SUPPLIES FIRST 5 AUG 15 MILEAGE	09/10/2015 09/10/2015	16308609 PO-160284 16308651 TC-160022	65.61 166.75	N N
( ) -						N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013914 COMCAST HOLDINGS CORPORATION ONE COMCAST CENTER 32ND FLOOR PHILADELPHIA, PA 19103  (800) 266-2278 N	851.34	DO INTERNET RVHS INTERNET SEPT RMS INTERNET AUG/SEPT DO INTERNET	09/03/2015 09/10/2015 09/10/2015 09/17/2015	16307622 PV-160077 16308637 PV-160084 16308637 PV-160084 16309648 PV-160093	103.93 189.00 434.48 123.93	N N N N
012507 COMMITTEE FOR CHILDREN 2815 SECOND AVENUE SUITE 200 SEATTLE, WA 98121-3207  (800) 634-4449 N	7,731.90	262100 ED SV MATERIALS 262100 ED SV MATERIALS 262100 ED SV MATERIALS	09/10/2015 09/10/2015 09/10/2015	16308580 PO-160373 16308580 PO-160373 16308580 PO-160373	618.55 618.55 7,731.90	N N N
013922 COMPREHENSIV DRUG TESTING PO BOX 11869 SANTA ANA, CA 92711  ( ) - N	202.00	41302 DOT DRUG TESTING 41407 DOT DRUG TESTING	09/10/2015 09/24/2015	16308610 PO-160174 16310939 PO-160174	101.00 101.00	N N
014262 CONCILIO OF YOLO COUNTY PO BOX 879 WOODLAND, CA 95776  (530) 758-2331 N	75.00	SUPERTNDT AD	09/17/2015	16309635 PO-160506	75.00	N
014215 CONTERRA ULTRA BROADBAND PO BOX 281357 ATLANTA, GA 30384-1357  (704) 936-1722 N	1,602.64	7651 DISTRICT NETWORK	09/24/2015	16310940 PO-160114	1,602.64	N
011787 COSUMNES RIVER COLLEGE COMMUNITY EDUCATION 8401 CENTER PARKWAY SACRAMENTO, CA 95823  ( ) - N	500.00	DHS J. ASPURO SCHOLARSHIP PYMT	09/24/2015	16310918 PO-160534	500.00	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013455 CREATIVE BUS SALES INC. 13501 BENSON AVE CHINO, CA 91710-5232  (909) 465-5528	733.21	8012012/294/328 TRANS PARTS 5075552/8012567 TRANS PARTS	09/10/2015 09/24/2015	16308611 PO-160175 16310941 PO-160175	379.98 353.23	N N
013302 D & S PRESS 1105 "A" AIRPORT ROAD RIO VISTA, CA 94571  (707) 374-2442	211.33	721 IMEL BUS CARDS 721 H. PAULS BUS CARDS 750 TRANS MYERS BUS CARDS	09/10/2015 09/10/2015 09/24/2015	16308581 PO-160337 16308581 PO-160385 16310919 PO-160482	70.45 70.44 70.44	N N N
013876 DATAPATH PO BOX 396009 SAN FRANCISCO, CA 94139  (888) 693-2827	29,172.53	129550 DW MONTHLY TECH SERV 129550 DW MONTHLY TECH SERV 129550 DW MONTHLY TECH SERV 129550 DW MONTHLY TECH SERV 129550 DW MONTHLY TECH SERV 129369 ED SV IMEL LAPTOP 129463 BUS OFF LAPTOP 129284 CRANE PEREZ LAPTOP 129373 D2 1 YR UCC CERTIFICATE 129462 RMS COMPUTER 129662 ED SV CHROMKS CART 129662 ED SV CHROMBOOKS	09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/24/2015 09/24/2015	16308612 PO-160094 16308612 PO-160094 16308612 PO-160094 16308612 PO-160094 16308612 PO-160094 16308582 PO-160164 16308582 PO-160228 16308582 PO-160236 16308582 PO-160280 16308582 PO-160384 16310920 PO-160453 16310920 PO-160453	2,011.00 201.10 7,541.25 100.55 201.10 895.13 64.26 1,125.99 249.00 1,009.39 1,600.00 14,173.76	N N N N N N N N N N N N
012807 DELTA ELEMENTARY CHARTER SCHOOL 36230 N SCHOOL ST CLARKSBURG, CA 95612  (916) 995-1335	205,995.00	SEPTEMBER 2015 TAX IN LIEU	09/03/2015	16307623 PV-160082	205,995.00	N
014067 DISCOVERY OFFICE SYSTEMS 2250 APOLLO WAY, SUITE 100 SANTA ROSA, CA 95407  (707) 570-1000	238.20	WG00 WG MAINT AGREEMENT RD05 ISLE COPIER CONTRACT	09/17/2015 09/17/2015	16309639 PO-160248 16309639 PO-160496	134.03 104.17	N N
010469 E.F. KLUDT & SONS INC	10,027.64	207112 TRANS FUEL	09/10/2015	16308613 PO-150053	1,089.21	N



P.O. BOX 166  
LODI, CA 95241-0166

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207152	TRANS FUEL	09/10/2015	16308613	PO-150053	1,596.14	N
206921	TRANS FUEL	09/10/2015	16308613	PO-150053	1,557.01	N
206868	TRANS FUEL	09/10/2015	16308613	PO-150053	2,088.23	N
207404/207625	TRANS FUEL	09/24/2015	16310942	PO-150053	3,697.05	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014172 ENCORE DATA PRODUCTS 730 FRONT STREET LOUISVILLE, CO 80027  (866) 926-1669 N	107.84	40790 SP ED HEADPHONES	09/10/2015	16308583 PO-160342	107.84	N
013733 EPS/SCHOOL SPECIALTY INTERVENTION PO BOX 9031 CAMBRIDGE, MA 02139-9031  (800) 225-5750 N	127.47	10842211 BATES SUPPLIES	09/10/2015	16308584 PO-160346	127.47	N
013913 FLORAL FRESH 1127 FEE DRIVE SACRAMENTO, CA 95815  (916) 504-3591 N	1,491.30	DHS AG FLORAL SUPPLIES	09/17/2015	16309636 PO-160352	1,491.30	N
013912 FLORAL RESOURCES SACRAMENTO 1127 FEE DRIVE SACRAMENTO, CA 95815  (916) 504-3591 Y	327.24	46434 DHS AG SUPPLIES 46131 DHS AG SUPPLIES 44763 DHS AG SUPPLIES 45167 DHS AG SUPPLIES	09/17/2015 09/17/2015 09/17/2015 09/17/2015	16309640 PO-160336 16309640 PO-160336 16309640 PO-160336 16309640 PO-160336	219.24 79.92 17.82 10.26	7 7 7 7
013903 FREEPORT POWER EQUIPMENT 6235 BELLEAU WOOD LANE SITE 2 SACRAMENTO, CA 95822-5928  (916) 422-9238 Y FREEPORT GARDE	195.95	7176 MAINT SUPPLIES 7193 MAINT REPAIRS	09/10/2015 09/24/2015	16308585 PO-160036 16310943 PO-160036	72.97 122.98	7 7
013283 GALINDO, JOE 3900 DRAKESHIRE DR MODESTO, CA 95356  ( 0) - 0 N	167.90	ED SV JULY 15 MILEAGE	09/10/2015	16308654 TC-160020	167.90	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014190 GCR TIRE CENTERS 1401 RICHARDS BLVD SACRAMENTO, CA 95811  (916) 800-0934 N	2,048.28	46925 TRANS TIRES	09/24/2015	16310944 PO-160179	2,048.28	N
010639 GLENCOE-MCGRAW HILL P.O. BOX 543 BLACKLICK, OH 43004-9902  (800) 334-7344 N	1,388.30	87342812001/8715326101 BKS	09/10/2015	16308600 PO-160268	1,388.30	N
013897 GOV CONNECTION INC 7503 STANDISH PLACE ROCKVILLE, MD 20855  (800) 800-0019 N	3,152.38	52911715 RVHS 2 SURFACE PROS 52911714 RVHS SURFACE PRO	09/10/2015 09/10/2015	16308586 PO-160192 16308586 PO-160196	2,594.67 557.71	N N
003598 GRAINGER 3691 INDUSTRIAL BLVD WEST SACRAMENTO, CA 95691-3479  (916) 372-7800 N W.W. GRAINGER	137.17	MAINT AUG 15 SUPPLIES	09/10/2015	16308614 PO-160037	137.17	N
013656 HASTINGS, ANNETTE 509 TWIN LAKES LANE RIO VISTA, CA 94571  ( ) - N	42.00	TRANS CDL RENEWAL	09/10/2015	16308652 TC-160017	42.00	N
000472 HENRY GO MD INC P.O. BOX 338 COURTLAND, CA 95615  ( ) - Y	73.00	#10001 A. LOPEZ DMV EXAM	09/24/2015	16310967 PV-160103	73.00	6
012532 HOUGHTON MIFFLIN 222 BERKELEY STREET	20,762.68	951739429 ED SV PROF DEVELP 951649756 ED SV BOOKS	09/10/2015 09/10/2015	16308588 PO-160134 16308588 PO-160329	2,800.00 4,371.86	N N

BOSTON, MA 02116-3764

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N HOUGHTON MIFFL

951643028	ED SV RESOURCE PACKA	09/10/2015	16308588	PO-160330	2,863.96	N
951694158	ED SV BOOKS	09/10/2015	16308588	PO-160396	368.73	N
951694150	ED SV BOOKS	09/10/2015	16308588	PO-160396	5,384.58	N
951695923	ED SV BOOKS	09/10/2015	16308588	PO-160396	427.29	N
951713289	ED SV BOOKS	09/10/2015	16308588	PO-160421	335.32	N
951610543	RMS BOOKS	09/24/2015	16310922	PO-160106	528.00	N
951598798	RMS BOOKS	09/24/2015	16310922	PO-160106	182.94	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012532 HOUGHTON MIFFLI (Continued...)		951541101 ED SV PROF DEVELOPMN	09/24/2015	16310922 PO-160163	3,500.00	N
012272 HOUGHTON MIFFLIN HARCOURT	17,594.98	951579530 ED SV BOOKS	09/10/2015	16308587 PO-160254	648.22	N
PUBLISHING COMPANY		951579538 ED SV BOOKS	09/10/2015	16308587 PO-160254	648.22	N
222 BERKELEY STREET		951684383 ED SV BOOKS	09/10/2015	16308587 PO-160399	359.27	N
BOSTON, MA 02116		951688750 ED SV BOOKS	09/10/2015	16308587 PO-160401	1,572.64	N
		951713290 ED SV BOOKS	09/10/2015	16308587 PO-160408	598.23	N
(800) 225-5425		951700662 ED SV BOOKS	09/10/2015	16308587 PO-160408	52.45	N
N		951603310 ED SV BOOKS	09/24/2015	16310921 PO-160263	6,586.24	N
		951614770 ED SV BOOKS	09/24/2015	16310921 PO-160263	4,807.80	N
		951722780 ED SV BOOKS	09/24/2015	16310921 PO-160400	360.82	N
		951757233 ED SV BOOKS	09/24/2015	16310921 PO-160400	1,450.19	N
		951699873 ED SV BOOKS	09/24/2015	16310921 PO-160400	410.10	N
		951757232 SP ED BOOKS	09/24/2015	16310921 PO-160467	100.80	N
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011917 INDOFF	5,841.75	2677444/2678194 ISLE SUPPLIES	09/10/2015	16308615 PO-160407	233.14	N
11816 LACKLAND AVENUE		2674769 RVHS SUPPLIES	09/24/2015	16310945 PO-160024	469.87	N
ST. LOUIS, MO 63146-4206		2671257 RVHS PICNIC TABLE SUPL	09/24/2015	16310923 PO-160275	809.65	N
		2675420 RVHS PICNIC TABLES	09/24/2015	16310923 PO-160276	4,329.09	N
(707) 374-4037						N
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000107 INLAND BUSINESS SYSTEMS	2,703.67	0AV543 DO PRINTER OVERAGES	09/03/2015	16307624 PV-160078	13.28	N
1500 NO. MARKET		0AV543 DO PRINTER OVERAGES	09/03/2015	16307624 PV-160078	102.94	N
SACRAMENTO, CA 95834-1912		0AV543 DO PRINTER OVERAGES	09/03/2015	16307624 PV-160078	176.79	N
		0AV543 DO PRINTER OVERAGES	09/03/2015	16307624 PV-160078	46.81	N
(916) 928-0770		0AV543 DO PRINTER OVERAGES	09/03/2015	16307624 PV-160078	219.45	N
N		0AV543 DO PRINTER OVERAGES	09/03/2015	16307624 PV-160078	79.30	N
		0AV543 DO PRINTER OVERAGES	09/03/2015	16307624 PV-160078	24.13	N
		OAW661 WG MAINT AGRMENT	09/24/2015	16310946 PO-160161	208.24	N
		0AU156/0B3338 ED SV MAINT AGMR	09/24/2015	16310946 PO-160167	85.16	N
		0B3283 RVHS MAINT AGRMNT	09/24/2015	16310946 PO-160199	710.18	N
		0B0433 RVHS MAINT AGRMENT	09/24/2015	16310946 PO-160200	129.71	N
		0AX080 BUS OFF COPIER MAINT	09/24/2015	16310946 PO-160232	37.77	N
		0AU136 DO FAX MAINT	09/24/2015	16310946 PO-160234	36.15	N
		0AX080 DO COPIER MAINT	09/24/2015	16310946 PO-160235	37.77	N
		0B3054/0B3593 CMS MAINT AGRMNT	09/24/2015	16310946 PO-160319	98.09	N
		OB3595 DHS SERV CONTRACTS	09/24/2015	16310946 PO-160325	265.38	N
		OAY463/OAY465 DHS SERV CONTR	09/24/2015	16310946 PO-160327	427.20	N
		0AJ797 MOKE MAINT AGRMNT	09/24/2015	16310946 PO-160388	5.32	N
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013836 IXL LEARNING INC	150.00	S273441 WG ELA MATH SUBSCRIPT	09/10/2015	16308589 PO-160274	150.00	N
777 MARINERS ISLAND BLVD						

SUITE 600  
SAN MATEO, CA 94404

(855) 255-8800

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013919 JACOBSEN WEST 1170 NATIONAL DRIVE SUITE 20 SACRAMENTO, CA 95834  (916) 419-2000	273.27	30008267 MAINT PARTS	09/03/2015	16307602 PO-160210	273.27	N
		N TEXTRON INC				
013885 JIMARIES ENTERPRISES 22 MAIN STREET RIO VISTA, CA 94571  (707) 374-6007	15.14	10000026 TRANS PARTS	09/10/2015	16308616 PO-160180	15.14	N
		N				
014163 JIMENEZ, ARTURO 5346 BIRK WAY SACRAMENTO, CA 95835  ( ) -	220.00	FIRST 5 JULY/AUG MILEAGE	09/10/2015	16308653 TC-160027	220.00	N
		N				
012005 KIRK KENNER DBA DELTA REFRIDG 5 HILL CT. RIO VISTA, CA 94571  (707) 374-6213	2,203.73	4278/4283 MAINT HVAC REPAIRS 4287/4290 MAINT HVAC REPAIRS	09/10/2015 09/24/2015	16308617 PO-160206 16310947 PO-160206	1,104.13 1,099.60	7 7
		Y KENNER, KIRK				
001991 KRONICK MOSKOVITZ TIEDEMANN & GIRARD 400 CAPITOL MALL 27TH FLOOR SACRAMENTO, CA 95814-4417  (916) 321-4500	2,342.00	279031 WG ATTY FEES 279031 RVHS ATTY FEES	09/24/2015 09/24/2015	16310968 PV-160102 16310970 PV-160102	330.50 2,011.50	E E
		Y				
011311 LA RUE COMMUNICATIONS 521 E. MINER AVE STOCKTON, CA 95202  (209) 463-1900	330.00	5940 TRANS REPEATER SYSTEM	09/10/2015	16308618 PO-160129	330.00	7
		Y LA RUE, KNOX J				

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
000203 LAKESHORE LEARNING MATERIALS 2695 E DOMINGUEZ STREET CARSON, CA 90895  (800) 424-4772 N	1,585.07	4518710815 ASP SUPPLIES 4518700815 ASP SUPPLIES 4518600815 ASP SUPPLIES 3887980815 WG SUPPLIES	09/24/2015 09/24/2015 09/24/2015 09/24/2015	16310948 PO-160299 16310948 PO-160301 16310948 PO-160306 16310924 PO-160313	726.41 517.77 52.11 288.78	N N N N
013243 LALEAU, PIERRE 800 VALLEY GREEN DRIVE BRENTWOOD, CA 94513  (925) 308-4388 N	127.39	DHW SUPPLIES DHW JULY MILEAGE	09/03/2015 09/10/2015	16307603 PO-160077 16308655 TC-160028	110.01 17.38	N N
011595 LAND PARK ACADEMY 6400 FREEPORT BLVD SACRAMENTO, CA 95822  (916) 427-2273 N ADVANCE EDUCAT	6,634.57	080115-7 NPS DUES MARTIN 0801158 NPS DUES RODRIGUEZ	09/03/2015 09/03/2015	16307604 PO-160409 16307604 PO-160410	3,779.09 2,855.48	N N
013900 LEARNING SOLUTIONS 3031 C STREET SACRAMENTO, CA 95816  (916) 442-2396 N	5,980.25	1573232580RS SP ED SERV 1573201834SH SP ED SERV 1573170473JM SP ED SERV 1573147736BP SP ED SERV	09/03/2015 09/03/2015 09/03/2015 09/03/2015	16307605 PO-160380 16307605 PO-160380 16307605 PO-160380 16307605 PO-160380	926.25 2,838.00 1,880.00 336.00	N N N N
000548 LIRAS SUPERMARKET 609 HWY 12 RIO VISTA, CA 94571  (707) 374-5399 N	96.20	#135 ED SV SUPPLIES	09/17/2015	16309649 PV-160100	96.20	N
013206 LOWE'S 8369 POWER INN ROAD ELK GROVE, CA 95624-3464  (866) 232-7443 N	57.40	MAINT AUG SUPPLIES	09/24/2015	16310949 PO-160040	57.40	N
000711 LYMAN PARTS DEPOT 14301 RAILROAD AVE	43.33	13112 MAINT PARTS	09/24/2015	16310950 PO-160041	43.33	N



WALNUT GROVE, CA 95690-

(916) 776-1744

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013064 MAC BEATH HARDWOODS CO 930 ASHBY AVE BERKELEY, CA 94710  (415) 401-7046 N	1,748.99	896077 RVHS LUMBER	09/24/2015	16310925 PO-160454	1,748.99	N
014393 MATAMOROS, STACY 3997 TULE ST W. SACRAMENTO, CA 95691  ( 0) - 0 N	44.80	REIMB CAFE LUNCH MONEY	09/10/2015	16308645 PV-160088	44.80	N
011392 MCGRAW HILL SCHOOL PUBLISHING 220 E DANIELDALE ROAD DESOTO, TX 75115  (614) 755-4151 N	5,883.28	87745794001 ED SV BOOKS	09/10/2015	16308601 PO-160398	5,883.28	N
014279 MCGREW BEHAVIOR INTERVENTION 229 NEWBURY WAY AMERICAN CANYON, CA 94503  (707) 246-7320 N	1,512.00	157182429CC SP ED AUTISM SRV	09/10/2015	16308619 PO-160379	1,512.00	N
014259 MILLER, ANDREW 1723 U STREET #5 SACRAMENTO, CA 95818  (805) 607-9657 N	86.11	RVHS SUPPLIES	09/10/2015	16308620 PO-160355	86.11	N
012837 MOBILE MODULAR 5700 LAS POSITAS ROAD LIVERMORE, CA 94551  (925) 606-9000 N MCGRATH RENTCO	420.00	813426 MAINT RMS PORTABLE	09/24/2015	16310964 PO-160115	420.00	N
014245 MOEHLNBROCK, SUSAN 174 OXBOW MARINA DR.	301.80	SP ED AUG 15 MILEAGE SP ED SUPPLIES	09/10/2015 09/24/2015	16308656 TC-160016 16310951 PO-160253	203.55 98.25	N N

ISLETON, CA 95641

(707) 330-8685

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014229 MPS 16365 JAMES MADISON HIGHWAY GORDONSVILLE, VA 22942	2,221.69	70271704 ED SV BOOKS 72092378 RVHS HISTORY GUIDE	09/03/2015 09/10/2015	16307625 PV-160074 16308590 PO-160424	1,950.75 270.94	Y Y
(540) 672-7744						Y
014383 MW BATES SAFETY CONST 6650 RIVERSIDE BLVD SACRAMENTO, CA 95831	845.00	1430 TRANS OPACITY TESTING	09/24/2015	16310926 PO-160370	845.00	N
(916) 812-1080						N
014283 MYERS, CHARLES PO BOX 1178 RIO VISTA, CA 94571	789.31	TRANS CONF REIMB	09/10/2015	16308657 TC-160030	789.31	N
(619) 316-8726						N
003602 NATIONAL FFA ORGANIZATION P.O. BOX 631363 CINCINNATI, OH 45263-1363	817.00	47057/47012 DHS AG FFA CONV	09/24/2015	16310927 PO-160536	817.00	N
( ) -						N
013877 NORRIS, CARRIE 4833 STEPPE COURT ELK GROVE, CA 95757	316.13	WG SUPPLIES	09/03/2015	16307606 PO-160154	316.13	N
( ) -						N
014359 NORTH STATE TIRE CO 1610 KATHLEEN AVE SACRAMENTO, CA 95815	4,001.78	65324 TRANS TIRES 65606 TRANS TIRES k65934 TRANS TIRES	09/03/2015 09/10/2015 09/24/2015	16307607 PO-160181 16308621 PO-160181 16310952 PO-160181	939.95 2,008.47 1,053.36	N N N
(916) 922-1075						N
014016 O'REILLY AUTO PARTS 233 S PATTERSON	141.29	TRANS AUG PARTS	09/10/2015	16308622 PO-160028	141.29	N

SPRINGFIELD, MO 65802

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013905 OFFICE DEPOT 4720 NORTHGATE BOULEVARD SACRAMENTO, CA 95824	316.78	786775686001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	21.02	N
		786775686001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	262.75	N
		786781906001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	.80	N
		786781906001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	.80	N
( ) - N		786775686001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	21.02	N
		786781906001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	10.06	N
		786782188001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	.16	N
		786782188001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	1.94	N
		786782190001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	.51	N
		786782189001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	35.61	N
		786782188001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	.16	N
		786782190001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	6.42	N
		786782190001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	.51	N
		786782189001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	2.85	N
		786782189001 DHS SUPPLIES	09/24/2015	16310953 PO-160324	2.85	N
000193 OILWELL MATERIALS & HARDWARE CO INC 506 STATE HIGHWAY 12 RIO VISTA, CA 94571	495.38	678/1645 DHW SUPPLIES	09/03/2015	16307608 PO-160076	55.98	N
		#676 MAINT SUPPLIES	09/10/2015	16308623 PO-160043	439.40	N
( ) - N						
011429 OLIVER WORLDCLASS LABS INC PO BOX 1686 BENICIA, CA 94510	3,661.87	23997 DHW TRAINING	09/03/2015	16307609 PO-160078	178.00	N
		23978 DHW SMARTBOARD	09/03/2015	16307591 PO-160229	670.00	N
		23978 DHW SMARTBOARD	09/03/2015	16307591 PO-160229	2,000.00	N
		23978 DHW SMARTBOARD	09/03/2015	16307591 PO-160229	813.87	N
(707) 747-1537 N						
013146 PAR P.O. BOX 1416 MINNEAPOLIS, MN 55440	233.20	721651 SP ED SUPPLIES	09/24/2015	16310928 PO-160460	18.66	N
		721651 SP ED SUPPLIES	09/24/2015	16310928 PO-160460	18.66	N
		721651 SP ED SUPPLIES	09/24/2015	16310928 PO-160460	233.20	N
(800) 331-8378 N						
013692 PATIN, ANGELA 220 TRINITY CT RIO VISTA, CA 94571	142.03	NURSE AUG 15 MILEAGE	09/10/2015	16308658 TC-160024	142.03	N
( ) - N						

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SCH PUMP ELECT	09/03/2015	16307626	PV-160075	10.51	N
DHS ELECT	09/03/2015	16307626	PV-160075	4,855.09	N
DHW ELECT	09/03/2015	16307626	PV-160075	7,110.08	N
ISLE ELECT	09/03/2015	16307626	PV-160075	5,037.54	N
N. NETH ELECT	09/03/2015	16307626	PV-160075	38.14	N
GARAGE ELECT	09/03/2015	16307626	PV-160075	168.45	N
RADIO RIO ELECT	09/03/2015	16307626	PV-160080	19.21	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
003270 PG&E (Continued...)		DHW ELECTRIC	09/17/2015	16309650 PV-160094	178.44	N
		DHW OFFICE ELECT	09/24/2015	16310969 PV-160105	428.91	N
		DHW ELECT	09/24/2015	16310969 PV-160105	8,485.32	N
		RMS ELECT	09/24/2015	16310969 PV-160105	9,279.78	N
		CMS ELECT	09/24/2015	16310969 PV-160105	4,863.03	N
		DO ELECT	09/24/2015	16310969 PV-160105	2,074.48	N
		N. NETH ELECT	09/24/2015	16310969 PV-160105	38.02	N
		LIFT PUMP ELECT	09/24/2015	16310969 PV-160105	57.53	N
		DO ELECT	09/24/2015	16310969 PV-160105	56.25	N
		SHOP ELECT	09/24/2015	16310969 PV-160105	101.94	N
		GARAGE ELECT	09/24/2015	16310969 PV-160105	273.30	N
		RVHS ELECT	09/24/2015	16310969 PV-160105	15,141.79	N
		RVHS FIELD ELECT	09/24/2015	16310969 PV-160105	150.78	N
		DHS LTS ELECT	09/24/2015	16310969 PV-160105	19.01	N
		DHS LTS ELECT	09/24/2015	16310969 PV-160105	10.89	N
		DHS LTS ELECT	09/24/2015	16310969 PV-160105	29.91	N
		DHS & GYM ELECT	09/24/2015	16310969 PV-160105	6,589.40	N
		DHS PUMP ELECT	09/24/2015	16310969 PV-160105	63.52	N
		DHS ELECT	09/24/2015	16310969 PV-160105	6,579.32	N
		ISLE ELECT	09/24/2015	16310969 PV-160105	8,403.47	N
		ISLE GARAGE ELECT	09/24/2015	16310969 PV-160105	105.86	N
013458 PITNEY BOWES INC 1 ELMCROFT ROAD STAMFORD, CT 06926-0700  (800) 228-1071	301.56	2183772AP15 DO POSTAGE METER	09/24/2015	16310954 PO-160097	301.56	N
002526 PITNEY BOWES RESERVE ACCOUNT 1245 EAST BRICKYARD ROAD SUITE 250 SALT LAKE CITY, UT 84106-4278  ( 0) - 0	2,500.00	DIS OFF POSTAGE	09/17/2015	16309641 PO-160022	2,500.00	N
002737 PLATT 4021 SOUTH MARKET COURT SACRAMENTO, CA 95834  (916) 928-0929	606.39	H384257/H442270 MAINT SUPPLIES H44270 MAINT SUPPLIES H636291 MAINT SUPPLIES	09/03/2015 09/10/2015 09/24/2015	16307610 PO-160046 16308624 PO-160046 16310955 PO-160046	348.68 71.28 186.43	N N N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013554 POINT QUEST 6600 44TH STREET SACRAMENTO, CA 95823	51,331.81	SP ED NPS DUES/INSTR ASSTS NPS AUD INST ASST NPS AUG DUES	09/03/2015 09/10/2015 09/10/2015	16307611 PO-160411 16308625 PO-160411 16308625 PO-160411	22,535.35 15,160.00 13,636.46	N N N
(916) 422-0571						N
012857 PRISTINE REHAB CARE 706 N. DIAMOND BAR BLVD STE #B DIAMOND BAR, CA 91765	5,440.00	SP ED AUG SP THERAPY	09/24/2015	16310956 PO-160378	5,440.00	7
(317) 371-3866						Y
001271 PRO-ED 8700 SHOAL CREEK BLVD AUSTIN, TX 78757	310.20	2334124 SP ED BOOKLETS 2334124 SP ED BOOKLETS 2334124 SP ED BOOKLETS	09/24/2015 09/24/2015 09/24/2015	16310930 PO-160430 16310930 PO-160430 16310930 PO-160430	24.82 24.82 310.20	N N N
(800) 897-3202						N
010998 PROMOTE MARKETING CONCEPTS INC 17425 ALEXANDRA WAY GRASS VALLEY, CA 95949	460.16	CD523686 DHW SHIRTS	09/03/2015	16307592 PO-160279	460.16	N
(916) 354-8611						N
001787 RAINFORTH GRAU ARCHITECTS 2407 J STREET SUITE 202 SACRAMENTO, CA 95816	767.50	7119/7157 MAINT FIRE ALM PROJ	09/24/2015	16310963 PO-160286	767.50	N
(916) 368-7990						N
011565 RALEY'S P.O. BOX 15618 SACRAMENTO, CA 95852	145.87	5000034 DHS AG SUPPLIES	09/03/2015	16307612 PO-160347	145.87	N
( ) -						N
014109 RAMOS DEMARTINEZ, DELMA AMANDA	74.75	FIRST 5 AUG MILEAGE	09/10/2015	16308660 TC-160025	74.75	N

3750 NORWOOD AVENUE  
SACRAMENTO, CA 95838

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010580 REALLY GOOD STUFF INC PO BOX 386 BOTSFORD, CT 06404-0386	22.94	5261109 DHW CALENDAR 5261109 DHW CALENDAR 5261109 DHW CALENDAR	09/03/2015 09/03/2015 09/03/2015	16307593 PO-160064 16307593 PO-160064 16307593 PO-160064	1.84 1.84 22.94	N N N
(203) 261-1920						N
014071 RIO VISTA BEACON PO BOX 726 BRENTWOOD, CA 94513	275.00	657859 WIND RIVER ADVERTISING 657859 CBET ADVERTISING	09/03/2015 09/03/2015	16307594 PO-160434 16307594 PO-160434	137.50 137.50	N N
(925) 550-7811						N
002751 RIO VISTA FORD 1010 STATE HWY 12 RIO VISTA, CA 94571	1,990.37	67041 TRANS PARTS 119900 TRANS SUPPLIES 67639 TRANS HCU MODULE	09/03/2015 09/10/2015 09/17/2015	16307595 PO-160184 16308626 PO-160458 16309637 PO-160393	912.88 77.49 1,000.00	N N N
( ) -						N
010239 RIO VISTA SANITATION P.O. BOX 607 RIO VISTA, CA 94571-0607	2,159.54	DO WASTE SERVICE RVHS WASTE SERV DHW WASTE SERV	09/10/2015 09/17/2015 09/17/2015	16308638 PV-160086 16309651 PV-160099 16309651 PV-160099	117.00 971.54 1,071.00	N N N
( ) -						N
000589 RISO PRODUCTS OF SACRAMENTO 3304 MONIER CIRCLE SUITE 110 RANCHO CORDOVA, CA 95742	2,838.49	141810 CMS CONTRACT AGRMNT 144965 RMS RISO INK 141806 BATES MAINT AGRMENT 141805 BATES MAINT AGMNT 146338 BATES MAINT AGRMENT	09/03/2015 09/10/2015 09/10/2015 09/10/2015 09/17/2015	16307596 PO-160320 16308593 PO-160111 16308593 PO-160445 16308593 PO-160447 16309638 PO-160481	246.00 2,193.49 110.00 39.00 250.00	N N N N N
(916) 638-7476		N RPSI ENTERPRIS				
000729 RIVER NEWS HERALD 21 S FRONT STREET RIO VISTA, CA 94571	49.00	HR ADVERTISING	09/03/2015	16307613 PO-160128	49.00	N
( ) -		N GIBSON PUBLICA				
011126 RIVERA, CATHERINE	8.63	ISLE PRE SCHOOL AUG 15 MILEAGE	09/10/2015	16308661 TC-160014	8.63	N

134 NO. THIRD STREET APT. A  
RIO VISTA, CA 94571

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010670 RIVERVIEW-INTERNATIONAL TRUCKS 2445 EVERGREEN AVE P.O. BOX 716 WEST SACRAMENTO, CA 95691	291.37	867416 TRANS PARTS CM862090 TRANS CREDIT 871380/870099 TRANS PARTS	09/03/2015 09/03/2015 09/10/2015	16307614 PO-160026 16307614 PO-160026 16308627 PO-160026	150.98 11.65 152.04	7 7 7
( ) - Y						
014289 ROMAINE ELECTRIC CORP PO BOX 5069 KENT, WA	954.34	TRANS PARTS 16930/16960 TRANS PARTS	09/03/2015 09/24/2015	16307615 PO-160143 16310957 PO-160143	603.20 351.14	N N
(530) 823-0120 N						
000119 S & W TIRE SERVICE INC P.O. BOX 377 14400 THORNTON ROAD WALNUT GROVE, CA 95690	310.44	TRANS TIRE SERVICE 28911 TRANS SERVICE	09/10/2015 09/24/2015	16308628 PO-160189 16310958 PO-160189	234.44 76.00	N N
(916) 776-1717 N						
000095 S M U D P.O. BOX 15555 SACRAMENTO, CA 95852	8,128.96	WG ELECT WG ELECT BATES ELECT BATES ELECT WG ELECT TRANS ELECT WG ELECT TRANS ELECT	09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/17/2015	16308639 PV-160091 16308639 PV-160091 16308639 PV-160091 16308639 PV-160091 16308639 PV-160091 16308639 PV-160091 16308639 PV-160091 16309652 PV-160098	26.93 2,925.41 3,428.52 630.78 40.73 13.46 936.56 126.57	N N N N N N N N
( ) - N						
013888 SACRAMENTO AUTO GLASS & MIRROR 4701 FLORIN ROAD SACRAMENTO, CA 95823	330.86	13477 TRANS MIRROR REPAIR	09/03/2015	16307616 PO-160027	330.86	N
(916) 393-3700 N						
012039 SAN JOAQUIN CO OFFICE OF ED 2707 TRANSWORLD DRIVE STOCKTON, CA 95213	1,500.00	44511 ED SV TEACHER TRAINING	09/10/2015	16308597 PO-160213	1,500.00	N





Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014102 SAN JOAQUIN COUNTY OFFICE MULTILINGUAL ED PO BOX 213030 STOCKTON, CA 95213-9030  ( 0) - 0 N	375.00	RVHS REG FEES TURK CA ELD	09/10/2015	16308594 PO-160476	375.00	N
012101 SCHOLASTIC READING COUNTS/SRI 333 N RANDALL ROAD ST. CHARLES, IL 60174  (800) 387-1437 N	1,889.54	11595798 ED SV BOOKS 11595798 ED SV BOOKS MS592397 PRE SCHOOL SUPPLIES MS592397 PRE SCHOOL SUPPLIES MS592397 PRE SCHOOL SUPPLIES 11640118 ED SV BOOKS	09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/10/2015 09/24/2015	16308595 PO-160374 16308595 PO-160374 16308595 PO-160485 16308595 PO-160485 16308595 PO-160485 16310931 PO-160397	300.00 587.08 38.42 3.07 3.07 964.04	N N N N N N
003318 SCHOOL SPECIALTY INC W6316 DESIGN DRIVE GREENVILLE, WI 54942  ( ) - N	2,896.25	308102269854 RMS SUPPLIES 308102201934 BATES SUPPLIES 208114991125 RMS ART SUPPLIES 308102323586 RMS OFFICE SUPPLI	09/03/2015 09/03/2015 09/10/2015 09/24/2015	16307597 PO-160107 16307617 PO-160345 16308596 PO-160368 16310932 PO-160108	791.88 57.67 523.10 1,523.60	N N N N
013193 SCOE P.O. BOX 269003 10474 MATHER BLVD SACRAMENTO, CA 95826  ( ) - N	8,028.00	160155/160164 DO DATA COURIER 160155/160164 DO DATA COURIER 160155/160164 DO DATA COURIER TEACHER OF THE YEAR BANQUET	09/03/2015 09/03/2015 09/03/2015 09/10/2015	16307618 PO-160127 16307618 PO-160127 16307618 PO-160127 16308640 PV-160085	2,524.50 3,748.50 1,377.00 378.00	N N N N
012029 SEEBECK & SONS 52270 CLARKSBURG ROAD CLARKSBURG, CA 95612  (916) 744-1441 N	25.80	557 MAINT SERVICE CALLS	09/10/2015	16308629 PO-160390	25.80	N
012013 SIERRA CHEMICAL COMPANY 788 NORTHPORT DRIVE WEST SACRAMENTO, CA 95691  (916) 371-5943 9 N	362.34	97490 MAINT WATER SYST SUPPLIE	09/10/2015	16308630 PO-160045	362.34	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014238 SKETCH FOR SCHOOLS 2716 NORTH UNIVERSITY RD SPOKANE VALLEY, WA 99206	804.00	20181583 RMS ART SUPPLIES	09/10/2015	16308598 PO-160367	804.00	N
		20181583 RMS ART SUPPLIES	09/10/2015	16308598 PO-160367	64.32	N
		20181583 RMS ART SUPPLIES	09/10/2015	16308598 PO-160367	64.32	N
(877) 397-5655						N
014339 SMILE BUSINESS PRODUCTS 4525 AUBURN BLVD SACRAMENTO, CA 95841	139.24	280432 FIRST 5 SERV AGRMNT	09/17/2015	16309642 PO-160018	139.24	N
(800) 790-7701						N
012084 SODEXO INC & AFFILIATES DEPT. 43283 LOS ANGELES, CA 90088-3283	10,620.18	JULY MEALS SUMMER SCHOOL	09/17/2015	16309655 PV-160095	3,585.43	N
		JULY MEALS SUMMER SCHOOL	09/17/2015	16309655 PV-160095	699.23	N
		JULY MEALS SUMMER SCHOOL	09/17/2015	16309655 PV-160095	6,335.52	N
( ) -						N
013858 SPURR 1850 GATEWAY BOULEVARD CONCORD, CA 94520	938.69	DHS GAS	09/10/2015	16308641 PV-160092	127.73	N
		ISLE GAS	09/10/2015	16308641 PV-160092	14.07	N
		RVHS GAS	09/10/2015	16308641 PV-160092	121.95	N
		TRANS GAS	09/10/2015	16308641 PV-160092	16.51	N
(888) 400-2155		DO GAS	09/10/2015	16308641 PV-160092	16.68	N
		STORAGE PREPAID GAS	09/10/2015	16308641 PV-160092	408.29	N
		RMS GAS	09/10/2015	16308641 PV-160092	65.37	N
		DHW GAS	09/10/2015	16308641 PV-160092	50.95	N
		ISLE GAS	09/10/2015	16308641 PV-160092	60.44	N
		CMS CAFE GAS	09/10/2015	16308646 PV-160092	56.70	N
014069 STAPLES ADVANTAGE 500 STAPLES DRIVE FRAMINGHAM, MA 01702	2,194.40	3274062388 ED SV SUPPLIES	09/03/2015	16307619 PO-160089	166.63	N
		3274328676 HR SUPPLIES	09/03/2015	16307619 PO-160294	142.79	N
		3275218279 RDHS SUPPLIES	09/03/2015	16307619 PO-160334	40.09	N
		3274899514 RDHS SUPPLIES	09/03/2015	16307619 PO-160334	13.99	N
( ) -		3275468694 RDHS SUPPLIES	09/03/2015	16307619 PO-160334	66.75	N
		3274899513 RDHS SUPPLIES	09/03/2015	16307619 PO-160334	134.86	N
		3275763119 ED SV SUPPLIES	09/10/2015	16308631 PO-160089	231.92	N
		327690821 ED SV SUPPLIES	09/10/2015	16308631 PO-160089	151.18	N
		327635404 ED SV SUPPLIES	09/10/2015	16308631 PO-160089	26.32	N
		3276908022 ED SV SUPPLIES	09/10/2015	16308631 PO-160273	12.04	N
		3276908023 HR SUPPLIES	09/10/2015	16308631 PO-160294	47.90	N

3275918126	RDHS SUPPLIES	09/10/2015	16308631	PO-160334	22.10	N
3275918127	RDHS SUPPLIES	09/10/2015	16308631	PO-160334	101.48	N
3276354044	ASP SUPPLIES	09/10/2015	16308631	PO-160340	.19-	N
3275918128	ASP SUPPLIES	09/10/2015	16308631	PO-160340	.19	N
3275918128	ASP SUPPLIES	09/10/2015	16308631	PO-160340	53.59	N
3275918128	ASP SUPPLIES	09/10/2015	16308631	PO-160340	.19-	N
3276354044	ASP SUPPLIES	09/10/2015	16308631	PO-160340	.19	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
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014069 STAPLES ADVANTA (Continued...)		3275763120 ASP SUPPLIES	09/10/2015	16308631 PO-160340	.19	N
		3276354044 ASP SUPPLIES	09/10/2015	16308631 PO-160340	53.58	N
		3275763120 ASP SUPPLIES	09/10/2015	16308631 PO-160340	.19	N
		3275763120 ASP SUPPLIES	09/10/2015	16308631 PO-160340	53.59	N
		3278049447 ED SV SUPPLIES	09/24/2015	16310959 PO-160089	14.27	N
		3277056541 ED SV SUPPLIES	09/24/2015	16310959 PO-160089	29.24	N
		3278049448 ED SV SUPPLIES	09/24/2015	16310959 PO-160089	25.41	N
		3277410639 ED SV SUPPLIES	09/24/2015	16310959 PO-160089	80.59	N
		3277410640 ASP SUPPLIES	09/24/2015	16310959 PO-160186	.22	N
		3277410640 ASP SUPPLIES	09/24/2015	16310959 PO-160186	.22	N
		3277056542 TRANS SUPPLIES	09/24/2015	16310959 PO-160186	219.13	N
		3277056544 ASP SUPPLIES	09/24/2015	16310959 PO-160186	64.33	N
		3277410640 ASP SUPPLIES	09/24/2015	16310959 PO-160186	64.33	N
		3277749911 ED SV SUPPLIES	09/24/2015	16310959 PO-160273	185.30	N
		3277410640 ASP SUPPLIES	09/24/2015	16310959 PO-160340	64.33	N
		3277410640 ASP SUPPLIES	09/24/2015	16310959 PO-160340	.22	N
		3277410640 ASP SUPPLIES	09/24/2015	16310959 PO-160340	.22	N
		32770565344 ASP SUPPLIES	09/24/2015	16310959 PO-160340	64.33	N
		32770565344 ASP SUPPLIES	09/24/2015	16310959 PO-160340	.22	N
		3277056545-546 ASP SUPPLIES	09/24/2015	16310959 PO-160340	.22	N
		3277056545-546 ASP SUPPLIES	09/24/2015	16310959 PO-160340	.22	N
		32770565344 ASP SUPPLIES	09/24/2015	16310959 PO-160340	.22	N
		3277056545-546 ASP SUPPLIES	09/24/2015	16310959 PO-160340	64.33	N
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003646 STATE OF CALIFORNIA 1300 I STREET SUITE 810 SACRAMENTO, CA 95814	405.00	117886 HR FINGERPRINTING	09/17/2015	16309643 PO-160120	405.00	N
( ) -						N
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000923 STEVE SMITH ELECTRIC STEPHEN A SMITH P.O. BOX 386 RIO VISTA, CA 94571	2,114.00	5558 MAINT ELECT REPAIRS	09/10/2015	16308632 PO-160218	2,114.00	7
(707) 249-1848						Y
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000096 STEWART INDUSTRIAL SUPPLY INC 608 HWY 12 RIO VISTA, CA 94571	579.36	TRANS SUPPLIES	09/10/2015	16308633 PO-160187	579.36	N

(707) 374-5567

N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013052 STILES, ALLYSON P.O. BOX 428 ISLETON, CA 95641	369.15	RMS JULY 15 MILEAGE	09/10/2015	16308662 TC-160019	369.15	N
( ) -						N
014361 STONWARE, INC 11555 NORTH MERIDIAN ST. ST#15 CARMEL, IN 46032	307.20	31077 RVHS SUPPORT SOFTWARE	09/10/2015	16308599 PO-160443	307.20	N
( 0) - 0						N
012975 STUELKE, LYNN 120 YOSEMITE DRIVE RIO VISTA, CA 94571	129.97	BATES SUPPLIES	09/24/2015	16310960 PO-160416	129.97	N
( 0) - 0						N
013947 SUPPLY WORKS PO BOX 742056 LOS ANGELES, CA 90074-2056  (877) 577-1114	12,551.22	1678263 BATES SUPPLIES 1678272 CMS SUPPLIES 1678269 WG SUPPLIES 1678263.03 BATES SUPPLIES 16785579 DHS SUPPLIES 1679359 DHS SUPPLIES 1676821 DHS SUPPLIES 1678263.02 BATES SUPPLIES 1676820 ISLE SUPPLIES	09/10/2015 09/17/2015 09/17/2015 09/24/2015 09/24/2015 09/24/2015 09/24/2015 09/24/2015 09/24/2015	16308634 PO-160221 16309644 PO-160221 16309644 PO-160221 16310961 PO-160221 16310961 PO-160221 16310961 PO-160221 16310961 PO-160221 16310961 PO-160221 16310961 PO-160221	3,831.63 1,571.28 2,334.58 330.49 98.73 189.11 2,758.26 213.67 1,223.47	N N N N N N N N N
011183 TIME FOR KIDS P.O. BOX 68700 TAMPA, FL 33660-8700	252.46	992004309 WG READING BOOKS 992004309 WG BOOKS	09/03/2015 09/24/2015	16307600 PO-160158 16310916 PO-160158	115.96 136.50	N N
( 0) - 0						N
011930 TRANE PARTS CENTERS 4145 DEL MAR AVENUE ROCKLIN, CA 95677	494.47	11230746R1 MAINT HVAC PARTS	09/10/2015	16308635 PO-160375	494.47	N
( ) -						N



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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014243 TRELEAVEN, JAMES 331 WOODSIDE CIRCLE VACAVILLE, CA 95688	278.30	RVHS JUNE 15 MILEAGE	09/10/2015	16308663 TC-160013	278.30	N
( ) -						N
012694 U.S. BANK ATTN: SHERRY GLANVILLE P.O. BOX 3168 PORTLAND, OR 97208	9,586.94	AUGUST 15 PAYROLL GASB 45	09/10/2015	16308642 PV-160083	9,586.94	N
( ) -						N
001896 UNITED PARCEL SERVICE INC 55 GLENLAKE PARKWAY NE ATLANTA, GA 30328	232.67	DO SHIPPING CHARGES	09/17/2015	16309653 PV-160096	232.67	N
( ) -						N
013419 US BANK NATIONAL ASSOCIATION 1310 MADRID ST SUITE 101 MARSHALL, MN 56258	325.13	286197660 RVHS LEASE AGREEMENT	09/17/2015	16309645 PO-160202	325.13	N
(800) 328-5371						N
013997 VERIZON WIRELESS ONE VERIZON PLACE ALPHARETTA, GA 30004	2,073.55	CMS CUST CELLULAR	09/03/2015	16307627 PV-160076	19.29	7
( ) -		WG SFTY CELLULAR	09/03/2015	16307627 PV-160076	.19	7
		BATES SFTY CELLULAR	09/03/2015	16307627 PV-160076	.19	7
		DO SFTY CELLULAR	09/03/2015	16307627 PV-160076	.57	7
		MAINT CELLULAR	09/03/2015	16307627 PV-160076	254.23	7
		BATES CUST CELLULAR	09/03/2015	16307627 PV-160076	29.75	7
		GARDENER CELLULAR	09/03/2015	16307627 PV-160076	65.80	7
		BATES ADMIN CELLULAR	09/03/2015	16307627 PV-160076	2.29	7
		ED SV CELLULAR	09/03/2015	16307627 PV-160076	74.53	7
		RVHS CUST CELLULAR	09/03/2015	16307627 PV-160076	52.80	7
		DHS CUST CELLULAR	09/03/2015	16307627 PV-160076	26.33	7
		ISLE CUST CELLULAR	09/03/2015	16307627 PV-160076	.19	7
		DHW CUST CELLULAR	09/03/2015	16307627 PV-160076	.92	7
		RMS CUST CELLULAR	09/03/2015	16307627 PV-160076	.19	7

WG CUST CELLULAR	09/03/2015	16307627	PV-160076	.19	7
NURSE 1 CELLULAR	09/03/2015	16307627	PV-160076	21.80	7
RVHS SFTY CELLULAR	09/03/2015	16307627	PV-160076	.19	7
DHS SFTY CELLULAR	09/03/2015	16307627	PV-160076	.19	7
ISLE SFTY CELLULAR	09/03/2015	16307627	PV-160076	.19	7
ASES 3 CELLULAR	09/03/2015	16307627	PV-160076	79.40	7
OPERATION CELLULAR	09/03/2015	16307627	PV-160076	40.25	7

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
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013997 VERIZON WIRELES (Continued...)		GEN ADMN CELLULAR	09/03/2015	16307627 PV-160076	16.07	7
		NURSE 2 CELLULAR	09/03/2015	16307627 PV-160076	40.02	7
		FIRST 5 CELLULAR	09/03/2015	16307627 PV-160076	254.14	7
		EIA CELLULAR	09/03/2015	16307627 PV-160076	58.43	7
		SP ED 1 CELLULAR	09/03/2015	16307627 PV-160076	166.35	7
		TRANS 2 CELLULAR	09/03/2015	16307627 PV-160076	35.89	7
		DHW ADMIN CELLULAR	09/03/2015	16307627 PV-160076	83.31	7
		ISLE ADMIN CELLULAR	09/03/2015	16307627 PV-160076	63.85	7
		TRANS 1 CELLULAR	09/03/2015	16307627 PV-160076	118.73	7
		COUNS CELLULAR	09/03/2015	16307627 PV-160076	121.09	7
		ASES 2 CELLULAR	09/03/2015	16307627 PV-160076	63.48	7
		DHW SFT CELLULAR	09/03/2015	16307627 PV-160076	.19	7
		ASES 1 CELLULAR	09/03/2015	16307627 PV-160076	79.46	7
		RVHS ADMIN CELLULAR	09/03/2015	16307627 PV-160076	92.54	7
		BEHVORIST CELLULAR	09/03/2015	16307627 PV-160076	38.86	7
		TITLE 1 CELLULAR	09/03/2015	16307627 PV-160076	58.43	7
		SP ED 3 CELLULAR	09/03/2015	16307627 PV-160076	38.24	7
		SP EC 2 CELLULAR	09/03/2015	16307627 PV-160076	68.66	7
		RMS SFTY CELLULAR	09/03/2015	16307627 PV-160076	.19	7
		FD SV CELLULAR	09/03/2015	16307629 PV-160076	10.72	7
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010043 VIEIRA, ROBERT B. 610 CALIFORNIA ST RIO VISTA, CA 94571	289.80	RMS JULY 15 MILEAGE	09/10/2015	16308664 TC-160021	289.80	N
( ) -						N
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000679 WARREN E GOMES EXCAVATING INC P.O. BOX 369 RIO VISTA, CA 94571	1,855.00	43872 MAINT WG PLYGRND RPRS	09/03/2015	16307598 PO-160333	1,855.00	N
( ) -						N
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010906 WASTE MANAGEMENT OF WOODLAND P.O. BOX 78251 PHOENIX, AZ 85062-8251	872.80	DHS WASTE SERV DHW WASTE SERVICE	09/03/2015 09/10/2015	16307628 PV-160079 16308643 PV-160090	150.27 722.53	N N
( ) -						N
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014195 WATERFALL CANYON ACADEMY	16,070.00	551 JULY 15 NPS ED	09/03/2015	16307620 PO-160381	4,994.00	N

3375 HARRISON BLVD  
OGDEN, UT 84403

(801) 621-3901

N

551	JULY 15	NPS RM & BRD/CLIN	09/03/2015	16307620	PO-160381	5,084.00	N
558	AUG 15	NPS RM & BRD/CLIN	09/24/2015	16310962	PO-160381	5,084.00	N
558	AUG 15	NPS ED SV	09/24/2015	16310962	PO-160381	908.00	N

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Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012528 WILLIAMS SCOTSMAN INC 4911 ALLISON PARKWAY VACAVILLE, CA 95688  (707) 451-3000	2,679.69	98494695 DHW PORTABLE 98494823 RMS PORTABLE 98494690 RMS PORTAABLE 98494689 RVHS PORTABLE	09/17/2015 09/17/2015 09/17/2015 09/17/2015	16309646 PO-160130 16309646 PO-160130 16309646 PO-160130 16309646 PO-160130	727.68 650.67 650.67 650.67	N N N N
012594 WOOTTON, ELISE 8991 BRAMBLEWOOD WAY ELK GROVE, CA 95758  ( ) -	23.64	WG SUPPLIES	09/10/2015	16308644 PV-160089	23.64	N
014388 WPS PUBLISH 625 ALASKA AVENUE TORRANCE, CA 90503-5124  (800) 648-8857	119.22	EP5098008 SP ED SUPPLIES	09/10/2015	16308602 PO-160423	119.22	N
014396 XEROX STATE HEALTHCARE, LLC 820 STILLWATER ROAD WEST SACRAMENTO, CA 956052  ( 0) - 0	5,118.00	MEDI-CAL REIMB FY 11/12 MEDI-CAL REIMB FY 10/11	09/17/2015 09/17/2015	16309654 PV-160097 16309654 PV-160097	2,991.00 2,127.00	N N
District total:	705,504.64					
Report total:	705,504.64					

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

**Meeting Date:** October 13, 2015

Attachments: \_\_\_x\_\_\_

**From:** Pierre Laleau, Principal D.H. White Elementary

Item #: \_\_\_10.4\_\_\_

**SUBJECT** Request to approve the Memorandum of Understanding with the Sacramento County Office of Education (SCOE) to provide funds to sustain a Bullying Prevention Program for the 2015-2016 school year.

Action: \_\_\_\_\_  
Consent Action: \_\_\_X\_\_\_  
Information Only: \_\_\_\_\_

**Background & Status:**

Name of Vendor: Sacramento County Office of Education

Description of Service(s):

To maintain a Bullying Prevention program at the original demonstration site (Riverview Middle School), and at least the expansion sites (all 4 Elementary Schools). All 6<sup>th</sup> grade Riverview Middle School students will receive instruction, once a week, on 2<sup>nd</sup> Step, a bullying prevention program. Longitudinal attendance and behavior data, as well as student and staff surveys will be gathered from that site. The program also includes teaching 2<sup>nd</sup> Step to at least one grade level at Bates, Isleton, Walnut Grove and D.H. White Elementary Schools.

Date(s) of Service(s): 2015-2016 School Year

**Presenter:** Pierre Laleau

**Cost &/or Funding Sources (be specific)**

Not to exceed \$8,885 from resource 9841.

**Recommendation:**

That the Board approves the Memorandum of Understanding with the Sacramento County Office of Education (SCOE) to provide continue the Bullying Prevention Program for the 2015-2016 school year.

Time: \_\_\_\_\_2 mins.\_\_\_\_

## MEMORANDUM OF UNDERSTANDING Agreement #5 RDUSD-BPP

This Memorandum of Understanding (MOU) is between the **Sacramento County Office of Education**, referred to as "SCOE" and the **River Delta Unified School District** referred to as "District."

The purpose of this MOU is to outline the roles and responsibilities of SCOE and the District in regard to implementing the *Student Mental Health Wellness Education and Training Bullying Prevention Program (Program)*. The purpose of the Program is to maintain and/or further increase the capacity of districts to implement sustainable bullying prevention programs and strategies by providing training, demonstration sites, technical assistance and support.

Once signed by both parties, this MOU is in effect from **July 1, 2015 through June 30, 2016**

### The SCOE agrees to:

- Provide a primary contact person for all work under this agreement. The primary contact will be:  
Diane Lampe, Coordinator  
916.228.2542  
dlampe@scoe.net
- Provide funding in the amount of **\$8,885** to support the District's Bullying Prevention program.
  - Pay funds to District within 90 days of receipt of District invoice
- Convene meetings and provide consultation, professional development, technical assistance and support.
- Coordinate with District and demonstration site(s) to implement the Program evaluation plan and related tools.
- Maintain a website to provide bullying prevention resources and information for students, school personnel, parents and community members.

### The District agrees to:

1. Identify a "District Lead" to act as the point of contact and coordinate activities of the Bullying Prevention Program.
2. Continue adherence to the eligibility requirements used to establish demonstration site(s) as outlined on page three (3)
3. **Maintain original** demonstration site(s) to continue implementation of an evidence-based, research validated bullying prevention program for 4<sup>th</sup> 5<sup>th</sup> and/or 6<sup>th</sup> graders.
4. **For original** demonstration site(s), participate in Program evaluation and reporting, including but not limited to, collecting attendance rates for demonstration site(s), documentation of student demographics, participate in surveys related to the Program, and administer Program related surveys to students, parents and staff.
5. **When feasible**, expand implementation to include additional grade levels and/or sites. Report the number of expansion sites/grade levels, curriculum used, and number of students served.
6. **For expansion demonstration site(s)**, submit a signed letter of support from the site administrator(s) and school staff indicating support of the Program.
7. Provide bullying prevention professional development opportunities and refresher trainings in the District for administrators, teachers, support staff, and parents.
8. Attend mandatory meetings, trainings and other events.
9. Disseminate electronic updates, information, and other resources, and promote usage of the BPP website to school community.
10. Submit a copy of the District Board Policy and Administrative Regulations related to Bullying/Bullying Prevention.



11. Submit a Program work-plan and budget that describes how the allocated funds will be used to implement the Bullying Prevention Program.
12. Submit quarterly reports of activities conducted by district personnel and demonstration site(s) by the 10<sup>th</sup> day of the month following the end of each quarter.
13. Invoice SCOE quarterly by the 15<sup>th</sup> day of the month following the end of each quarter.
14. Expend all funds by June 30, 2016. Submit final report and final invoice to SCOE no later than July 8, 2016.

**Indemnity Statement and Agreements**

Each party hereto agrees that they shall indemnify, defend and hold the other party and their governing body, officers, agents and employees, harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney fees and costs, incurred in connection with or in any manner arising out of the indemnifying party's performance of this Agreement. The indemnifying party, at the indemnifying party's own expense and risk shall defend any and all actions, suits, or other legal proceedings that may be brought or instituted against any other party, the members of their governing body, officers, agents, and employees for any such claims, damages, losses, demands, liabilities, costs or expenses incurred in connection with or in any manner arising out of the indemnifying party's performance of this Agreement. The indemnifying party shall not be liable for damage or injury occasioned by the sole negligence or willful misconduct of the non-indemnifying party and its officers, agents, or employees. This provision shall not be limited to the availability or collectability of insurance coverage.

It is understood no relationship of agency between SCOE and the District is created by this MOU. The SCOE and its employees and agents performing services related to this MOU are not agents or employees of the District and are not entitled to any of the rights and/or benefits of District employees. The District and its employees and agents performing services related to this MOU are not agents or employees of the SCOE and are not entitled to any of the rights and/or benefits of SCOE employees.

In the performance of this MOU, any persons employed by the District shall be entirely and exclusively under the direction, supervision, and control of the District. In the performance of this MOU, any persons employed by the SCOE shall be entirely and exclusively under the direction, supervision, and control of the SCOE.

Neither SCOE nor the District shall have any power, right or authority to bind the other to any agreement or obligation or waiver, compromise or settle any account or claim on behalf of the other, or in any manner or act on behalf of the other without written authorization to do so.

The SCOE and the District shall monitor this agreement to oversee implementation of project activities.

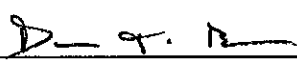
**For the Sacramento County Office of Education:**

Mark Vigario, Assistant Superintendent  
Educational Services

\_\_\_\_\_  
Signature and Date

**For the River Delta Unified School District:**

Don Beno, Superintendent (or *print name* of Designee)

 9/25/15  
\_\_\_\_\_  
Signature of Superintendent (or Designee) and Date

## **Demonstration Sites Criteria**

1. **Demonstrated Need** – the school site has need for a bullying prevention program; the district provides supporting evidence.
2. **Demonstrated Strengths** – the site has strengths and capacity that will support the successful implementation of a bullying prevention program; the district provides supporting evidence.
3. **Willingness and Agreement to Implement from Administration and Staff** – the district submits a signed letter of support from the site administrator(s) and school staff.
4. **Under-served Cultural Populations** – the site serves students and families of diverse cultural and ethnic backgrounds; district provides evidence.
5. **Students at Risk** – the student population or groups of students at the site are at risk for bullying; the district provides evidence.

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments:  X

From: Don Beno

Item Number: 10.5

**SUBJECT:** Request the approval to apply for The Mr. Holland's Opus  
Foundation music grant for Bates Elementary School.

Action: \_\_\_\_\_  
Consent Action:  X  
Information Only: \_\_\_\_\_

**Background:**

The foundation helps to keep the music programs alive by donating musical instruments and gives the students many benefits of a music education. In turn this helps them to be better students and inspires creativity and expression through playing music

There was a pre-application due September 18<sup>th</sup>. We were pre-approved to apply for grant by invitation only. The attached invitation was to submit the completed application by October 2, 2015. With the approval of Mr. Beno and the support of Mr. Randall Viers, I (Maria Elena Becerra) was able to complete the full application by the October 2<sup>nd</sup> deadline.

**Status:**

Instruments are unrepairable

**Presenter:** Don Beno

**Other People Who Might Be Present:** Maria Elena Becerra

**Cost &/or Funding Sources**

No cost

**Recommendation:**

That the Board approve the application submission to The Mr. Holland's Opus Foundation music grant.

Time: 5 mins.

## Maria Elena Becerra

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**From:** applicants@mhopus.org  
**Sent:** Friday, September 18, 2015 10:10 AM  
**To:** Maria Elena Becerra  
**Cc:** mebe70@hotmail.com  
**Subject:** Response From The Mr. Holland's Opus Foundation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category



Dear Mrs. Becerra,

Thank you for submitting a Pre-Qualification form to The Mr. Holland's Opus Foundation. Your music program is qualified to apply for musical instruments and you may now access our online application.

**Your completed application must be submitted online no later than October 2nd, 2015 in order for your school to be considered for an instrument donation. Applications received after this due date will not be reviewed.** Due to the amount of required data, please be sure to set aside ample time to complete the application.

Please be mindful when completing the instrument request section of the application that, if granted, **donated instruments will arrive in time for the beginning of the 2016/17 school year.** Instruments will **NOT** be donated during the current 2015/16 school year. When requesting instruments, please forecast the school's needs for the 2016/17 school year. If for any reason you do not plan to teach at the applying school for the 2016/17 school year, we do not encourage you to apply.

To begin your application, please visit [www.mhopus.org/Application](http://www.mhopus.org/Application). Use your e-mail address and the password to log in. It is recommended that you bookmark this log in page. Should you have any questions throughout the application process, please contact us at 818-762-4328 or [info@mhopus.org](mailto:info@mhopus.org).

Sincerely,

The Mr. Holland's Opus Foundation

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4370 Tujunga Ave., Ste 330 • Studio City, CA 91604  
Phone: 818-762-4328 • E-Mail: [info@mhopus.org](mailto:info@mhopus.org)  
[www.mhopus.org/](http://www.mhopus.org/)

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments:  X

From: Maria Elena Becerra, principal of Bates Elementary School

Item Number: 10.6

**SUBJECT:** Request to approve to remove/surplus all the broken and damaged musical instruments at Bates Elementary.

Action: \_\_\_\_\_

Consent Action:  X

Information Only: \_\_\_\_\_

**Background:**

There are many broken and damaged instruments that need to be removed from Bates Elementary. Many of the instruments have many missing pieces, some are broken and others are bent. They need to be evaluated to be sold as parts and the reminding of the pieces will be sold for scrap metal.

**Status:**

Instruments are unrepairable

**Presenter:** Don Beno

**Other People Who Might Be Present:** Staff / Becerra

**Cost &/or Funding Sources**

No cost

**Recommendation:**

The recommendation is that the Board declare as surplus the attached list of instruments, many of which are at least 50 years old.

Time: 5 mins.

## Bates Elementary School Instruments to be Retired

(cataloged by Randall W. Veirs - 8/18/15)

Instrument	Brand	Model	Serial #
Flute	Armstrong	n/a	65828
Flute	Selmer	Signet	29291
Clarinet	Barrington/LA Sax	Student	B621
Clarinet	n/a	n/a	510726
Clarinet	Olds	Duratone	C1500
Clarinet	Schreiber&Sohne	n/a	K3644
Clarinet	Blessing	n/a	518526
Clarinet	n/a	n/a	149998
Clarinet	Noblet	n/a	13312
Clarinet	Jean Marbeau	n/a	R1132
Clarinet	Barrington/LA Sax	n/a	C523
Clarinet	Noblet	n/a	N1557
Clarinet	Conn	Director	774661
Clarinet	Noblet	n/a	2638C
Clarinet	n/a	n/a	7797
Metal Clarinet	H.N. White	Gladiator	MM26
Metal Clarinet	Ohio Band Instrument Co.	The Regent	70738
Alto Saxophone	n/a	n/a	33288
Alto Saxophone	King	Zepher	305046
Alto Saxophone	Century	n/a	6157
Alto Saxophone	Blessing	n/a	n/a
Alto Saxophone	Bundy	II	1074846
Alto Saxophone	Bundy	II	1070983
Alto Saxophone	Conn	n/a	N62992
Alto Saxophone	Buffet	Super Dynaction	n/a
Alto Saxophone	Evette Schaefer	n/a	25432
Tenor Saxophone	Beuscher	n/a	256723
Tenor Saxophone	King	Cleveland	C217098
Tenor Saxophone	Conn	n/a	319496
Tenor Saxophone	Conn	n/a	M266990
Tenor Saxophone	Bundy	n/a	5074877
Cornet	Olds	Ambassador	n/a
Trumpet	Holton	Al Hirt Special	411624
Trumpet	Besson	600	n/a
Trumpet	Conn	Director	S31956
Trumpet	Yamaha	YTR-232	73933A
Trumpet	Holton	Al Hirt Special	413381

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments: \_\_\_X\_\_\_

From: Amy Bettencourt, Director of Educational Services

Item Number: \_\_\_10.7\_\_\_

**SUBJECT:**

Contract with B Street Theatre , will focus on developing reading, vocabulary, presentation and performance skills, to the students attending the After School Program in Isleton Elementary School, Walnut Grove Elementary School and Bates Elementary School.

Action: \_\_\_\_\_

Consent Action: \_\_\_X\_\_\_

Information Only: \_\_\_\_\_

**Background:**

B Street Theatre is a 501c3 non-profit organization with an emphasis on promoting education and literacy, social interaction, and cultural enrichment through theatre arts and playwriting.

**Status:**

B Street Theatre will conduct 6 sessions at Isleton Elementary School, Walnut Grove Elementary School, and Bates Elementary School. These sessions will be once a week for 6 weeks. The cost of the class is \$200 per sessions for a total of \$3,600 (\$1,200 for Isleton Elementary School, \$1,200 for Walnut Grove Elementary School and \$1,200 for Bates Elementary School.).

**Presenter:**

Amy Bettencourt, Director of Educational Services

**Other People Who Might Be Present:**

Lucia Becerra

**Cost &/or Funding Sources**

The cost of this program will be paid for by Isleton Elementary School, Walnut Grove Elementary School and Bates Elementary School ASES grants.

**Recommendation:**

Staff recommends that the board approve this contract.

Time: \_\_\_2 minutes\_\_\_

**B Street Theatre**

2711 B Street Sacramento,  
CA 95816  
ph. (916) 443-5391

[www.bstreettheatre.org](http://www.bstreettheatre.org)

**Board of Directors**

John Barrett  
Joanne Bronson  
Buck Busfield  
Beth Carlsen  
Pam Eggert  
Rick Frey  
Michael Heller

Gregg Josephson  
Julia Kelly  
Mary Kinney  
Lloyd Levine  
Garry Maisel  
Skip Rosenbloom  
Liberty Sanchez

Bob Slobe  
Glenn Sorensen  
Jon Stevenson  
Ali Youssefi

June 21, 2015

**B Street Theatre After School Programming**

The workshop series will consist of 6 sessions up to 90 minutes in length, meeting once per week, and accommodating up to 20 students. The workshop series will culminate with the presentation of a play to parents, teachers, and invited guests.

**Objective:** The workshop series focus on developing reading, vocabulary, presentation and performance skills. Students will be encouraged to take risks and learn new skills in an environment that is safe and conducive to creativity.

**Content:** Workshops will include:

- Theatre Games
- Vocal & Physical Warm-Up/Exercises
- Theatre Vocabulary & Rehearsal

**Themes/topics that will recur throughout process:**

- Cooperation/Working in groups
- Vocabulary words/Language
- Imagination/Creating Tableau Scenes
- Performance Skills: body, voice, & imagination



**Ground Rules that will be established at the beginning of the course to set parameters:**

1--OBSERVE Pay attention. Be aware of your surroundings, your environment, your feelings, and the feelings of others. Don't miss anything.

2--WONDER Be curious. Ask questions. Wonder about all that you observe. Become aware of that part of you that is questioning. Use your imagination.

3--COOPERATE Help each other. Encourage each other. Respect each other. Take care of each other. Treat each other the way you want to be treated.

4--PARTICIPATE Try. Do the best that you can do. Only through participation can we experience new things, and overcome our fears.

If we follow these four simple rules, three things happen: we get all of our work done, time passes quickly, and we are energized by our experience.

**SKELETAL OVERVIEW:**

**Session #1: Working with a group**

**Session #2: Rehearsal/Staging**

**Session #3: Rehearsal/Staging**

**Session #4: Rehearsal/Staging**

**Session #5: Rehearsal/Staging**

**Session #6: Performance Day**

**DETAILED OVERVIEW:**

**Session #1: Working with a group**

Before class: Teacher can have space set up for class to work in a large circle.

INTRODUCTION (5 minutes)

Over View: Performance of Plays/Rehearsal (3 - 5 minutes)

Ground Rules

WARM UP-The Actor's Tool Box: (10 minutes)

1. Body: 1-2-3-4

2. Voice: Click Beetle/Tongue Twisters

Vocabulary: Enunciate - to say or express clearly.

Articulate - to utter clearly and distinctly; pronounce with clarity.

EXERCISE- 3. Imagination (55 minutes)

Build A Picture/Tableau- Model

Using flashcards with differing themes, Groups Rehearse

Present

REFLECTION CIRCLE/REVIEW (10 minutes)

One thing I learned (5 minutes)

Review what was done; preview what is to come (5 minutes)

**Session #2: Rehearsal/Staging**

Before class: Teacher can have space set up for class to work in a large circle.

Between classes: Teacher can allow rehearsal time for students

INTRODUCTION (5 minutes)

Review: Building a Tableau; Themes from Lesson #1

Ground Rules

WARM UP-The Actor's Tool Box: (5 minutes)

1. Body: 7-Up

2. Voice: Click Beetle/Tongue Twisters

EXERCISE- 3. Imagination/Rehearsal (45 minutes)

Vocabulary: *Fable*: a story, often short, that has a moral

*Moral*: lesson or truth learned from the fable

*Comedy*: a play in which everything turns out right for the characters

*Tragedy*: a play without a happy ending

Assign parts/Read aloud the play to be produced, i.e. "Akhbar The King"

Stage scenes 1 & 2

Present work accomplished (10 minutes)

REFLECTION CIRCLE/REVIEW (10 minutes)

One thing I learned (5 minutes)

Review what was done; preview what is to come (5 minutes)

**Session #3: Rehearsal/Staging**

Before class: Teacher can have space set up for class to work in a large circle.

Between classes: Teacher can allow rehearsal time for students

INTRODUCTION (5 minutes)

Review: Ground Rules

WARM UP-The Actor's Tool Box: (5 minutes)

1. Body: Stretch
2. Voice: Click Beetle/Tongue Twisters

EXERCISE- 3. Imagination/Rehearsal (45 minutes)

Vocabulary: *Upstage; Downstage; Stage Left & Right*  
*Blocking; Props; Lines*

Review scenes 1 & 2

Stage scenes 3 & 4

Present work accomplished (10 minutes)

REFLECTION CIRCLE/REVIEW (10 minutes)

One thing I learned (5 minutes)

Review what was done; preview what is to come (5 minutes)

**Session #4: Rehearsal/Staging**

Before class: Teacher can have space set up for class to work in a large circle.

Between classes: Teacher can allow rehearsal time for students

INTRODUCTION (5 minutes)

Review: Ground Rules

WARM UP-The Actor's Tool Box: (5 minutes)

1. Body: Stretch

2. Voice: Click Beetle/Tongue Twisters

EXERCISE- 3. Imagination/Rehearsal (45 minutes)

Vocabulary: *Scenery; Design; What does a "designer" do?*

Review scenes 1, 2, 3 & 4

Stage scenes 4 - end

Present work accomplished (10 minutes)

REFLECTION CIRCLE/REVIEW (10 minutes)

One thing I learned (5 minutes)

Review what was done; preview what is to come (5 minutes)

**Session #5: Rehearsal/Staging**

Before class: Teacher can have space set up for class to work in a large circle.

Between classes: Teacher can allow rehearsal time for students

INTRODUCTION (5 minutes)

Review: Ground Rules

WARM UP-The Actor's Tool Box: (5 minutes)

1. Body: Stretch
2. Voice: Click Beetle/Tongue Twisters

EXERCISE- 3. Imagination/Rehearsal (45 minutes)

Teacher can act as Host/Narrator; provided with Master Prompt Script.

Additional narration covering any explanation(s) of our play, and important vocabulary words & themes is assigned and distributed

Vocabulary: *Green Room; Dressing Room; Stage Etiquette;*

Props and costumes are introduced to actors

Review entire play; give notes

Stage/work scenes as needed

Present work accomplished (10 minutes)

REFLECTION CIRCLE/REVIEW (10 minutes)

One thing I learned (5 minutes)

Review what was done; preview what is to come (5 minutes)

**Session #6: Performance Day**

Before class: Teacher can have class room set up as “theatre” with chairs lined up in rows OR room on floor for audience to be seated, and clearly defined performance space. Any set dressing or artwork is already displayed and ready.

Between classes: Teacher can allow rehearsal time for students

INTRODUCTION (5 minutes)

Review: stage etiquette

Ground Rules

WARM UP-The Actor’s Tool Box: (5 minutes)

1. Body: 16

2. Voice: Click Beetle/Fuzzy Wuzzy

EXERCISE- 3. Imagination (40 minutes)

As time allows, have a run through of entire show (25 minutes)

Seat an invited audience on the floor; and go to places (5 minutes)

Presentation for audience (20 minutes)

After show allow for a Q&A session with audience and members of the cast

REFLECTION CIRCLE/REVIEW (10 minutes)

What we learned; what surprised us

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

**Meeting Date:** October 13, 2015

Attachments: \_\_\_\_\_

**From:** Amy Bettencourt, Director of Educational Services

Item #: \_\_\_\_\_ 10.8 \_\_\_\_\_

**SUBJECT**

Action: \_\_\_\_\_

Consent Action:  X \_\_\_\_\_

Information Only: \_\_\_\_\_

Request to approve the Medi-Cal Administrative Claiming Agreement with Sutter County Superintendent of Schools for the 2015-2016 school year.

**Background & Status:**

Name of Vendor: \_\_\_\_\_ Sutter County Superintendent of Schools \_\_\_\_\_

Description of Service(s): \_\_\_The School-Based Medi-Cal Administrative Activities program allows school districts to be reimbursed for a portion of their administrative costs associated with performing certain administrative activities that link students and their families to Medi-Cal and its covered services.

Date(s) of Service(s): \_\_\_\_\_ 2015-2016 school year \_\_\_\_\_

**Presenter:**

Amy Bettencourt, Director of Educational Services

**Cost &/or Funding Sources (be specific)**

No cost to the district.

**Recommendation:**

That the Board approve the Medi-Cal Administrative Claiming Agreement with Sutter County Superintendent of Schools for the 2015-2016 school year.

Time: \_\_\_\_\_ 2 mins. \_\_\_\_\_



**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

**Meeting Date:** October 13, 2015

Attachments:  X \_\_\_\_\_

**From:** Antonia Slagle, Isleton Elementary Principal

Item #:  10.10 \_\_\_\_\_

**SUBJECT**

Request to approve the Independent Contract for Services Agreement with Sacramento Theatre Company for the 2015-2016 school year at a cost not to exceed \$2,250.

Action: \_\_\_\_\_  
Consent Action:  X \_\_\_\_\_  
Information Only: \_\_\_\_\_

**Background & Status:**

Name of Vendor: Sacramento Theatre Company

Description of Service(s): To provide theatre instruction aligned with CCSS to k-3 students in weekly sessions for 10 weeks. Instructor will meet with teachers before programming starts as well as provide an introductory session to classes (i.e. assembly). Following 10 week program, teachers will receive all curriculum.

Date(s) of Service(s): 2015-2016 school year

**Presenter:**

Antonia Slagle, Principal, Isleton Elementary

**Cost &/or Funding Sources (be specific)**

Not to exceed \$ 2,250 paid by Isleton Elementary.

**Recommendation:**

That the Board approve the Independent Contract for Services Agreement with Sacramento Theatre Company for the 2015-2016 school year at a cost not to exceed \$2,250.

Time: 2 mins.



# RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street  
Rio Vista, California 94571-1651  
(707) 374-1700 Fax (707) 374-2995  
www.riverdelta.k12.ca.us

## INDEPENDENT CONTRACT FOR SERVICES AGREEMENT

THIS AGREEMENT is entered into by and between the River Delta Unified School District hereinafter referred to as "DISTRICT," and Sacramento Theatre Company, as "CONSULTANT."

IT IS HEREBY MUTUALLY AGREED that Consultant will provide services under the following terms and conditions:

1. **TERM:** The term of this agreement is from OCT. 20, 2015 through Jan 21, 2015. Extension or renewal requires approval of DISTRICT or authorized representative. Unless compensation is fixed on the basis of a daily or hourly rate, compensation will not be increased upon extension of the agreement without approval of the DISTRICT or authorized representative.

This agreement may be terminated with 30 days advance written notice by either party. In the event of termination for cause, CONSULTANT need be compensated only to the extent required by law.

2. **CONSULTANT SERVICES:** CONSULTANT agrees to perform, during the term of this agreement, the tasks, obligations and services detailed as follows: provide theatre instruction aligned with the Listening and Speaking English Language Arts standards to kindergarten through 3<sup>rd</sup> grade classes, 2 hours twice per week for ten weeks.

3. **PAYMENT FOR SERVICES:** CONSULTANT shall receive compensation at the rate of:  
\$ 225.00 per day x week month year or per \_\_\_\_\_  
OR \$ \_\_\_\_\_ per hour for periods of less than one day;  
for a **total cost** not to exceed \$ 2250.00

In the event the CONSULTANT is required to travel outside Solano, Yolo or Sacramento Counties at the request of the DISTRICT, it is agreed that actual and necessary expenses incurred while performing such services shall be reimbursed. All payments will be based on invoices submitted to DISTRICT by CONSULTANT and approved by DISTRICT'S authorized representative. The CONSULTANT shall provide an itemization of costs on submitted invoice.

4. **RECORDS:** CONSULTANT will maintain full and accurate records in connection with this agreement and will make them available to DISTRICT for inspection at any time. CONSULTANT'S work product produced under this agreement shall be the property of DISTRICT and cannot be used without permission of same.
5. **STATUS OF CONTRACTOR:** DISTRICT and CONSULTANT agree that CONSULTANT, in performing the services specified in this agreement, shall act as an independent contractor and shall have control of all work and the manner in which it is performed. CONSULTANT shall be free to contract for similar service to be performed for other employers while under the contract with DISTRICT; CONSULTANT will not accept such engagements which interfere with performance under this agreement. CONSULTANT is not entitled to participate in any pension plan, insurance, bonus or similar benefits the DISTRICT provides for its employees. The CONSULTANT is not authorized to carry out any official act of the DISTRICT that is required to be done by an employee or office of the DISTRICT.

6. **HOLD HARMLESS AND INDEMNIFICATION:** CONSULTANT agrees to abide by the *Hold Harmless and Indemnification Agreement* attached to and made a part of this contract.

Independent Contractor Agreement

- 7. **COMPLIANCE WITH LAWS:** CONSULTANT shall comply with all applicable federal, state and local laws, rules, regulations and ordinances involving its employees, including workers' compensation and tax laws.
- 8. **CONFLICTS OF INTEREST:** Consultants are responsible for complying with the Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations and may be required to file an annual Form 700 Conflict of Interest Statement of Economic Interests (as required following the passage of the Political Reform Act Government Code Section 81000, et seq.) (attached to and made a part of this contract).

The Superintendent may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and, thus, is not required to comply fully with the disclosure requirements described in those Sections cited above. The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code Form 700 Statements of Economic Interest. In addition, if the contract itself contains Conflict of Interest/Statements of Economic Interest Disclosures, the consultant is not required to re-file with the district annually.

- 9. **MODIFICATION OR ASSIGNMENT:** This agreement may not be assigned by either party without express written consent to the other. No modification shall be effective unless approved in writing by DISTRICT or authorized representatives.

**CONTRACTOR/CONSULTANT:**

**RIVER DELTA UNIFIED SCHOOL DISTRICT:**

Sacramento Theatre Company  
 Printed/Typed Name 9.25.15  
 Date

Antonia L. Stagle  
 Requested By Date

\_\_\_\_\_  
 Social Security Number/Federal Tax ID Number

*[Signature]* 9/25/15  
 Approval Signature Date

1419 H Street  
 Address State Zip  
 hillemm@sactheatre.org  
 916.446.7501 ext. 113  
 Contact Phone and Email

\_\_\_\_\_  
 Budget Code (Name & Coding)

*[Signature]*  
 Signature (Contractor/Consultant Authorized Representative)

\_\_\_\_\_  
 Board of Trustees Action Date

**Consultant must answer the two questions below:**

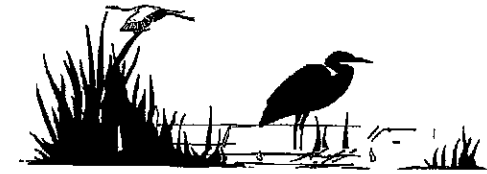
- 1. Are you presently or have you been a member of PERS or STRS?  
 PERS: Yes \_\_\_\_\_ No   
 STRS: Yes \_\_\_\_\_ No
- 2. Are you presently an employee of River Delta Unified School District? Yes  No

This contract is not valid nor an enforceable obligation against the District until approved or ratified by the Board of Trustees, duly passed and adopted.

1/14/08

*Creating Excellence To Ensure That All Students Learn*

- Bates School
- Isleton School
- Walnut Grove School
- Delta High School
- Wind River School
- Clarksburg Elementary
- Riverview School
- D.H. White Elementary
- Rio Vista High School
- Mokelumne High School
- River Delta High/Elementary School
- River Delta Community Day School.....Delta Elementary Charter School



RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street

Rio Vista, California 94571-1651

(707) 374-1700 Fax (707) 374-2995

HOLD HARMLESS & INDEMNIFICATION AGREEMENT

To the fullest extent permitted by law, Sacramento Theatre Company (Contractor/Consultant) agrees to defend, indemnify, hold harmless and waive all rights of subrogation against River Delta Joint Unified School District, its Board of Trustees, officers, agents and employees (collectively the "District") from and against any and all claims, costs, demands, expenses (including attorney's fees), losses, damages, injuries and liabilities, whether active or passive, arising from any accident, death, or injury whatsoever or however caused or alleged to be caused whether by the District or the Contractor/Consultant to any person or property because of, arising out of, or in any way related to the performance of this agreement. Contractor/Consultant shall not be responsible for the sole or willful liability of the District. It is understood and agreed that such indemnity shall survive the termination of this agreement.

Contractor/Consultant shall maintain their own contractual liability insurance to cover its obligations under this agreement. This indemnification is independent of and shall not in any way be limited by insurance carried by the Contractor/Consultant.

In the case of Facility Use Agreements, Contractor/Consultant further agrees to comply with the insurance requirements attachment to that contract and shall name the District as an additional insured via separate endorsement from its insurance carrier, and provide acceptable proof thereof to the District.

If the Contractor/Consultant should sublet any work to another party (i.e., subcontractor), Contractor/Consultant guarantees that such subcontractor shall indemnify the District prior to permitting subcontractor to commence its work. Contractor/Consultant shall obtain a signed agreement from such subcontractor indemnifying the District as set forth above. In addition, Contractor/Consultant shall require in its purchase orders that each supplier indemnify Contractor/Consultant and the District from any and all losses arising from any materials, products, or supplies included in such work.

In the case of any conflict with these requirements and the provisions of the agreement to which it is attached, these provisions shall prevail.

M. Noufer
Signature of Authorized Representative

9.25.15
Date Signed

Michele Hilten-Noufer
Typed/Printed Name of Authorized Representative

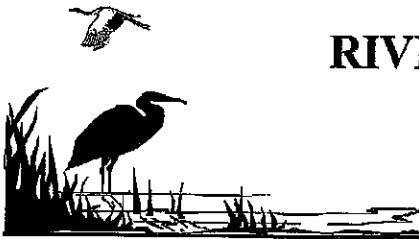
Sacramento Theatre Company
Company Name

Address, Email & Phone: 1419 H St. Sacramento, CA 95814

1/14/08

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- Bates School, Clarksburg Middle, Isleton School, Riverview Middle, River Delta High/Elementary School, Walnut Grove School, D.H. White Elementary, River Delta Community Day School, Delta High School, Rio Vista High School, Delta Elementary Charter School, Wind River School, Mokelumne High School



# RIVER DELTA UNIFIED SCHOOL DISTRICT

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## Superintendent's Statement Regarding Consultant and Conflict of Interest Annual Statement Needed

This is to affirm that the Contractor/Independent Contractor (Consultant), Sacramento Theatre Co. is hired by this District to perform work as indicated below and/or per attached contract/agreement:

Description of Duties: provide theatre instruction aligned with Listening & Speaking ELA CCSS standards K-3

Will these duties and/or this Contractor/Consultant in any way have any level of influence on the expenditure of district revenues and/or resources?

       No (If No, this consultant is not required to file the Form 700 with the district for the year(s) they are contracted by the district as long as the scope of duties do not change\*).

       Yes (If Yes, this consultant is required to file a statement of economic interests/conflict of interest disclosure with this district for the year(s) they are contracted by the district\*\*)

       \*This contractor/consultant (although identified as a "designated position" for purposes of the District's Conflict of Interest Code/Economic Interest Statement Form 700) is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in the District's Conflict of Interest Code.

       \*\*Either (a)        the contractor/consultant must file the Form 700 annually as long as they are contracted with the district or (b)        if the contract/agreement itself (provided by the contractor/district and district Board approved), contains conflict of interest disclosures, the contractor/consultant may attach that portion of the contract/agreement to this Statement (annually) in satisfaction of this requirement.

This determination is a public record and shall be retained for public inspection in the same manner and location as the District's Conflict of Interest Code Form 700s.

\_\_\_\_\_  
Don Beno, Superintendent

\_\_\_\_\_  
Date

1/14/08

Attachment : (Conflict of Interest Code)

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Clarksburg Elementary           Riverview School                      D.H. White Elementary                      Rio Vista High School                      Mokelumne High School  
River Delta High/Elementary School                      River Delta Community Day School.....Delta Elementary Charter School



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## Attachment to Superintendent's Statement

### DISTRICT'S CONFLICT-OF-INTEREST CODE

"The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Reg. Sec. 18730) which contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the River Delta Joint Unified School District.

Designated employees shall file their statements with the River Delta Joint Unified School District which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the River Delta Joint Unified School District in the Superintendent's Office."

#### Below are excerpts from attachments to the above Code regarding consultant disclosure:

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this code (\*) subject to the following limitation: The superintendent may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict-of-Interest Code. In addition, if the contract itself contains conflict of interest disclosures, the consultant is not required to re-file under this provision.

Designated persons in this category must report: (a) Interests in real property which are located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property. (b) Investments or business positions in or income, including gifts, loans, and travel payments, from sources which: (1) are engaged in the acquisition or disposal of real property within the district. (2) are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or (3) manufacture or sell supplies, books, machinery or equipment of the type used by the district.

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## CONTRACTOR INSURANCE REQUIREMENTS

Contractor represents that it does carry and will continue to carry, with Insurance companies acceptable to the District, the following insurance coverages for any work or liability, including products and completed operations, arising out of or in any way connected with the work under this agreement:

Commercial General Liability Coverage—on an “occurrence form” policy containing a per occurrence limit of at least \$1,000,000 or the total cost of the project, which ever is more, protecting against bodily injury, property damage and personal injury claims arising from the exposures of (1) premises and operations; (2) products and completed operations (with a separate limit of coverage at least equal to the per occurrence limit); (3) independent subcontractors; (4) Contractual liability risk covering the indemnity obligations set forth in the hold harmless and indemnification agreement; and (5) where applicable, property damage resulting from explosion, collapse, or underground (x, c, u) exposures. The policy may not contain any exclusion or reduction in coverage for any of the above listed exposures.

Automobile Liability Coverage—insuring against bodily injury and/or property damage arising out of the operation, use, loading or unloading of any auto including owned, non-owned, hired and employee autos with limits of at least \$1,000,000.

Worker’s Compensation and Employer’s Liability Coverage—providing statutory benefits imposed by applicable state or federal laws such that the District will have no liability to Contractor or its employees, subcontractors and agents; and that Contractor will satisfy all Worker’s Compensation obligations imposed by state law. If Contractor has any employees that are subject to the rights and obligations of the Longshoremen and Harbor Workers Act, then the Worker’s Compensation Insurance must be broadened to provide such coverage. In addition, Contractor agrees to carry Employer’s Liability Coverage with limits of not less than \$1,000,000 per accident for each employee.

Professional Liability Coverage—insuring, where applicable, for any exposures resulting from professional liability with limits of at least \$1,000,000.

Additional Insured—Contractor shall add “River Delta Unified School District, its board of trustees, officers, agents and employees” (collectively the “District”) as an additional insured via separate endorsement by having the insurance carrier issue an ISO CG 20 10 edition date 11 85 Additional Insured Endorsement or its equivalent. Such endorsement must include completed operations coverage for the benefit of the additional insured. This extension shall apply to the full extent of the actual limits of Contractor’s coverages even if such actual limits exceed the minimum limits required by this agreement. The District’s additional insured status under the policy(ies) must not be limited by amendatory language to the policy. To the extent umbrella or excess insurance is available above the minimum required limits stated in this Agreement, the protection afforded the District in the umbrella or excess liability insurance shall be as broad or broader than the coverages present in the underlying insurance and in accordance with this agreement. Each general liability, umbrella, or excess policy shall specifically state that the insurance provided by the Contractor shall be considered primary, and insurance of the District shall be considered excess for purposes of responding to claims.

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Bates School  
Clarksburg Elementary

River Delta High/Elementary School

Isleton School  
Riverview School

Walnut Grove School  
D.H. White Elementary

River Delta Community Day School.....Delta Elementary Charter School

Delta High School  
Rio Vista High School

Wind River School  
Mokelumne High School

Contractor shall evidence that such insurance is in force by furnishing the District with acceptable proof thereof with a Certificate of Insurance together with a copy of the declarations page of the policies and all policy endorsements, or if requested by the District, certified copies of the policies. The certificate, declarations page, and all policy endorsements shall become a part of this agreement. Each certificate of insurance shall (1) contain an unqualified statement that the policy shall not be subject to cancellation, nonrenewal, adverse change, or reduction of amounts of coverage without thirty (30) days prior written notice to the District, but in the event of non-payment of premium, ten (10) days notification will be provided; (2) show the District as Additional Insured by referencing and attaching the required endorsement; (3) shall indicate that the Contractor's coverage is primary and the District's insurance is excess for any claims; and (4) as to CGL coverage shall state "Policy includes contractual liability coverage insuring the agreement and obligations of the insured to indemnify the District and others to the extent set forth in the Agreement between the insured and the District."

Subcontractors and Suppliers—If the Contractor should sublet any work to another party (subcontractor), Contractor guarantees that such subcontractor shall indemnify the District as set forth in this agreement and shall carry insurance as set forth in these requirements prior to permitting subcontractor to commence its work. Contractor shall obtain a signed agreement from such subcontractor indemnifying the District as set forth in this Agreement and agreeing to carry insurance as set forth above. In addition, Contractor shall require in its purchase orders that each supplier indemnifies Contractor and the District from all losses arising from any materials, products, or supplies included in such work.

Any attempt by the Contractor to cancel or modify such insurance coverage, or any failure by the Contractor to maintain such coverage, shall be default under this Agreement and, upon such default, the District will have the right to terminate this Agreement and/or exercise any of its rights at law or at equity. In addition to other remedies, the District may, at its discretion, withhold payment of any sums due under this Agreement until Contractor provides adequate proof of insurance.

These insurance requirements are independent of and shall not in any way limit the indemnity obligations of the Contractor under this agreement.

The amounts and types of insurance set forth above are minimums required by the District and shall not substitute for an independent determination by Contractor of the amounts and types of Insurance which Contractor shall determine to be reasonably necessary to protect itself and its work. The District reserves the right to modify these provisions relating to indemnification and insurance, and Contractor agrees to be bound by such modifications 30 days after receipt of the modified provisions.

Failure to enforce any of the provisions of these requirements or any of the provisions of this agreement shall in no way constitute a waiver of such provisions. In the case of any conflict with these requirements and the provisions of the agreement to which it is attached, these provisions shall prevail.

<u>M. Noufer</u>	<u>9.25.15</u>
Signature of Authorized Representative	Date Signed
<u>Michele Hillen-Noufer</u>	<u>Sacramento Theatre Co.</u>
Typed/Printed Name of Authorized Representative	Company Name
Address, Email & Phone: <u>1419 H Street</u>	
<u>Sacramento, CA 95814</u>	

1/14/08

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- |                                    |                  |                                       |                                 |                       |
|------------------------------------|------------------|---------------------------------------|---------------------------------|-----------------------|
| Bates School                       | Isleton School   | Walnut Grove School                   | Delta High School               | Wind River School     |
| Clarksburg Middle                  | Riverview Middle | D.H. White Elementary                 | Rio Vista High School           | Mokelumne High School |
| River Delta High/Elementary School |                  | River Delta Community Day School..... | Delta Elementary Charter School |                       |





**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

### **SCHEDULE**

<b>Name Of Additional Insured Person(s) Or Organization(s)</b>
<p>Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.</p>
<p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p>

**Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## **ADDITIONAL INSURED PRIMARY AND NON-CONTRIBUTORY ENDORSEMENT FOR PUBLIC ENTITIES**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

---

**A. SECTION II – WHO IS AN INSURED** is amended to include any public entity as an additional insured for whom you are performing operations when you and such person or organization have agreed in a written contract or written agreement that such public entity be added as an additional insured(s) on your policy, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" arising out of, in whole or in part, by:

1. Your negligent acts or omissions; or
2. The negligent acts or omissions of those acting on your behalf; in the performance of your ongoing operations.

No such public entity is an additional insured for liability arising out of the "products-completed operations hazard" or for liability arising out of the sole negligence of that public entity.

**B.** With respect to the insurance afforded to these additional insured(s), the following additional exclusions apply.

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

**C.** The following is added to **SECTION III – LIMITS OF INSURANCE:**

The limits of insurance applicable to the additional insured(s) are those specified in the written contract between you and the additional insured(s), or the limits available under this policy, whichever are less. These limits are part of and not in addition to the limits of insurance under this policy.

**D.** With respect to the insurance provided to the additional insured(s), **Condition 4. Other Insurance of SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS** is replaced by the following:

**4. Other Insurance**

**a. Primary Insurance**

This insurance is primary if you have agreed in a written contract or written agreement:

- (1) That this insurance be primary. If other insurance is also primary, we will share with all that other insurance as described in **c.** below; or
- (2) The coverage afforded by this insurance is primary and non-contributory with the additional insured(s)' own insurance.

Paragraphs (1) and (2) do not apply to other insurance to which the additional insured(s) has been added as an additional insured or to other insurance described in paragraph **b.** below.

**b. Excess Insurance**

This insurance is excess over:

1. Any of the other insurance, whether primary, excess, contingent or on any other basis:
  - (a) That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar coverage for "your work";
  - (b) That is fire, lightning, or explosion insurance for premises rented to you or temporarily occupied by you with permission of the owner;
  - (c) That is insurance purchased by you to cover your liability as a tenant for "property damage" to premises temporarily occupied by you with permission of the owner; or
  - (d) If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to Exclusion **g.** of **SECTION I – COVERAGE A – BODILY INJURY AND PROPERTY DAMAGE.**
  - (e) That is any other insurance available to an additional insured(s) under this Endorsement covering liability for damages arising out of the premises or operations, or products-completed operations, for which the additional insured(s) has been added as an additional insured by that other insurance.
- (1) When this insurance is excess, we will have no duty under Coverages **A** or **B** to defend the additional insured(s) against any "suit" if any other insurer has a duty to defend the additional insured(s) against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured(s)' rights against all those other insurers.
- (2) When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:
  - (a) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
  - (b) The total of all deductible and self-insured amounts under all that other insurance.
- (3) We will share the remaining loss, if any, with any other insurance that is not described in this **Excess Insurance** provision and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

**c. Methods of Sharing**

If all of the other insurance available to the additional insured(s) permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any other the other insurance available to the additional insured(s) does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

**Meeting Date:** October, 2, 2015

Attachments:  X

**From:** Amy Bettencourt, Director of Special Education

Item #:  10.11

**SUBJECT**

Request to approve the out of state travel for Sue Moehlenbrock to attend the Council of Administrators of Special Education (CASE) Annual Conference hosted in Atlanta, Georgia, cost not to exceed \$2,000.

Action:   
Consent Action:  X   
Information Only:

**Background & Status:**

Name of Vendor: CASE

Description of Service(s): CASE is an international professional educational organization which is affiliated with the Council for Exceptional Children whose members are dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual in society..

Date(s) of Service(s): October 29-31, 2015

**Presenter:**

Sue Moehlenbrock, Special Education Coordinator

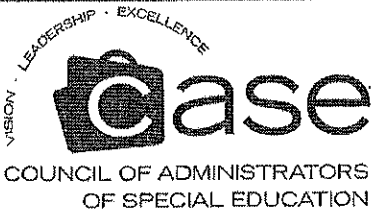
**Cost &/or Funding Sources (be specific)**

Not to exceed \$2,000 paid by Special Ed funds (6500).

**Recommendation:**

That the Board approve the travel to Atlanta, Georgia for Sue Moehlenbrock to attend the 26<sup>th</sup> Annual CASE Conference on October 29-31, 2015. With a cost not to exceed \$2,000.

Time: 2 mins.



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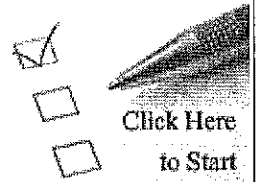
Those who receive special education services are individuals who possess basic rights and responsibilities, and who command respect at all times. Special education embraces the right to a free appropriate public education.

The Mission of the Council of Administrators of Special Education, Inc. is to provide leadership and support to members by shaping policies and practices which impact the quality of education.

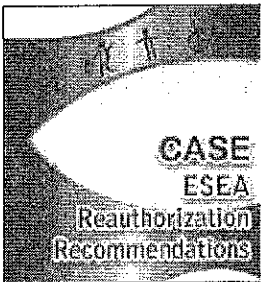
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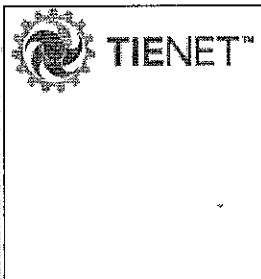
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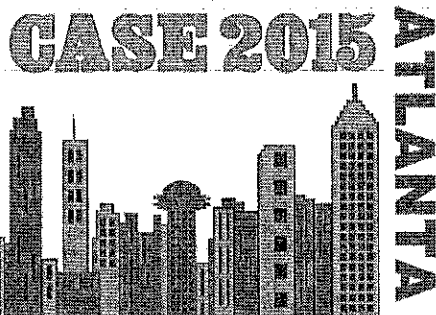
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COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION



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October 29-31, 2015  
Hyatt Regency on Peachtree  
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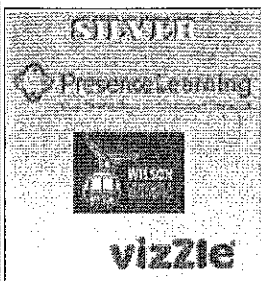


Visit [www.casacec.org](http://www.casacec.org) for conference details.

Topics:  
**Leadership!**  
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And More...

**26th Annual**  
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October 29-31, 2015

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**KEYNOTES:** Dr. Frances Stetson,  
Dr. David Bateman,  
and Dr. Martha Burns

Hyatt Regency  
Atlanta, GA

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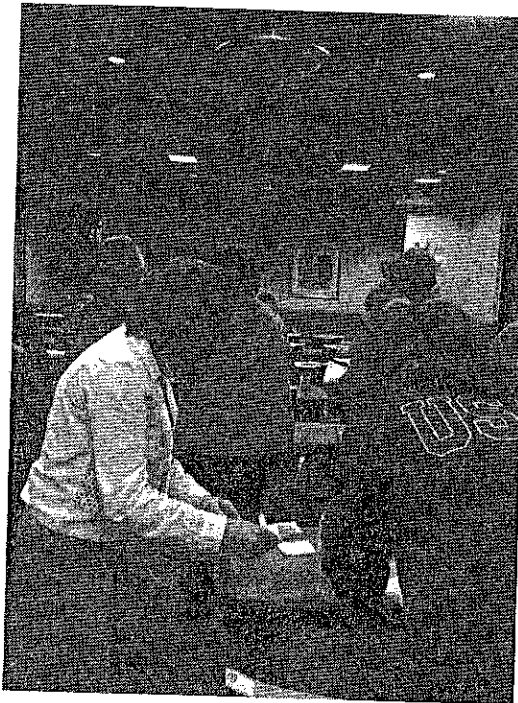
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For more information, email the CASE office at [lpurcell@casecec.org](mailto:lpurcell@casecec.org)

### 2015

Fall Board of Directors Meeting	October 28- 29	Hyatt Regency Atlanta, GA
26th Annual CASE Conference	October 29-31	Hyatt Regency Atlanta, GA

### 2016

5th Annual Hybrid Conference	February 11-12, 2016	Biloxi, MS
CEC 2016	April 13-16, 2016	St. Louis, MO
Annual Member/BOD meeting	April 13, 2016	St. Louis, MO
CASE NIGHT	April 14, 2016 (tickets will go on sale 2/1)	TBD
14th Annual CASE Legislative Summit	July 10-13, 2016	Hilton Alexandria Washington, DC
Joint CASE/NASDSE Fall Conference	Sept 25-27, 2016	Hyatt Regency Milwaukee, WI

### 2017

Board of Directors Meeting	October 31 - November 1	Nugget Reno, NV
28th Annual CASE Fall Conference	November 1-3	Nugget Reno, NV

### 2018

Fall Board of Directors Meeting	November 7-8	Beau Rivage Biloxi, MS
29th Annual CASE Fall Conference	November 8-10	Beau Rivage Biloxi, MS

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**KEYNOTES:** Dr. Frances  
Stetson,  
Dr. David Bateman,  
and Dr. Martha Burns

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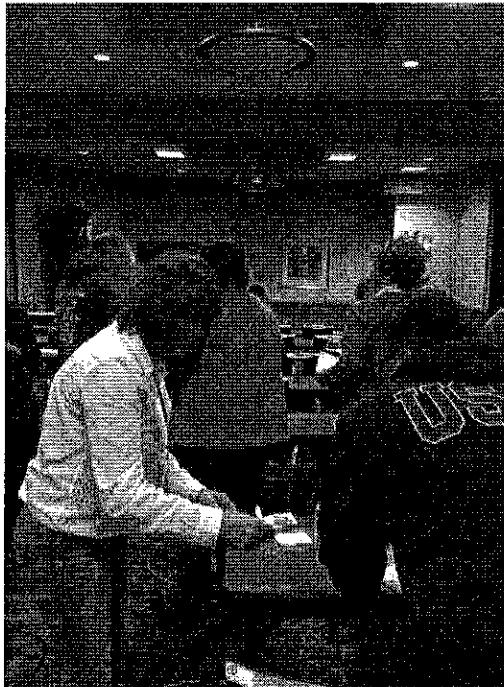
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BOARD OF TRUSTEES



RIVER DELTA UNIFIED SCHOOL DISTRICT

Meeting Date: October 13, 2015

Attachments: x\_\_\_  
Item no. 10.12

SUBJECT      REQUEST FOR LEAVE OF ABSENCE MADE BY  
Marie Cailles

Action: \_\_\_\_\_  
Consent: X\_\_\_\_\_

Background      Marie Cailles, teacher at Bates Elem., has requested  
a leave of absence for the remainder of the 2015-16 school year to care for her two  
new babies.

Status:

Presenter:    Don Beno, Superintendent

Other People Who Might Be Present:

Cost &/or Funding Sources

Recommendation:    That the Board approve the request for a leave of  
absence made by Marie Cailles.

Time: \_\_\_\_\_

Marie Cailles  
884 Dinsdale Circle  
Woodland, CA 95776

September 25, 2015

Maria Elena Becerra  
Bates Elementary  
180 Primasing Ave  
Courtland, CA 95615

*RE: Requesting Leave of Absence*

Dear Superintendent Don Beno,

I am writing to request a leave of absence, following my maternity leave, for the remainder of the 2015 -2016 school year. I plan to continue staying at home caring for my 2 new children. I will return to teach the 2016-2017 year.

Sincerely,

*Marie Cailles*

Marie Cailles

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: 10/13/2015

Attachments:  X

From: Craig Hamblin, Director of MOT

Item Number: 10.13

**SUBJECT**

Request to approve auction sale and donation of surplus vehicles.

Action: \_\_\_\_\_

Consent Action: \_\_\_\_\_

Information Only: \_\_\_\_\_

**Background:** Request to approve sale of three vehicles that are economically not feasible to repair due to age or excessive mileage. Also requesting to donate one small school bus that is beyond repair due to excessive mileage (500,000). We would like to donate the bus to the local tow company upon Board approval, this bus would be scrapped, it cannot be sold because it was used as a part of a bus replacement grant and must be scrapped.

**Status:**

1988 GMC P.U. Lic.# E988101 Fleet #T59  
2004 GMC Suburban Lic # 1328469 Fleet #39  
1998 GMC Van Lic.# 022310 Fleet #60  
1990 Collins Bus Lic.# E290822 Fleet #12

See attached document

**Presenter**

Craig Hamblin

**Other People Who Might Be Present** Staff

**Cost &/or Funding Sources**

Minimal advertising cost.

**Recommendation:**

That the Board approves the sale of the three vehicles and the donation of the cutaway bus as requested. The donated bus may not be sold as a requirement through a replacement grant and must be scrapped.

Time: 5 mins.

**Liquidation of the following vehicles:**

T59 – 1988 GMC pickup (maintenance dept.)  
License #E988101  
VIN #1GDGC34K7JE5536088

#39 – GMC Suburban (Delta Ag)  
License #1328469  
VIN #1GK GK26J2XJ714824

#12 – 1990 Collins Bus (N. Trans)  
License #E290822  
VIN #1FDJE34MXLHA89114  
**\*DONATE FOR TRAINING\***

#60 – 1998 GMC Van  
License #022310  
VIN #1GTFG25R5W1038660

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments: \_\_\_x\_\_\_

From: Don Beno, Superintendent

Item Number: \_\_\_10.14\_\_\_

**SUBJECT**

Request to acknowledge California School  
Employees' Association (CSEA)'s Sunshined  
proposals for negotiation with River Delta  
Unified School District for 2015-2016

Action:   X    
Consent Action: \_\_\_  
Information Only: \_\_\_

**Background**

Under the California Educational Employment Relations Act (EERA) the classified union must participate in "Good Faith" bargaining with the District. The law states that CSEA must present its proposals to the public before the bargaining process can begin.

**Status**

See the attached proposals

**Presenter**

Don Beno

**Other People Who Might Be Present:**

CSEA Chapter 319 members

**Cost &/or Funding Sources** None

**Recommendation:**

That the Board acknowledge the CSEA's proposals for negotiation with the District for 2015-2016.

Time: \_\_\_4 Mins.\_\_\_\_



**California  
School  
Employees  
Association**

5375 West Lane  
Stockton, CA 95210

(209) 472-2170

(800) 757-4229

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September 8, 2015

VIA E-MAIL SCAN & U.S. MAIL  
[dbeno@riverdelta.k12.ca.us](mailto:dbeno@riverdelta.k12.ca.us)

Don Beno, Superintendent  
River Delta Unified School District  
445 Montezuma  
Rio Vista, CA 94571-1651

**Re: River Delta Chapter 319 Initial Proposal for Contract Reopener  
2015-2016**

Dear Superintendent Beno:

Pursuant to the agreement between the California School Employees Association and its River Delta Chapter 319 ("CSEA" collectively) and River Delta Unified School District, please find enclosed the initial proposal for amendments and modifications.

Please consider this document for public notice provisions pursuant to Government Code Section 3547(a). CSEA desires to commence negotiations as soon as possible after the completion of the public notice provisions.

Sincerely,

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION

Carol Black  
Labor Relations Representative

CB/ks

Enclosure – 2015-2016 Initial Proposals for Contract Reopener

c: Mary Weathers, Chapter President 319  
Dana Baker, Regional Representative 42  
Sylvia Diaz, Area Director E  
Janet Jones Sterling, Field Director  
319 file



**PROPOSAL FROM  
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION  
RIVER DELTA CHAPTER #319  
TO  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

**ARTICLE 17 – Health and Welfare Benefits**

**17.1.1 Discuss increase in cap**

**APPENDIX B – Wage increase to step and column**

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

**Meeting Date:** October 13, 2015

Attachments:

\_\_X\_\_

**From:** Aaron Munoz – Delta High School Social Studies Teacher

Item Number: \_\_10.15\_\_

**SUBJECT**

Action: \_\_\_\_\_

Mr. Munoz, three parents, and ten Delta High School students would like to travel to Rome, Italy, over the Spring Break between March 19 and March 27, 2016, as part of The Travel Abroad Program, hosted by Educational Tours.

Consent Action: \_\_X\_\_

Information Only: \_\_\_\_\_

**Background:**

The Travel Club of Delta High school requests permission to travel to Rome, Italy, with The Travel Abroad Program, hosted by Educational Tours. This program affords Delta students the opportunity to visit the Colosseum, the Roman Forum, the Vatican City, and many other important historical places in Italy. The trip emphasis is to see the places they have learned about in school and to immerse themselves in a new culture.

The Delta Travel Club began exploring destinations after the formation of the club in the spring of 2014. By the time of departure, the students will have spent two years fundraising for the trip. This year, they will also engage in preparation for the trip by studying the culture of Italy.

**Status:**

Reservations for the group have been made and there has been active fundraising toward the trip throughout the 2014-15 and 2015-16 school year. The trip is planned for over Spring Break so students and the advising teacher do not miss instruction.

**Presenter:** Mr. Aaron Munoz, Teacher and Travel Club Advisor

**Other People Who Might Be Present:** Laura Uslan, DHS Principal

**Cost &/or Funding Sources**

The cost is \$3000 for each student and adult traveling with the program. The Delta Travel Club has been exploring destinations and participating in fundraising activities to support this trip for 2 school years. The trip cost includes a tour director, 3 full-day sightseeing tours led by licensed guides, entrance fees into local historical sites, round-trip flights, hotel, and two meals per day.

**Recommendation:**

That the Board approve the overnight and out-of-state travel request for the Delta High School Travel Club to travel to Rome, Italy, between March 19-27, 2016.

Time: \_\_\_\_\_ 2 mins. \_\_\_\_





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7 or 9 days | Italy

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-  **weShare**, our project-based learning program that combines an online platform with global experiences.
-   **All of the details are covered:** Round-trip flights on major carriers; Comfortable motorcoach; 5 overnight stays in hotels with private bathrooms (7 with extension); European breakfast and dinner daily
-  





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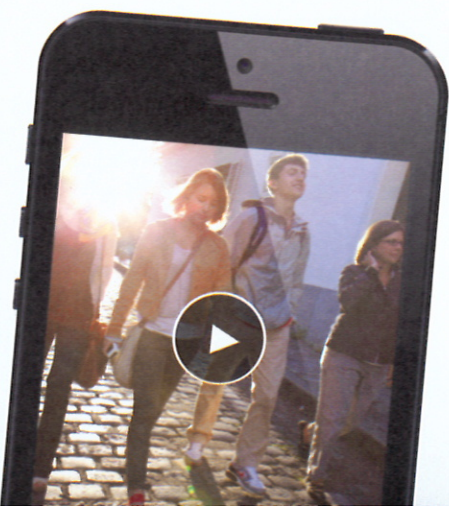
And the experience begins long before you get your passport stamped and meet your **Tour Director** in your arrival city. It begins the moment you decide to go. Whether it's connecting with other travelers on Facebook, Twitter or Instagram, or delving deeper into your destinations with our online learning platform, **weShare**, the excitement will hit you long before you pack your suitcase.

When your group arrives abroad, everything is taken care of so you can relax and enjoy the experience. Your full-time Tour Director is with your group around the clock, handling local transportation, hotels and meals while also providing their own insight into the local history and culture. **Expert local guides** will lead your group on sightseeing tours, providing detailed views of history, art, architecture or anything you may have a question about.

When your journey is over and you're unpacking your suitcase at home, you'll realize the benefits of your life-changing experience do not end. They have just begun.

*@EFtours I attribute my college semester abroad to the love for travel I discovered on an EF Tour in high school #traveltuesday*

– MELISSA, TRAVELER



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### Day 3: Rome

- Take an expertly guided tour of Rome
- Visit the Colosseum
- Visit the Roman Forum
- Take a self-guided walking tour of Rome: Trevi Fountain; Pantheon; Piazza Navona; Spanish Steps
- Enjoy a pizza dinner

### Day 4: Rome

- Take an expertly guided tour of Vatican City. On your sightseeing tour, look for the papal protectors who flank the entrance to St. Peter's Basilica: they're the highly trained soldiers of Vatican City's Pontifical Swiss Guard. Inside, pass under gilded archways lofted hundreds of feet off the ground before heading to visit the saint's tomb. Then, experience the Sistine Chapel's breathtaking domed ceiling. From Michelangelo's frescos to Raphael's tapestries, Pope Sixtus IV commissioned the masters of the day to cover nearly every inch of the Chapel in art depicting important Biblical scenes. For a very special keepsake, drop a postcard in the mail before you go, complete with a stamp from the world's smallest country.
- Visit the Sistine Chapel
- Visit St. Peter's Basilica
- Time to see more of Rome or
  - Visit the Roman Catacombs

### Day 5: Rome

- Full day to see more of Rome or
  - Visit Florence. Experience the birthplace of the Italian language, opera and the Renaissance. Works of art like Michelangelo's statue of *David* and Botticelli's *The Birth of Venus*, still reside here today. As you stroll through the city, pass by classical statues at the Piazza della Signoria. See the domed cap of the Santa Maria del Fiore Cathedral, better known as the Duomo, which dominates the skyline. Opposite the Duomo, look for the bronzed doors of Ghiberti's *Gates of Paradise* at the Baptistery. Walk across the Ponte Vecchio, a medieval bridge where many of Florence's famed leather and gold artisans keep shop.

### Day 6: Rome

- Take an expertly guided tour of Ostia Antica
- Time to see more of Rome or
  - Cooking Class

### Day 7: Depart for home

### ➤ 2-DAY TOUR EXTENSION

#### Day 7: Pompeii | Sorrento region

- Travel to Pompeii
- Take an expertly guided tour of Pompeii
- Visit the Pompeii Roman Ruins
- Continue on to the Sorrento region

#### Day 8: Capri | Rome

- Travel to Capri
- Take an expertly guided tour of Capri
- Take an island cruise
- Return to Rome

#### Day 9: Depart for home



*Last day in Italy. I'm gonna miss you. #eftours #trevifountain*

- JOSEPH, TRAVELER



Via Instagram

*We were delighted with the Rome: Eternal City tour. Our Tour Director was outstanding and we had excellent hotel and restaurant accommodations. Our schedule was filled, yet allowed students time to explore on their own.*

- KAREN, TRAVELER



Tour review

## TOP THREE THINGS I WILL SEE, DO, TRY OR EXPLORE

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_



— The easiest ways to —  
**ENROLL TODAY**



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*As a parent I am very grateful that I was able to give this opportunity to my child. It was worth every penny to see her smiling face in the pictures on the trip. Encourage your child to embrace the moment; be open to new cultures, foods, and just a new way of life and looking at things.*

—KATHLEEN, DAUGHTER TRAVELED APRIL 2013



Tour review

## THE WORLD LEADER IN INTERNATIONAL EDUCATION

Your teacher has partnered with EF because of our unmatched experience and worldwide presence, as well as our commitment to providing students with life-changing travel opportunities that are immersive and affordable. For nearly 50 years, we've worked with educators across the globe to help millions of people become citizens of the world by breaking down barriers of language, culture and geography.

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**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments: \_\_\_\_\_

From: Don Beno, Superintendent

Item Number: 10.16

**SUBJECT**      Donations

Action: \_\_\_\_\_  
Consent Action: x  
Information Only: \_\_\_\_\_

**Background:**

Donations to Receive and Acknowledge:

- Rio Vista High School – Rio Vista Rams Football Game Day Breakfast  
Mrs. Cheryl Apple
- Rio Vista High School – Athletic Teams  
Mr. Tom Havens (\$500) Large industrial Fan
- Rio Vista High School – Portable PA system (\$200)  
Loretta Abbott
- Rio Vista High School – In memory of Jared Brisso  
Mr. and Mrs. Jerry Penick
- Isleton Elementary School – Musical Instruments  
Ronda Howard (approx. value \$928.94)

**Presenter**      Don Beno

**Other People Who Might Be Present**      Staff

**Cost &/or Funding Sources**

**Recommendation:**

That the Board acknowledge and approve the receipt of these donations.

Time: 2 mins.\_\_\_\_



# RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street  
Rio Vista, California 94571-1651  
(707) 374-1700 Fax (707) 374-2995  
<http://riverdelta.org>

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the River Delta Unified School District to receive public testimony and input from members of the community on the District's Initial Openers for Contract Negotiations with California School Employees Association Chapter 319. The public hearing will enable the Board of Trustees to receive public input and testimony but **not to provide a forum for public debate**. The public hearing is scheduled as follows:

**DATE:**  
October 13, 2015

**TIME:**  
After 6:30 p.m.

**LOCATION:**  
Bates Elementary School  
Courtland, California

If you have any questions or need further information, please contact Jennifer Gaston, Executive Assistant to the Superintendent and the Board of Trustees at (707) 374-1711 at 445 Montezuma Street, Rio Vista, CA 94571.

**NOTE:** The Board of Trustees encourages those with disabilities to participate fully in the public meeting process. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, contact the Superintendent's Office at (707) 374-1711 at least 48 hours before the scheduled meeting so that we may make every reasonable effort to accommodate you. [Government Code § 54954.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. §12132).]

## PLEASE POST

Bates School  
Clarksburg Middle

Isleton School  
Riverview Middle

Walnut Grove School  
D. H. White Elementary  
River Delta High/Elementary School  
Delta Elementary Charter School

Delta High School  
Rio Vista High School  
River Delta Community Day School

Wind River School  
Mokelumne High School



**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments: \_\_\_\_\_

From: Don Beno

Item Number: \_\_11. \_\_

**SUBJECT**

Public Hearing to Sunshine the River Delta Unified School District's Negotiation proposals to the California School Employees' Association (CSEA) for 2015-2016

Action: \_\_\_\_\_

Consent Action: \_\_\_\_\_

Information Only: \_\_X\_\_

**Background:**

Under the California Educational Employment Relations Act (EERA) the District must participate in "Good Faith" bargaining with the employees union. The law states that district must present its proposals to the public before the bargaining process can begin.

The District proposes to discuss:

Article 11	Leaves
Article 17	Health and Welfare Benefits
Appendix	A
Appendix	B

**Status:**

**Presenter:** Don Beno

**Other People Who Might Be Present:** Staff

**Cost &/or Funding Sources**

**Recommendation:**

That the Board holds the Public Hearing to Sunshine the River Delta Unified School District's Negotiation proposals to the California School Employees' Association (CSEA) for 2015-2016

Time: \_\_\_\_5 mins. \_\_

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments:   X  

From: Don Beno, Superintendent

Item Number:   12  

**SUBJECT**

Request to approve the *second and final reading* of the updated or new Board Policies, Administrative Regulation and or Exhibits due to new legislation or mandated language and citation revisions as April 2015 including minor revisions as of April 2015.

Action:   X    
Consent Action:         
Information Only:       

**Background:**

Changes in legislation and amendments to laws lead to necessary or mandated changes in District policies, regulations and exhibits.

**Status:**

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes in law effective prior to April 2015 which need to be approved for *second and final reading*.

These policies, etc., were submitted for a first reading at the September 8, 2015 Board meeting.

**Presenter**     Don Beno

**Other People Who Might Be Present**     Jennifer Gaston, Recorder

**Cost &/or Funding Sources**

**Recommendation:**

That the Board approve the *second and final reading* of these policies and regulations resulting from legislation effective prior to April 2015.

Time:        5 mins.

# POLICY GUIDESHEET

April 2015

Page 1 of 3

Note: Descriptions below identify major revisions made in CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts should review the sample materials and modify their own policies accordingly.

## **E 0420.41 - Charter School Oversight**

(E revised)

Exhibit updated to add charter school responsibilities related to (1) immediate enrollment of homeless students; (2) enrollment and placement of foster youth; (3) teacher qualifications for transitional kindergarten (TK) programs pursuant to **NEW LAW** (SB 876, 2014); (4) training regarding responsibilities for reporting child abuse and neglect pursuant to **NEW LAW** (AB 1432, 2014); (5) reporting to the Commission on Teacher Credentialing of any change in employment status of a certificated employee based on alleged misconduct; (6) posting of information about student participation in athletics, by gender, pursuant to **NEW LAW** (SB 1349, 2014); (7) submission to the Cal Grant program of the grade point average of students in grade 12 pursuant to **NEW LAW** (AB 2160, 2014); and (8) provision on epinephrine auto-injectors pursuant to **NEW LAW** (SB 1266, 2014).

## **BP/AR 0460 - Local Control and Accountability Plan**

(BP/AR revised)

Policy updated to reflect **NEW TITLE 5 REGULATIONS** (Register 2015, No. 2) which (1) present a template for the local control and accountability plan (LCAP), (2) define and give examples of the means by which districts may consult with students when developing the LCAP, (3) address the composition of the parent advisory committee and English learner parent advisory committee, and (4) require the County Superintendent of Schools to review district descriptions, if any, of districtwide or schoolwide services provided with local control funding formula (LCFF) supplemental or concentration funds. Regulation adds new section which addresses requirement for districts receiving LCFF supplemental or concentration funds to increase or improve services for "unduplicated students" and reflects **NEW TITLE 5 REGULATIONS** (Register 2015, No. 2) which specify the method for determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students.

## **BP/AR 0520.4 - Quality Education Investment Schools**

(BP/AR deleted)

Policy and regulation deleted since support programs for low-achieving schools identified under the Quality Education Investment Act are no longer being funded.

## **AR 1330 - Use of School Facilities**

(AR revised)

**Mandated** regulation updated to reflect **NEW LAW** (AB 2073, 2014) which authorizes districts to allow the use of school facilities for events that may involve the acquisition, possession, use, or consumption of alcohol when the event is covered by a special events permit and will be held at a time that students are not present. Regulation provides that, if the district chooses to exercise this authority, it may specify limitations in the facility use agreement to reduce risks to the district and ensure the safety of participants.

## **BP 3312 - Contracts**

(BP revised)

Policy updated to reflect **NEW LAW** (AB 1584, 2014) which **mandates** policy when the district chooses to enter into a contract with a third party for digital storage, maintenance, or retrieval of student records. Policy also updates section for contracts for non-nutritious foods or beverages and adds new section reflecting requirements for contracts for personal services.

## POLICY GUIDESHEET

April 2015

Page 2 of 3

### **AR 3514.2 - Integrated Pest Management**

(AR revised)

Regulation updated to reflect **NEW LAW** (SB 1405, 2014) which (1) requires certain persons to complete a Department of Pesticide Regulation (DPR) approved training course beginning July 1, 2016; (2) requires posting of the integrated pest management (IPM) plan on the school or district web site or distribution of the plan with the annual parental notification whenever a non-exempted pesticide will be used; (3) expands the content of the annual notification to include the Internet address where the school's IPM plan is posted, if applicable, and the opportunity to view the IPM plan in the school office; and (4) requires reporting to the DPR whenever the pesticide use is not otherwise reported by the pest control operator to county officials.

### **E 4112.9/4212.9/4312.9 - Employee Notifications**

(E revised)

Exhibit updated to (1) reflect **NEW LAW** (SB 1266, 2014) requiring a notice to request volunteers to receive training to administer epinephrine auto-injector and notice of defense against liability for administering epinephrine auto-injector; (2) add notice requesting volunteers to receive training to administer emergency antiseizure medication; (3) add notice of the amount of sick leave available to the employee; (4) add notice to employee when Department of Justice notification is the reason for an adverse employment action; and (5) update notices related to suspension or dismissal of certificated employees.

### **BP 4143/4243 - Negotiations/Consultation**

(BP revised)

Policy updated to reflect **NEW LAW** (AB 1611, 2014) which requires reasonable written notice to the exclusive employee representative whenever the district intends to make any changes in matters within the scope of negotiations. Policy also clarifies related meetings that may be held in closed session and adds language on providing released time for a reasonable number of employee representatives for meeting and negotiating and for the processing of grievances.

### **BP/AR 5111 - Admission**

(BP/AR revised)

Policy updated to reflect **NEW LAW** (AB 2706, 2014) which requires district enrollment forms to include information about affordable health care options and available enrollment assistance. Policy also adds language to ensure that enrollment of a homeless student, foster youth, or child of a military family is not delayed for lack of records, and reflects **NEW LAW** (AB 2276, 2014) which prohibits districts from denying enrollment to children from juvenile court schools for the sole reason of their contact with the juvenile court system. Regulation updated to delete outdated dates re: age eligibility for TK, kindergarten, or first grade.

### **BP 5113.1 - Chronic Absence and Truancy**

(BP revised)

Policy updated to reflect the inclusion of chronic absenteeism as a measure of student engagement in the LCAP and **NEW TITLE 5 REGULATIONS** (Register 2015, No. 2) which establish a formula for calculating the chronic absenteeism rate for this purpose. Policy also revised to reflect **NEW LAW** (AB 1643, 2014) which adds other optional representatives to the school attendance review board.

### **BP/AR 5126 - Awards for Achievement**

(BP/AR revised)

Updated policy, **mandated** for districts that maintain a scholarship and loan fund, includes material formerly in AR re: board responsibilities related to the scholarship and loan fund. Material related to selection of the scholarship and loan committee revised to delegate to the Superintendent the appointment of staff, community, and student representatives. Updated regulation deletes detailed eligibility criteria for the Golden State Seal Merit Diploma and State Seal of Bilingualism, as these criteria are in transition.

# POLICY GUIDESHEET

April 2015

Page 3 of 3

## **BP/AR 5144.4 - Required Parental Attendance**

(BP/AR added)

New **mandated** policy and regulation are for use by districts that authorize teachers to require parents/guardians to attend a portion of a school day in their child's classroom when their child has been removed from class for specified violations. Policy and regulation contain material formerly in BP/AR 5144.1 - Suspension and Expulsion/Due Process.

## **E 5145.6 - Parental Notifications**

(E revised)

Exhibit updated to add notices related to (1) the IPM plan, if the school or district does not have a web site, pursuant to **NEW LAW** (SB 1405, 2014); (2) forwarding of students' grade point average to the Cal Grant program, pursuant to **NEW LAW** (AB 2160, 2014); (3) advertising in the classroom; (4) basis for placement of foster youth; (5) exemption of foster youth and homeless students from local graduation requirements when transferring between high schools in grade 11 or 12; (6) district program to gather information related to student or school safety from students' social media, pursuant to **NEW LAW** (AB 1442, 2014); (7) permission granted for sex offender to volunteer on campus; and (8) educational opportunities, placement, and transportation for homeless students.

## **BP 6170.1 - Transitional Kindergarten**

(BP revised)

Policy updated to reflect **NEW LAW** (SB 876, 2014) which establishes certain qualifications for teachers assigned to a TK program after July 1, 2015 and **NEW LAW** (SB 858, 2014) which states legislative intent that the TK curriculum be aligned to the California Preschool Learning Foundations. Policy also deletes outdated dates related to student eligibility for the program, adds immunization requirement, and adds requirement to obtain a signed Kindergarten Continuance Form when a child who is age-eligible for kindergarten is enrolled in TK and then continues into kindergarten the following year.

## **BP/AR 6174 - Education for English Language Learners**

(BP/AR revised)

Policy updated to reflect requirements to address goals and specific actions for English language learners in the district's LCAP, establish an English learner parent advisory committee to consult on LCAP development when applicable, and measure progress toward district goals for English learners. Policy also provides updated information about the status of state standards for English language development, instructional materials adoption, and state assessment of English language proficiency. Policy adds language on professional development required for districts receiving federal Title III funds and reflects **NEW LAW** (SB 1174, 2014) which, contingent upon voter approval in the November 2016 statewide general election, would authorize parents/guardians to select a language acquisition program that best suits their child. Regulation updated to delete definitions of "long-term English learner" and "at risk of becoming a long-term English learner" as the assessments on which those definitions are based are in transition. Regulation also adds section on the LCAP English learner parent advisory committee, updates information on the state assessment of English language proficiency, revises the testing window, and adds notifications required for districts that receive Title III funds.

## All Personnel

AR 4161.2(a)

4261.2

## PERSONAL LEAVES

4361.2

Note: The following administrative regulation is subject to collective bargaining agreements.

As provided in the following paragraph, Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, pursuant to Family Code 297.5, any reference to an employee's spouse throughout the following regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state codes (e.g., Education Code, Military and Veterans Code). Districts should consult legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

*(cf. 4121 - Temporary/Substitute Personnel)*

## Bereavement

Note: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below and enlarge the benefits provided by law. The following two paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

*(cf. 4161/4261/4361 - Leaves)*

Members of the immediate family include: (Education Code 44985, 45194)

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

## PERSONAL LEAVES (continued)

### Personal Necessity

Note: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and classified employees in their collective bargaining agreement or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

Employees may use a maximum of seven days of their accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

*(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)*

*(cf. 4261.1 - Personal Illness/Injury Leave)*

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

Note: Education Code 44981 provides that a certificated employee may use personal necessity leave for the serious illness of a member of his/her immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult legal counsel regarding any interaction of Education Code provisions with Labor Code 233, which states that any employer who provides sick leave for employees must permit the employees to use one-half of their annual sick leave allotment to attend to the illness of a child, parent, spouse, registered domestic partner, or registered domestic partner's child. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, or spouse/registered domestic partner; or the employee's own serious health condition.

3. A serious illness of a member of the certificated employee's immediate family (Education Code 44981)

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

**PERSONAL LEAVES** (continued)

Note: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Legal Duties" below.

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

Note: Items #5 and #6 are **optional** and may be deleted or modified to reflect district practice.

5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether or not a request reflects personal necessity.

Note: Education Code 44981 and 45207 specify circumstances under which certificated and classified employees cannot be required to seek advance permission for the leave. However, only certificated employees are afforded the right, pursuant to Education Code 44981, to not be required to provide advance notice for leave due to a serious illness of the employee's family member. Districts may, at their discretion, extend this right to all employees as stated in the following **optional** paragraph. **Districts that wish to restrict the provision to certificated employees should revise the paragraph accordingly.**

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or the California Family Rights Act (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

Advance permission shall not be required of any employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of his/her immediate family, or the serious illness of a member of the employee's immediate family. (Education Code 44981, 45207)

However, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

Note: Education Code 44981 and 45207 **mandate** the adoption of regulations requiring, and prescribing the manner of, proof of personal necessity. **The following paragraph may be revised to specify the manner of proof required by the district.**



## PERSONAL LEAVES (continued)

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

### Legal Duties

Note: Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt any rule, regulation, or policy that encourages employees to seek exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that he/she seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of his/her service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. **The following section may be revised to reflect district practice.**

Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in items #1-2 below.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees. (Education Code 44037)

Note: The following **optional** paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. **Districts that do not grant such leave should delete this paragraph.**

A certificated employee also shall be granted leave for jury duty with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees.

Note: Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear as witnesses in court other than as litigants or to respond to orders from another governmental jurisdiction. The following paragraph is **optional**. **Districts that do not grant such leave should delete this paragraph.**

Employees shall be granted leave to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought

AR 4161.2(e)  
4261.2  
4361.2

## **PERSONAL LEAVES** (continued)

about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

### **Leaves for Crime Victims**

Note: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

Note: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee.

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

## PERSONAL LEAVES (continued)

### Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

Note: Pursuant to Labor Code 230 and 230.1, as amended by SB 400 (Ch. 759, Statutes of 2013), the prohibition of adverse employment action against employees who are victims of domestic violence and sexual assault for taking leaves described in the following section is also applicable to victims of stalking. As amended, Labor Code 230 and 230.1 allow employees to use their available vacation, personal leave, or compensatory time off for this purpose, unless otherwise provided by applicable collective bargaining agreement. However, a collective bargaining agreement cannot diminish the entitlement of an employee.

Labor Code 246.5 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), requires the district to allow the use of sick leave by any employee who is a victim of domestic violence, sexual assault, or stalking for the purpose of seeking or obtaining any relief or medical attention to ensure the employee's or his/her child's health, safety, and welfare, as specified below.

An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child

Note: Labor Code 230.1, as amended by SB 400 (Ch. 759, Statutes of 2013), requires a district with 25 or more employees to grant time off to an employee who is a victim of sexual assault, domestic violence, or stalking for the following additional reasons. **A district with fewer than 25 employees may use or delete items #2-5 below at its discretion.**

2. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
4. Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
5. Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

## **PERSONAL LEAVES** (continued)

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court

Note: Pursuant to Labor Code 230, as amended by SB 400 (Ch. 759, Statutes of 2013), the list of professionals authorized to issue documentation to certify an employee's need for leaves within this section has been modified as specified in item #3 below.
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3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

### **Personal Leave for a Child's School Activities**

Note: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. <b>A district with fewer than 25 employees at the same location may use or delete this section at its discretion.</b>
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Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using the leave is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.
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Any employee who is a parent/guardian or grandparent having custody of one or more children enrolled in grades K-12 or who attend a licensed day care facility may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year. The employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

AR 4161.2(h)  
4261.2  
4361.2

## **PERSONAL LEAVES** (continued)

Note: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following **optional** paragraph may be revised to reflect district practice.

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If both parents/guardians of a child are employed at the same work site, this leave shall be allowed for the first parent/guardian who applies. Simultaneous absence by the second parent/guardian may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

### **Service on Education Boards and Committees**

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

### **Employee Organization Activities**

Note: The following **optional** section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that certificated and classified employees may take time off without loss of compensation to serve as elected officers of their local, statewide, or national employee organization. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

## **PERSONAL LEAVES** (continued)

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

*(cf. 4140/4240/4340 - Bargaining Units)*  
*(cf. 4143/4243 - Negotiations)*

Note: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. The maximum amount of service credit an employee may earn cannot exceed 12 years. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

### **Religious Leave**

Note: The following **optional** section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should delete this section. However, the district should consult legal counsel before denying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

AR 4161.2(j)  
4261.2  
4361.2

## **PERSONAL LEAVES** (continued)

Note: The following **optional** paragraph reflects the California Supreme Court's interpretation of Article 1, Section 8 of the California Constitution as stated in Rankin v. Commission on Professional Competence.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

### **Spouse on Leave from Military Deployment**

Note: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. **A district with fewer than 25 employees may use the following section at its discretion.** In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

### **Leave for Emergency Duty**

Note: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

AR 4161.2(k)  
4261.2  
4361.2

## PERSONAL LEAVES (continued)

Note: Pursuant to Labor Code 230.4, as amended by AB 11 (Ch. 120, Statutes of 2013), the requirement for a district with 50 or more employees to grant an employee who is a volunteer firefighter leaves of absence for up to 14 days per calendar year for training purposes has been extended to employees who are reserve peace officers and emergency rescue personnel as specified in the following paragraph. **A district with fewer than 50 employees may use or delete this paragraph at its discretion.**

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

### Civil Air Patrol Leave

Note: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. **A district with 15 or fewer employees may use or delete this section at its discretion.**

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

*Legal Reference: (see next page)*



## **PERSONAL LEAVES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

44036-44037 *Leaves of absence for judicial and official appearances*  
44963 *Power to grant leaves of absence (certificated)*  
44981 *Leave of absence for personal necessity (certificated)*  
44985 *Leave of absence due to death in immediate family (certificated)*  
44987 *Service as officer of employee organization (certificated)*  
44987.3 *Leave of absence to serve on certain boards, commissions, etc.*  
45190 *Leaves of absence and vacations (classified)*  
45194 *Bereavement leave of absence (classified)*  
45198 *Effect of provisions authorizing leaves of absence*  
45207 *Personal necessity (classified)*  
45210 *Service as officer of employee organization (classified)*  
45240-45320 *Merit system, classified employees*

#### EVIDENCE CODE

1035.2 *Sex assault counselor; definition*  
1037.1 *Domestic violence counselor; definition*

#### FAMILY CODE

297-297.5 *Registered domestic partner rights, protections, and benefits*

#### GOVERNMENT CODE

3543.1 *Release time for representatives of employee organizations*  
12945.1-12945.2 *California Family Rights Act*

#### LABOR CODE

230-230.2 *Leave for victims of domestic violence, sexual assault, or specified felonies*  
230.3 *Leave for emergency personnel*  
230.4 *Leave for volunteer firefighters*  
230.8 *Leave to visit child's school*  
233 *Illness of child, parent, spouse, domestic partner or domestic partner's child*  
234 *Absence control policy*  
246.5 *Paid sick days, purposes for use*  
1500-1507 *Civil Air Patrol leave*

#### MILITARY AND VETERANS CODE

395.10 *Leave when spouse on leave from military deployment*

#### PENAL CODE

667.5 *Violent felony, defined*  
1192.7 *Serious felony, defined*

#### CALIFORNIA CONSTITUTION

Article I, Section 8 *Religious discrimination*

#### UNITED STATES CODE, TITLE 29

2601-2654 *Family and Medical Leave Act*

#### UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VII, Civil Rights Act of 1964*

#### COURT DECISIONS

*Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167*

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

*Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954*

AR 4161.2(m)  
4261.2  
4361.2

**PERSONAL LEAVES** (continued)

*Management Resources:*

WEB SITES

*California Federation of Teachers: <http://www.cft.org>*

*California School Employees Association: <http://www.csea.com>*

*California Teachers Association: <http://www.cta.org>*

*Public Employment Relations Board: <http://www.perb.ca.gov>*

**CHARTER SCHOOL OVERSIGHT**

**REQUIREMENTS FOR CHARTER SCHOOLS**

Charter schools are exempt from provisions of the Education Code unless they are expressly included in the law. However, charter schools are subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements including, but not limited to, requirements that each charter school:

1. Comply with the state and federal constitution and applicable state and federal laws
2. Comply with state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963
3. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
4. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
5. Not charge tuition (Education Code 47605)
6. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
7. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
8. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
9. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)
10. Admit all students who wish to attend the school, according to the following criteria and procedures:
  - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

**CHARTER SCHOOL OVERSIGHT** (continued)

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

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
  - c. Other admissions preferences may be permitted by the chartering district on an individual school basis consistent with law. (Education Code 47605)
11. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
  12. If the school participates as a member of a special education local plan area (SELPA), comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
  13. If the school offers a kindergarten program: (Education Code 48000)
    - a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2
    - b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020
  14. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)
  15. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (SBE) (20 USC 6319; 34 CFR 300.18)

**CHARTER SCHOOL OVERSIGHT** (continued)

16. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on their behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
17. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)
18. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
19. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
20. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
21. If the school receives Title I funds, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)
22. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or assessments applicable to noncharter public schools (Education Code 47605, 47612.5)
23. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 46201.2, 47612.5)
24. If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)
25. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

**CHARTER SCHOOL OVERSIGHT** (continued)

26. If the school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
27. If the school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity. (Education Code 49475)
28. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)
29. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)
30. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
31. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
32. Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days (Education Code 69432.9)
33. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

**CHARTER SCHOOL OVERSIGHT** (continued)

- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
  - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
34. Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)
- a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device
  - b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
  - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration
35. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
36. Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
  - b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the SBE template in accordance with Education Code 47606.5. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5)

**CHARTER SCHOOL OVERSIGHT** (continued)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)

- c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
- d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)



**LOCAL CONTROL AND ACCOUNTABILITY PLAN**

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions and to facilitate continuous improvement of district practices.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

The Board shall adopt a districtwide local control and accountability plan (LCAP), following the template provided in 5 CCR 15497.5, that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and subsequent two fiscal years. (Education Code 52060; 5 CCR 15497.5)

*(cf. 3100 - Budget)*

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students.

*Unduplicated students* include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6174 - Education for English Language Learners)*

The Superintendent or designee shall review the single plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

*(cf. 0420 - School Plans/Site Councils)*

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0440 - District Technology Plan)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5030 - Student Wellness)*

*(cf. 6171 - Title I Programs)*

*(cf. 7110 - Facilities Master Plan)*

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Plan Development**

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the numbers of students in various student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 4140/4240/4340 - Bargaining Units)*

*(cf. 6020 - Parent Involvement)*

### **Public Review and Input**

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include at least one parent/guardian of an unduplicated student as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

*(cf. 5145.6 - Parental Notifications)*

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

*(cf. 9320 - Meetings and Notices)*

### **Adoption of the Plan**

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing.

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

### **Submission of Plan to County Superintendent of Schools**

Not later than five days after adoption of the LCAP, the Board shall file the LCAP with the County Superintendent of Schools. (Education Code 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

### **Monitoring Progress**

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by him/her and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

*(cf. 0500 - Accountability)*

### **Technical Assistance/Intervention**

When it is in the best interest of the district, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of district strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the district's goals
2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups
3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074

In the event that the County Superintendent requires the district to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.

If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention pursuant to Education Code 52072, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the district's LCAP
2. Revision of the district's budget in accordance with changes in the LCAP

**LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

*Legal Reference:*

EDUCATION CODE

305-306 English language education  
17002 State School Building Lease-Purchase Law, including definition of good repair  
41020 Audits  
42127 Public hearing on budget adoption  
42238.01-42238.07 Local control funding formula  
44258.9 County superintendent review of teacher assignment  
48985 Parental notices in languages other than English  
51210 Course of study for grades 1-6  
51220 Course of study for grades 7-12  
52052 Academic Performance Index; numerically significant student subgroups  
52060-52077 Local control and accountability plan  
52302 Regional occupational centers and programs  
52372.5 Linked learning pilot program  
54692 Partnership academies  
60119 Sufficiency of textbooks and instructional materials; hearing and resolution  
60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission  
60811.3 Assessment of language development  
64001 Single plan for student achievement  
99300-99301 Early Assessment Program  
CODE OF REGULATIONS, TITLE 5  
15494-15497.5 Local control and accountability plan and spending requirements  
UNITED STATES CODE, TITLE 20  
6312 Local educational agency plan  
6826 Title III funds, local plans

*Management Resources:*

CSBA PUBLICATIONS

Impact of Local Control Funding Formula on Board Policies, November 2013  
Local Control Funding Formula 2013, Governance Brief, August 2013  
State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

WEB SITES

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

**LOCAL CONTROL AND ACCOUNTABILITY PLAN**

**Goals and Actions Addressing State and Local Priorities**

The district's local control and accountability plan (LCAP) shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth. The LCAP shall identify goals for each of the following state priorities:

a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3517 - Facilities Inspection)*

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

*(cf. 6011 - Academic Standards)*

*(cf. 6174 - Education for English Language Learners)*

c. Parent/guardian involvement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6173.1 - Education for Foster Youth)*

d. Student achievement, as measured by all of the following as applicable:

**LOCAL CONTROL AND ACCOUNTABILITY PLAN** (continued)

- (1) Statewide assessments of student achievement
- (2) Academic Performance Index
- (3) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that satisfy specified requirements and align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692
- (4) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
- (5) The English learner reclassification rate
- (6) The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher
- (7) The percentage of students who participate in and demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301

*(cf. 0500 - Accountability)*

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - State Academic Achievement Tests)*

*(cf. 6178 - Career Technical Education)*

- e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5147 - Dropout Prevention)*

- f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

**LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

*(cf. 5137 - Positive School Climate)*

*(cf. 5144 - Discipline)*

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

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

- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration funding pursuant to Education Code 42238.02 and 42238.03

*(cf. 6143 - Courses of Study)*

*(cf. 6159 - Individualized Education Program)*

- h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable

2. Any goals identified for any local priorities established by the Board.

*(cf. 0200 - Goals for the School District)*

3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

For purposes of the descriptions required by items #1-3 above, the Board may consider qualitative information, including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Board and Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on a school accountability report card. (Education Code 52060)

*(cf. 0510 - School Accountability Report Card)*



## **LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

### **Increase or Improvement in Services for Unduplicated Students**

The LCAP shall demonstrate how the district will increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. (5 CCR 15494-15496)

When the district expends supplemental and/or concentration funds on a districtwide or schoolwide basis during the year for which the LCAP is adopted, the district's LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory. (5 CCR 15496)

### **Annual Updates**

On or before July 1 of each year, the LCAP shall be updated using the template in 5 CCR 15497.5 and shall include all of the following: (Education Code 52061)

1. A review of any changes in the applicability of the goals described in the existing LCAP pursuant to the section "Goals and Actions Addressing State and Local Priorities" above
2. A review of the progress toward the goals included in the existing LCAP, an assessment of the effectiveness of the specific actions described in the existing LCAP toward achieving the goals, and a description of changes to the specific actions the district will make as a result of the review and assessment
3. A listing and description of the expenditures for the fiscal year implementing the specific actions included in the LCAP and the changes to the specific actions made as a result of the reviews and assessment required by items #1-2 above

**LOCAL CONTROL AND ACCOUNTABILITY PLAN** (continued)

4. A listing and description of expenditures for the fiscal year that will serve unduplicated students and students redesignated as fluent English proficient

**Availability of the Plan**

The Superintendent or designee shall post the LCAP and any updates or revisions to the LCAP on the district's web site. (Education Code 52065)

*(cf. 1113 - District and School Web Sites)*

**USE OF SCHOOL FACILITIES**

**Application for Use of Facilities**

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

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities to commit unlawful acts.

**Civic Center Use**

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

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center

*(cf. 1020 - Youth Services)*

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

## USE OF SCHOOL FACILITIES (continued)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

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

10. Other purposes deemed appropriate by the Governing Board

### Restrictions

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

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of the school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco

(cf. 3513.3 - Tobacco-Free Schools)

However, the Superintendent or designee may approve the use of district facilities for special events that may involve the acquisition, possession, use, or consumption of alcoholic beverages when the event is covered by a special events permit pursuant to Division 9 of the Business and Professions Code and will occur at a time when students are generally not on the school grounds. (Business and Professions Code 25608)

Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

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

**USE OF SCHOOL FACILITIES** (continued)

**Damage and Liability**

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

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

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

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

**CONTRACTS**

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected and that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

*(cf. 2121- Superintendent's Contract)*

*(cf. 4312.1 - Contracts)*

*(cf. 9124 - Attorney)*

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board.

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3314 - Payment for Goods and Services)*

**Contracts for Non-nutritious Foods or Beverages**

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in the applicable law.

*(cf. 3554 - Other Food Sales)*

*(cf. 3555 - Nutrition Program Compliance)*

Before the district enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious foods as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include, but not be limited to, the following:

**CONTRACTS** (continued)

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

*(cf. 3100 - Budget)*

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

## **CONTRACTS** (continued)

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

*(cf. 3311 - Bids)*

The Board shall hold an annual public hearing to review and discuss all existing and potential contracts for the sale of foods and beverages on campus, including those sold as full meals or through competitive sales, fundraisers, or vending machines. The Board shall hold a public hearing for any contract not discussed at the annual public hearing. (Education Code 35182.5)

*(cf. 9322 - Agendas/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

The public hearing shall include, but not be limited to, a discussion of the nutritional value of foods and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the foods and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

*(cf. 5030 - Student Wellness)*

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

### **Contracts for Electronic Products or Services**

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

1. Enters into the contract at a noticed, public hearing of the Board.

*(cf. 9320 - Meetings and Notices)*



**CONTRACTS** (continued)

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.

*(cf. 0440 - District Technology Plan)*

3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.

*(cf. 1325 - Advertising and Promotion)*

4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.

*(cf. 5145.6 - Parental Notifications)*

5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

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

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

*(cf. 5125 - Student Records)*

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

1. A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account

**CONTRACTS** (continued)

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

**Contracts for Personal Services**

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees, if the contract does not displace school district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the numerous conditions specified in Education Code 45103.1.

*(cf. 4200 - Classified Personnel)*

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

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.

**CONTRACTS** (continued)

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

*Legal Reference: (see next page)*

**CONTRACTS (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*  
14505 *Provisions required in contracts for audits*  
17595-17606 *Contracts*  
35182.5 *Contract prohibitions*  
45103.1 *Personal services contracts*  
45103.5 *Contracts for management consulting service related to food service*  
49073.1 *Contract requirements for digital storage, maintenance and retrieval of student records*  
49431-49431.7 *Nutritional standards*

CODE OF CIVIL PROCEDURE

685.010 *Rate of interest*

GOVERNMENT CODE

12990 *Nondiscrimination and compliance employment programs*  
53260 *Contract provision re maximum cash settlement*  
53262 *Ratification of contracts with administrative officers*

LABOR CODE

1775 *Penalties for violations*  
1810-1813 *Working hours*

PUBLIC CONTRACT CODE

4100-4114 *Subletting and subcontracting fair practices*  
7104 *Contracts for excavations; discovery of hazardous waste*  
7106 *Noncollusion affidavit*  
20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*  
20104.50 *Construction Progress Payments*  
22300 *Performance retentions*

CODE OF REGULATIONS, TITLE 5

15500 *Food sales by student organizations*  
15501 *Sales in high schools and junior high schools*  
15575-15578 *Food and beverage requirements outside of the federal school meal programs*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*  
1681-1688 *Title IX, discrimination*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*  
220.1-220.21 *National School Breakfast Program*

*Management Resources:*

CSBA PUBLICATIONS

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005*

WEB SITES

CSBA: <http://www.csba.org>  
California Association of School Business Officials: <http://www.casbo.org>

**INTEGRATED PEST MANAGEMENT**

The Superintendent or designee shall designate an employee at the district office and/or school site to develop, implement, and coordinate an integrated pest management (IPM) program that incorporates effective, least toxic pest management practices. The IPM coordinator shall prepare and regularly update a districtwide or school site IPM plan based on the template provided by the California Department of Pesticide Regulation (DPR).

*Integrated pest management* 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. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Education Code 17609; 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 IPM coordinator shall not use any pesticide that is prohibited by DPR or the U.S. Environmental Protection Agency, as listed on the DPR web site. (Education Code 17610.1)

**Program Components**

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.
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.

**INTEGRATED PEST MANAGEMENT** (continued)

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.
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 label directions registered with the EPA as well as any disposal requirements indicated on the product label.

*(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.

*(cf. 4231 - Staff Development)*

Beginning July 1, 2016, the IPM coordinator and any employee or contractor who intends 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)

**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

**INTEGRATED PEST MANAGEMENT** (continued)

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)

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. The plan shall include the name of the school designee or IPM coordinator, the pesticides applied at the school site by school or district employees and hired pest control applicators, and a date when the plan shall be reviewed and updated as necessary. When not required, the IPM coordinator may post or distribute the IPM plan at his/her discretion. (Education Code 17611.5)

## **INTEGRATED PEST MANAGEMENT** (continued)

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, 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 the DPR, on a form provided by the 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)

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. Such records may be maintained 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)*

*Legal Reference: (see next page)*



## **INTEGRATED PEST MANAGEMENT (continued)**

*Legal Reference:*

*BUSINESS AND PROFESSIONS CODE*

*8593.2 Licensed pest control operators; training requirements*

*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*

*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*

*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*

*U.S. ENVIRONMENTAL PROTECTION AGENCY*

*Protecting Children in Schools from Pests and Pesticides, 2002*

*Pest Control in the School Environment: Adopting Integrated Pest Management, 1993*

*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:*

*<http://www.epa.gov/pesticides/ipm>*

**All Personnel**

E 4112.9(a)

4212.9

**EMPLOYEE NOTIFICATIONS**

4312.9

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees</b>			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950; 2 CCR 11023	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	AR 6112	Public hearing on alternative schedule
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
Electronically to all employees, no more than twice per school year per child needing training medication	Education Code 49414.7	AR 5141.21	Request for volunteers to administer emergency antiseizure medication; to be provided
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal
Prior to beginning employment	Government Code 3102	AR 4112.3 4212.3 4312.3	Oath or affirmation of allegiance required of disaster service workers
To all employees	Government Code 8355; 41 USC 8102	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs

E 4112.9(b)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS** (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees</b> (continued)			
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	AR 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	BP 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits

E 4112.9(c)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS** (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees</b> (continued)			
To all employees via employee handbook, or to each new employee	2 CCR 11096; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
To all employees and job applicants	34 CFR 104.8, 106.9	BP 0410 BP 4030	District's policy on nondiscrimination and related complaint procedures
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
<b>II. To Certificated Employees</b>			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation

E 4112.9(d)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. To Certificated Employees (continued)</b>			
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment	Education Code 44929.21	AR 4117.6	Whether or not employee is reelected for next school
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/ dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing

E 4112.9(e)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS** (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. To Certificated Employees</b> (continued)			
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
To teachers when school is identified for Title I program improvement restructuring	20 USC 6316	AR 0520.2	School identified for restructuring; opportunity to comment and participate
<b>III. To Classified Employees</b>			
To classified employee charged with mandatory leave of absence offense, in merit system district	Education Code 44940.5	AR 4218	Notice of intent to dismiss in 30 days
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, procedures, and employee rights

E 4112.9(f)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. To Classified Employees (continued)</b>			
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.601	BP 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
<b>IV. To Administrative/Supervisory Personnel</b>			
To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment

E 4112.9(g)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>IV. To Administrative/Supervisory Personnel (continued)</b>			
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
<b>V. To Individual Employees Under Special Circumstances</b>			
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	BP 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204, 5193	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material



E 4112.9(h)  
 4212.9  
 4312.9

**EMPLOYEE NOTIFICATIONS** (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>V. To Individual Employees Under Special Circumstances</b> (continued)			
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

**NEGOTIATIONS/CONSULTATION**

The Governing Board recognizes its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

*(cf. 0200 - Goals for the School District)*  
*(cf. 3100 - Budget)*  
*(cf. 4140/4240/4340 - Bargaining Units)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

The Board and the Superintendent shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The Board shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

The Board and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

When the district intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the district regarding the proposed changes. (Government Code 3543.2)

A reasonable number of representatives of the employee organization shall have the right to receive reasonable periods of released time without loss of district compensation when meeting and negotiating and/or for the processing of grievances. (Government Code 3543.1)

The Board and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code 3543.5)

## **NEGOTIATIONS/CONSULTATION (continued)**

The Board shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.

The Board and/or Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals unless otherwise agreed upon by the district and exclusive representative.

*(cf. 4143.1/4243.1- Public Notice - Personnel Negotiations)*

Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

*(cf. 3460 - Financial Reports and Accountability)*

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.

Any agreement adopted by the Board may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the district shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the Board and the employees' exclusive representative.

### **Consultation**

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

## NEGOTIATIONS/CONSULTATION (continued)

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 9310 - Board Policies)

### *Legal Reference:*

#### EDUCATION CODE

44987 Service as officer of employee organization (certificated)

45210 Service as officer of employee organization (classified)

#### GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

*Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954*

### *Management Resources:*

#### CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board Governance: Collective Bargaining

Before the Strike: Planning Ahead in Difficult Negotiations, 1996

#### WEB SITES

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.ccscenter.org/labormgmt>

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.aspx>

**ADMISSION**

The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

*(cf. 5111.1 - District Residency)*  
*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*  
*(cf. 5125 - Student Records)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*

The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child's last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.

*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*

In addition, no child shall be denied enrollment in a district school solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

*(cf. 5119 - Students Expelled from Other Districts)*

When enrolling in any district school, including a school in their attendance area, children whose parents/guardians reside within district boundaries shall be subject to the timelines established by the Board for open enrollment. Children whose parents/guardians do not reside within the district or who are not otherwise eligible for enrollment in the district may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

*(cf. 5116.1 - Intradistrict Open Enrollment)*  
*(cf. 5117 - Interdistrict Attendance)*  
*(cf. 5118 - Open Enrollment Act Transfers)*

**ADMISSION** (continued)

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

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

*Legal Reference:*

EDUCATION CODE

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

46600 Agreements for admission of students desiring interdistrict attendance

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48010 Minimum age of admission (first grade)

48011 Admission from kindergarten or other school; minimum age

48050-48053 Nonresidents

48200 Children between ages of 6 and 18 years (compulsory full-time education)

48350-48361 Open Enrollment Act

48850-48859 Educational placement of homeless and foster youth

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49452.9 Health care coverage options and enrollment assistance

49700-49704 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

*Management Resources:*

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

Dear Colleague Letter, May 6, 2011

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

**ADMISSION**

**Age of Admittance to Kindergarten and First Grade**

At the beginning of each school year, the Superintendent or designee shall enroll any otherwise eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable. (Education Code 48000, 48010)

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy. (Education Code 48000)

*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6170.1 - Transitional Kindergarten)*

On a case-by-case basis, a child who will turn five years old in a given school year may be enrolled in kindergarten or TK at any time during that school year with the approval of the child's parent/guardian, provided that: (Education Code 48000)

1. The Governing Board determines that the admittance is in the best interests of the child.
2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall make a recommendation to the Board regarding whether a child should be granted early entry to kindergarten. In doing so, the Superintendent or designee shall consider various factors including the availability of classroom space and any negotiated maximum class size.

*(cf. 6151 - Class Size)*  
*(cf. 7111 - Evaluating Existing Buildings)*

**Documentation of Age/Grade**

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include: (Education Code 48002)

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth

**ADMISSION** (continued)

3. A passport

When none of the foregoing is obtainable, the parent/guardian may provide any other appropriate means of proving the age of the child. (Education Code 48002)



**CHRONIC ABSENCE AND TRUANCY**

The Governing Board believes that excessive absenteeism, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

*(cf. 5113 - Absences and Excuses)*

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates for all district students, for each school, and for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be disaggregated and used in the development of annual goals and specific actions for student attendance and engagement and for inclusion in the district's local control and accountability plan and other applicable school and district plans.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

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

*(cf. 5126 - Awards for Achievement)*

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall work with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and

## **CHRONIC ABSENCE AND TRUANCY** (continued)

oral health care providers to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

*(cf. 1020 - Youth Services)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6179 - Supplemental Instruction)*  
*(cf. 6181 - Alternative Schools/Programs of Choice)*  
*(cf. 6183 - Home and Hospital Instruction)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Superintendent or designee shall periodically report to the Board regarding the district's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in identification of how to best allocate available community resources.

### **School Attendance Review Board**

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).

The Board may submit a nomination to the County Superintendent of Schools for a person

**CHRONIC ABSENCE AND TRUANCY** (continued)

who will serve on the county SARB as a representative of school districts. (Education Code 48321)

*Legal Reference:*

EDUCATION CODE

*1740 Employment of personnel to supervise attendance (county superintendent)*

*37223 Weekend classes*

*41601 Reports of average daily attendance*

*46000 Records (attendance)*

*46010-46014 Absences*

*46110-46119 Attendance in kindergarten and elementary schools*

*46140-46147 Attendance in junior high and high schools*

*48200-48208 Children ages 6-18 (compulsory full-time attendance)*

*48225.5 Work permits, entertainment and allied industries*

*48240-48246 Supervisors of attendance*

*48260-48273 Truants*

*48290-482967 Failure to comply; complaints against parents*

*48320-48325 School attendance review boards*

*48340-48341 Improvement of student attendance*

*48400-48403 Compulsory continuation education*

*48900 Suspension and expulsion*

*Legal Reference continued: (see next page)*

## **CHRONIC ABSENCE AND TRUANCY (continued)**

### *Legal Reference: (continued)*

#### EDUCATION CODE (continued)

49067 Unexcused absences as cause of failing grade

52052 Academic Performance Index; numerically significant student subgroups

60901 Chronic absence

#### GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

#### PENAL CODE

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers

#### VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

#### WELFARE AND INSTITUTIONS CODE

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

#### CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

15497.5 Local control and accountability plan template

#### COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

### *Management Resources:*

#### CSBA PUBLICATIONS

Attendance Awareness Month, Fact Sheet, September 2014

#### ATTENDANCE WORKS PUBLICATIONS

Count Us In! Working Together to Show that Every School Day Matters, 2014

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early

Outreach for Positive Linkages and Engagement, 2014

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

#### WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

OnTrackCA: <http://www.ontrackca.org>

**AWARDS FOR ACHIEVEMENT**

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, athletic, extracurricular, or community service activities.

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 5127 - Graduation Ceremonies and Activities)*  
*(cf. 6142.4 - Service Learning/Community Service Classes)*

**District/School Awards**

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or cash gift.

The Superintendent or designee shall develop criteria for the selection of student award recipients.

**Golden State Seal Merit Diploma**

At graduation from high school, special recognition shall be awarded to those students whose academic achievements in core curriculum areas have been outstanding.

The Superintendent or designee shall identify high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

*(cf. 6162.51 - State Academic Achievement Tests)*

**Biliteracy Award**

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. (Education Code 51460-51464)

*(cf. 6142.2 - World/Foreign Language Instruction)*  
*(cf. 6174 - Education for English Language Learners)*

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English.

**Scholarship and Loan Fund**

The Board shall establish and maintain a scholarship and loan fund which may be used to provide interest-free loans for educational advancement, scholarship, or grants-in-aid to bona fide organizations, students, or graduates of district schools. (Education Code 35310, 35315)

## **AWARDS FOR ACHIEVEMENT** (continued)

*(cf. 1260 - Educational Foundation)*

*(cf. 3290 - Gifts, Grants and Bequests)*

The district's scholarship and loan fund shall be administered by a district committee composed of Board members, the Superintendent, and such other community, staff, administrative, and/or student representatives as determined by the Board. (Education Code 35310)

The Board shall select its own representatives to the committee. Staff, community, and/or student representatives shall be selected by the Superintendent. Members of this committee shall serve two-year terms.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 9140 - Board Representatives)*

The committee may accept gifts, donations, and bequests made for the purposes of the fund and may prescribe conditions or restrictions on these gifts and bequests. If the donor imposes any conditions, the committee shall review the conditions and make a recommendation to the Board as to the compatibility of such conditions with the intent and purpose of the fund. The Board may prohibit the committee from accepting any donation under conditions it finds incompatible with the fund's intents and purposes. (Education Code 35313)

The Superintendent or designee shall report to the Board at least annually regarding the status and activity of the fund. (Education Code 35319)

### *Legal Reference:*

#### EDUCATION CODE

220 Nondiscrimination

35160 Authority of governing boards

35310-35319 Scholarship and loan funds

44015 Awards to employees and students

51243-51245 Credit for private school foreign language instruction

51450-51455 Golden State Seal Merit Diploma

51460-51464 State Seal of Biliteracy

52164.1 Assessment of English language skills of English learners

#### CODE OF REGULATIONS, TITLE 5

876 Golden State Seal Merit Diploma

1632 Credit for private school foreign language instruction

11510-11516 Assessment of English language development

*Management Resources: (see next page)*

**AWARDS FOR ACHIEVEMENT** (continued)

*Management Resources:*

WEB SITES

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

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

*Californians Together:* <http://www.californianstogether.org>

**AWARDS FOR ACHIEVEMENT**

**District/School Awards**

The Superintendent or designee may appoint an awards committee at each school which may consist of school administrators, teachers, parents/guardians, community members, and student representatives. The committee shall submit recommendations for student awards to the Superintendent or designee for approval.

*(cf. 1220 - Citizen Advisory Committees)*

Individual awards in excess of \$200 must be expressly approved by the Governing Board. (Education Code 44015)

**Golden State Seal Merit Diploma**

To be eligible to receive the Golden State Seal Merit Diploma upon graduation from high school, a student shall complete all requirements for a high school diploma and demonstrate, in accordance with the means adopted by the State Board of Education, mastery of the curriculum in mathematics, English language arts, science, United States history, and two other subject matter areas selected by the student. (Education Code 51451, 51452; 5 CCR 876)

*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

*(cf. 6162.51 - State Academic Achievement Tests)*

*(cf. 6162.52 - High School Exit Examination)*

The Superintendent or designee shall maintain appropriate records to identify students who are eligible for the merit diploma and shall affix an insignia to the diploma and transcript of each student awarded the merit diploma. (Education Code 51454)

*(cf. 5125 - Student Records)*

The Superintendent or designee shall submit an insignia request form to the California Department of Education in sufficient time to allow processing of the request prior to the high school graduation ceremony.

**Biliteracy Award**

To be eligible to receive the State Seal of Biliteracy upon graduation, a student shall demonstrate, in accordance with state criteria, proficiency in English and at least one other language, which may include American Sign Language. A student whose primary language is other than English shall also attain the required proficiency level on the state test of English language proficiency. (Education Code 51461)



**AWARDS FOR ACHIEVEMENT** (continued)

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6142.2 - World/Foreign Language Instruction)*

*(cf. 6174 - Education for English Language Learners)*

The Superintendent or designee shall maintain appropriate records to identify high school students who qualify for the award and shall affix the insignia to the diploma or transcript of each student who earns the award. (Education Code 51463)

**Scholarship and Loan Fund**

The Superintendent shall serve as chief executive officer of the scholarship and loan fund and as chairperson of the district committee established to administer the fund. The committee shall meet at least once each fiscal year and at other such times as it may be called into session by the Superintendent. (Education Code 35311, 35312)

Scholarship and loan funds shall be deposited, administered, and audited in accordance with Education Code 35314 and 35318.

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

The Superintendent or designee shall establish criteria, procedures, and deadlines for student applications for scholarships and/or loans from the fund. As applicable, the Superintendent or designee may require the student to submit letters of recommendation or other supplementary materials providing evidence of the student's accomplishments and/or need.

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

**Notifications**

The Superintendent or designee shall annually distribute information about eligibility requirements for the Golden State Seal Merit Diploma, State Seal of Biliteracy, and/or any district awards programs to students at the applicable grade levels.

**REQUIRED PARENTAL ATTENDANCE**

The Governing Board is committed to providing a safe school environment and setting expectations for appropriate student conduct. The Superintendent or designee may involve parents/guardians in student discipline as necessary to improve a student's behavior and encourage personal responsibility.

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5144 - Discipline)*

*(cf. 6020 - Parent Involvement)*

When removing a student from class pursuant to Education Code 48910 for committing an act of obscenity, habitual profanity or vulgarity, disruption of school activities, or willful defiance, the teacher of the class may require any parent/guardian who lives with the student to accompany the student for a portion of a school day in the class from which the student has been removed. (Education Code 48900.1)

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

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

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

District and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. (Education Code 48900.1)

*Legal Reference: (see next page)*

**REQUIRED PARENTAL ATTENDANCE** (continued)

*Legal Reference:*

EDUCATION CODE

35291 *Rules (for government and discipline of schools)*

35291.5 *Rules and procedures on school discipline*

48900-48927 *Suspension and expulsion, especially:*

48900 *Grounds for suspension and expulsion*

48900.1 *Required parental attendance*

48910 *Suspension by teacher*

*Management Resources:*

CSBA PUBLICATIONS

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

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

*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014*

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

**REQUIRED PARENTAL ATTENDANCE**

Whenever a teacher requires a parent/guardian to attend a portion of a school day with his/her child for the child's commission of an act specified in Education Code 48900(i) or (k), the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is required pursuant to law. (Education Code 48900.1)

*(cf. 5144 - Discipline)*

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

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

*(cf. 5145.6 - Parental Notifications)*

The notice shall:

1. Inform the parent/guardian of the date that his/her presence is expected, the length of the visit, and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Direct the parent/guardian to meet with the principal after the visit and before leaving school
4. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

Attendance of the parent/guardian shall be limited to the class from which the student was removed. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

*(cf. 5125 - Student Records)*

**PARENTAL NOTIFICATIONS**

**Cautionary Notice:** Government Code 17581.5 relieves 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 2014 (SB 852, Ch. 25, Statutes of 2014) extends the suspension of these requirements through the 2014-15 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>I. Annually</b>			
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 46010.1	BP 5113	Absence for confidential medical services
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	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	AR 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	BP 5113 AR 5113	Absence for religious exercises or purposes

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 48980, 48205	BP 5113 AR 5113 AR 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed
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	Consent to school immunization program
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	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
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 6311; 34 CFR 200.61	AR 4112.24 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year, if any district school has been identified for program improvement or corrective action	20 USC 6316	AR 0520.2	Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. Annually</b> (continued)			
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
<b>II. At Specific Times During the Student's Academic Career</b>			
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
When child first enrolls in a public school, if the 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
Beginning of each school year in grades 9-12 and when high school student transfers into the district	Education Code 48980, 60850	AR 6162.52	Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation



**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. At Specific Times During the Student's Academic Career</b> (continued)			
When students entering 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
Beginning of each school year for students in grades 7-12	Education Code 51938, 48980	AR 6142.1	Explanation of sex and HIV/AIDS instruction; right to view A/V materials, who's teaching, 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, 20 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 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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b>			
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When student has been placed in structured English immersion program	Education Code 310-311; 5 CCR 11309	AR 6174	Student's placement in program, opportunity to apply for parental exception waiver, other rights of student relative to such placements
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 440; 20 USC 7012	AR 6174	Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program
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
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 3112	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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 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 a 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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school premises
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
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 district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
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
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
To person holding educational rights, within 30 days of foster youth's transfer between high schools	Education Code 51225.1	AR 6173.1	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
Within 14 days of instruction if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When 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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
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: unexcused absences
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 taught for four or more consecutive weeks by a teacher who is not "highly qualified"	20 USC 6311	AR 4112.24	Timely notice to parent/guardian of child's assignment
When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress, to parents/guardians of English learners	20 USC 6312	AR 0520.2	Notice of failure to make adequate yearly progress
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. When Special Circumstances Occur</b> (continued)			
When school identified for program improvement or corrective action	20 USC 6316	AR 0520.2 AR 5116.1	Explanation of identification, reasons, how problem will be addressed, how parents/ guardians can become involved, transfer option, availability of supplemental services
When district identified for program improvement	20 USC 6316	AR 0520.3	Explanation of status, reasons for identification, how parents/ guardians can participate in upgrading district
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
For districts receiving Title III funds, within 30 days of the annual release of state Title III accountability report	20 USC 7012	AR 6174	Notification of any failure to make progress on state's measurable achievement objectives for English learners
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Notice of need to submit verification information; any subsequent change in benefits; right to appeal
When student is homeless or unaccompanied minor	42 USC 11432	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
<b>IV. Special Education Notices</b>			
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



**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>IV. Special Education Notices</b> (continued)			
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 in attendance, 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
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

**PARENTAL NOTIFICATIONS** (continued)

<b>When to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>V. Classroom Notices</b>			
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

**TRANSITIONAL KINDERGARTEN**

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The program shall assist TK children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in program development, implementation, and evaluation.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 6020 - Parent Involvement)*

**Eligibility**

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

*(cf. 5111 - Admission)*  
*(cf. 5111.1 - District Residency)*  
*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*  
*(cf. 5141.22 - Infectious Diseases)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*

Upon request of a child's parents/guardians, the district may, on a case-by-case basis after the Superintendent or designee determines that it is in the child's best interest, admit into the district's TK program a child whose fifth birthday is on or before September 1 and who is therefore eligible for kindergarten.

The district may admit into the TK program a child whose fifth birthday is after December 2, provided that the child is admitted during the school year on or after his/her fifth birthday and the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance.

## **TRANSITIONAL KINDERGARTEN (continued)**

### **Curriculum and Instruction**

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education. It shall be designed to facilitate students' development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

*(cf. 5148.3 - Preschool/Early Childhood Education)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6174 - Education for English Language Learners)*

The Board shall fix the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours.

*(cf. 6111 - School Calendar)*  
*(cf. 6112 - School Day)*

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

### **Staffing**

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

*(cf. 4112.2 - Certification)*

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children.

*(cf. 4131 - Staff Development)*

### **Continuation to Kindergarten**

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

**TRANSITIONAL KINDERGARTEN** (continued)

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

A student shall not attend more than two years in a combination of TK and kindergarten. (Education Code 46300)

*(cf. 5123 - Promotion/Acceleration/Retention)*

**Assessment**

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards.

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

*Legal Reference: (see next page)*

**TRANSITIONAL KINDERGARTEN (continued)**

*Legal Reference:*

EDUCATION CODE

- 8973 *Extended-day kindergarten*
- 37202 *School calendar; equivalency of instructional minutes*
- 44258.9 *Assignment monitoring by county superintendent of schools*
- 46111 *Kindergarten, hours of attendance*
- 46114-46119 *Minimum school day, kindergarten*
- 46300 *Computation of ADA, inclusion of kindergarten and transitional kindergarten*
- 48000 *Age of admission, kindergarten and transitional kindergarten*
- 48002 *Evidence of minimum age required to enter kindergarten or first grade*
- 48200 *Compulsory education, starting at age six*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Transitional Kindergarten FAQs

Desired Results Developmental Profile, 2015

Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, 2013

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

WEB SITES

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

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

California Kindergarten Association: <http://www.ckanet.org>

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

Transitional Kindergarten California: <http://www.tkcalifornia.org>

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Governing Board intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

The district shall identify in its local control and accountability plan (LCAP) specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 3100 - Budget)*

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with the state content standards and curriculum framework. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, and assist students in accessing the full educational program.

*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*  
*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

*(cf. 4112.22 - Staff Teaching English Language Learners)*

The Superintendent or designee shall provide to teachers, administrators, and other school staff research-based professional development that is designed to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. (20 USC 6825)

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

The Superintendent or designee shall encourage parent/guardian and community involvement in the development, implementation, and evaluation of English language development programs. In addition, to support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 6020 - Parent Involvement)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)**Identification and Assessment**

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with allowable testing variations in accordance with 5 CCR 853.5 and 853.7. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853.5, 853.7)

*(cf. 6152.51 - State Academic Achievement Tests)*

**Placement of English Learners**

Students who are English learners shall be educated through "structured English immersion" (also known as "sheltered English immersion"), as defined in law and the accompanying administrative regulation, for a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the district's structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305-306)

"Nearly all," for the purpose of determining the amount of instruction to be conducted in English, means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

When an English learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any district assessments, and/or other criteria adopted by the Board, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code 305-306; 5 CCR 11301)

*(cf. 6162.5 - Student Assessment)*



**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

An English learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

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At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

**Parental Exception Waivers**

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)

Each waiver request shall be considered on its individual merits with deference given to the parent/guardian's preference for student placement.

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

**Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. Progress toward any other goals for English learners identified in the district's LCAP
6. A comparison of current data with data from at least the previous year.

The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

*Legal Reference:*

EDUCATION CODE

300-340 English language education

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.1-44253.11 Qualifications for teaching English learners

48985 Notices to parents in language other than English

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52130-52135 Impacted Languages Act of 1984

52160-52178 Bilingual Bicultural Act

60200.7 Suspension of state instructional materials adoptions

60605.87 Supplemental instructional materials, English language development

60640 California Assessment of Student Performance and Progress

60810-60812 Assessment of language development

62005.5 Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

853.5-853.7 Test administration; universal tools, designated supports, and accommodations

11300-11316 English learner education

11510-11517 California English Language Development Test

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

6312 Local education agency plans

6801-6871 Title III, Language instruction for limited English proficient and immigrant students

7012 Parental notification

*Legal Reference continued: (see next page)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**

*Legal Reference continued:*

COURT DECISIONS

Valeria G. v. Wilson, (2002) 307 F.3d 1036

California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196

Teresa P. et al v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014

California English Language Development Test (CELDT): 2013-14 CELDT Information Guide, 2013

English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

WEB SITES

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

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

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**Definitions**

*English learner*, also known as a limited English proficient student, means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. (Education Code 306)

*English language classroom* means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)

*English language mainstream classroom* means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)

*Structured English immersion* (also known as "sheltered English immersion") means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)

*Bilingual education/native language instruction* means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)

**Identification and Assessments**

Upon enrollment in the district, each student's primary language shall be determined through use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English proficiency using the state's designated English language proficiency test. (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The state assessment shall be administered in accordance with test publisher instructions and 5 CCR 11511-11516.7. Variations and accommodations in test administration may be provided pursuant to 5 CCR 11516-11516.7. Any student with a disability shall be allowed to

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. If he/she is unable to participate in the assessment or a portion of the assessment with such accommodations, he/she shall be administered an alternate assessment for English language proficiency as set forth in his/her IEP. (5 CCR 11516-11516.7)

*(cf. 6152.51 - State Academic Achievement Tests)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

**Parental Notifications**

The Superintendent or designee shall provide the following written notifications to parents/guardians of English learners:

1. **Assessment Notification:** The district shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

*(cf. 5145.6 - Parental Notifications)*

2. **Placement Notification:** At the beginning of each school year, parents/guardians shall be informed of the placement of their child in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)
3. **Title III Notifications:** Each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 440; 20 USC 7012)
  - a. The reason for the student's classification as an English learner
  - b. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
  - c. A description of the program for English language development instruction, including a description of all of the following:

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

- (1) The manner in which the program will meet the educational strengths and needs of the student
  - (2) The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
  - (3) The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
  - (4) Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
- d. Information regarding a parent/guardian's option to decline to allow the student to be enrolled in the program or to choose to allow the student to be enrolled in an alternative program
  - e. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered
4. Annual Measurable Objectives Notification: If the district fails to make progress on the annual measurable achievement objectives for English learners established pursuant to 20 USC 6842, the Superintendent or designee shall, within 30 days after such failure occurs, send a notification regarding such failure to the parents/guardians of each student identified for participation in a language instruction educational program supported by Title III funds. (20 USC 7012)

**Parental Exception Waivers**

A parent/guardian may, by personally visiting the school, request that the district waive the requirements pertaining to the placement of his/her child in a structured English immersion program if one of the following circumstances exists: (Education Code 310-311)

1. The student already possesses sufficient English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower.
2. The student is age 10 years or older, and it is the informed belief of the principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills.

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

3. The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the principal and educational staff that the student has special physical, emotional, psychological, or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development.

Upon request for a waiver, the Superintendent or designee shall provide parents/guardians with a full written description and, upon request, a spoken description of the intent and content of the structured English immersion program, any alternative courses of study, all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices. For a request for waiver pursuant to item #3 above, the Superintendent or designee shall notify the parent/guardian that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the waiver must be approved by the Superintendent pursuant to any guidelines established by the Governing Board. (Education Code 310, 311; 5 CCR 11309)

The principal and educational staff may recommend a waiver to a parent/guardian pursuant to item #2 or #3 above. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (Education Code 311; 5 CCR 11309)

When evaluating waiver requests pursuant to item #1 above and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include district standards and assessment and teacher evaluations of such students.

Parental exception waivers pursuant to item #2 above shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to item #3 above shall be granted by the Superintendent if it is the informed belief of the principal and educational staff that, due to the student's

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

special physical, emotional, psychological, or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

All parental exception waivers shall be acted upon within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to item #3 above shall not be acted upon during the 30-day placement in an English language classroom. Such waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

Any individual school in which 20 or more students of a given grade level receive a waiver shall offer an alternative class where the students are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Otherwise, the students shall be allowed to transfer to a public school in which such a class is offered. (Education Code 310)

In cases where a parental exception waiver pursuant to item #2 or #3 above is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

**Reclassification/Redesignation**

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)



## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

The following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient: (Education Code 313; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the state's English language proficiency assessment
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian opinion and consultation

The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least 180 days following their reclassification to determine whether the student needs any additional academic support to ensure his/her language and academic success.

### **Advisory Committee**

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The district's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

3. Establishment of a district program, goals, and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comment on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

**LCAP Advisory Committee**

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

*(cf. 0460 - Local Control and Accountability Plan)*

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651



**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments:   X  

From: Don Beno, Superintendent

Item Number:   13  

Action:   X  

**SUBJECT** Request to approve the *first reading* of the updated or new Board Policies, Administrative Regulation and or Exhibits due to new legislation or mandated language and citation revisions including minor revisions as of July 2015.

Consent Action:       

Information Only:       

**Background:**

Changes in legislation and amendments to laws lead to necessary or mandated changes in District policies, regulations and exhibits.

**Status:**

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes in law effective prior to July 2015 which need to be approved for *first reading*.

These policies, etc., will be submitted for second and final reading for approval at the November 10, 2015 Board meeting.

**Presenter** Don Beno

**Other People Who Might Be Present** Jennifer Gaston, Recorder

**Cost &/or Funding Sources**

**Recommendation:**

That the Board approve the *first reading* of these policies and regulations resulting from legislation effective prior to July 2015.

Time:        3 mins.

# POLICY GUIDE SHEET

July 2015

Page 1 of 3

Note: Descriptions below identify major revisions made in CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts should review the sample materials and modify their own policies accordingly.

## **BP/AR 0420 - School Plans/Site Councils**

(BP/AR revised)

Policy and regulation updated to reflect requirements to align the district's local control and accountability plan with the strategies in each school's single plan for student achievement (SPSA) and the repeal of certain categorical programs that had been included in the state's consolidated application. Policy clarifies the continuing need for schools participating in specified state or federal categorical programs to develop the SPSA.

## **BP/AR 1312.3 - Uniform Complaint Procedures**

(BP/AR revised)

Policy and regulation updated to reflect California Department of Education (CDE) compliance requirements for 2015-16 school year. Regulation also clarifies timeline for filing complaints regarding student fees and reflects **NEW OFFICE FOR CIVIL RIGHTS GUIDANCE** recommending that districts use web sites and social media to post nondiscrimination notices, policies, and procedures and contact information for compliance officer(s).

## **BP/AR/E 4040 - Employee Use of Technology**

(BP revised; AR deleted; E added)

Policy updated to delete outdated section on use of cell phone or mobile communications device, clarify that use of a password does not give an employee a reasonable expectation of privacy, and add material formerly in AR re: accessing/posting harmful matter and employees' responsibility to report security problems or misuse of district technology. Regulation deleted and replaced by new Exhibit presenting a sample Acceptable Use Agreement.

## **BP 4131 - Staff Development**

(BP revised)

Policy updated to reflect **NEW LAW** (SB 1060, 2014) which requires any district that offers a program of professional growth for certificated employees to evaluate professional learning opportunities offered by the district based on specified criteria.

## **AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave**

(AR revised)

Regulation updated to reflect **NEW TITLE 2 REGULATIONS** (Register 2015, No. 17) which retitle, renumber, and amend certain provisions implementing the California Family Rights Act, including the definition of "serious health condition," medical certification of the need for the leave, and refusal to reinstate an employee if the leave was fraudulently obtained by the employee. Renumbered Title 2 regulations related to pregnancy disability leave and other legal cites updated throughout the AR. Regulation also reflects **NEW LAW** (SB 1306, 2014) which revises the definition of marriage and thus affects the definition of "spouse."

## **BP 4231 - Staff Development**

(BP revised)

Policy updated to reflect **NEW LAW** (SB 1060, 2014) which requires any district that offers a program of professional growth for classified employees involved in the direct instruction of students to evaluate professional learning based on specified criteria.

## **POLICY GUIDE SHEET**

**July 2015**

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### **AR 5121 - Grades/Evaluation of Student Achievement**

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 2160, 2014) which requires districts to submit the grade point average (GPA) of students in grade 12 to the Cal Grant program. Revised regulation condenses material prohibiting lowering of a foster youth's grades for absences due to a change in placement or specified court-related activities, also addressed in BP 6173.1 - Education for Foster Youth. Regulation also replaces two options regarding grading for repeated classes with optional language that the highest grade received will be used in calculating the GPA.

### **BP 5131.2 - Bullying**

(BP revised)

Policy updated to clarify the appropriate use of the uniform complaint procedures (UCP) in cases of nondiscriminatory bullying. As revised, the policy provides that the UCP be used to investigate all instances of bullying, but that conduct determined to be nondiscriminatory bullying then be resolved in accordance with the district's student discipline policies and procedures.

### **BP/AR 5148 - Child Care and Development**

(BP/AR revised)

Policy updated to expand optional priorities for child care services to include children of district students, expand examples of methods to provide facilities for child care services, and add new section on "Complaints." Regulation updated to reflect **NEW LAW** (AB 1944, 2014) which deletes the requirement for parents/guardians of a child age 11-12 to certify in writing that they need child care services because a before-school or after-school program is unavailable. Regulation also revised to clarify eligibility for subsidized services, reflect the new fee schedule that went into effect July 1, 2014, provide for reassessment of fees when a family is recertified or experiences a change in status, and reflect renumbering of legal cites.

### **BP/AR 5148.2 - Before/After School Programs**

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (SB 1221, 2014) which requires before/after school programs to submit program attendance reports on a semi-annual basis and to use a program quality improvement process that is based on standards developed by the CDE. Policy also adds material on qualifications of staff and volunteers, the preferred placement of students ages 11-12 in a before/after school program rather than subsidized child care services, and timelines for review and maintenance of the program plan. Regulation also revised to clarify applicable grade levels for the 21st Century Community Learning Center program, reflect funding priorities used by the CDE, add material on summer programs, and reflect law authorizing a full meal to be served in after-school programs.

### **BP/AR 5148.3 - Preschool/Early Childhood Education**

(BP/AR revised)

Policy and regulation updated to reflect the mandate for districts offering California State Preschool Program (CSPP) programs to develop written admissions policies and procedures with specified components. Policy also updated to reflect **NEW LAW** (SB 858, 2014) which (1) authorizes districts to use a portion of a reserve fund for purposes of staff development for CSPP instructional staff and (2) establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Regulation updated to reflect provisions of SB 858 that grant second priority for enrollment to four-year-old children who are not enrolled in a transitional kindergarten (TK) program. Regulation also reflects the applicability to CSPP programs of specified requirements for general child care and development programs, reflects CDE guidance regarding four-year-olds who are eligible for both CSPP and TK programs, and adds material on staffing ratios, parent/guardian notification of approval or denial of enrollment, and maintenance of a family data file.

## **POLICY GUIDE SHEET**

**July 2015**

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### **BP/AR/E 6163.4 - Student Use of Technology**

(BP revised; AR deleted; E added)

Policy updated to clarify circumstances under which districts may lawfully search students' personally owned devices, delete outdated prohibition against use of district technology to access social networking sites, and include material formerly in AR re: appropriate student conduct when using the Internet or other electronic communications. Regulation deleted and replaced by new Exhibit presenting a sample Acceptable Use Agreement.

### **BB 9100 - Organization**

(BB revised)

Bylaw updated to clarify the time periods during which the annual organizational meeting must be held pursuant to law and to expand items to be addressed during the meeting to include a review of resources on board governance and leadership roles and responsibilities.

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## **POLICY GUIDE SHEET**

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## MINOR REVISIONS

July 2015

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Note: From time to time, relatively minor changes occur that affect the text of CSBA sample board policies, administrative regulations, and board bylaws but do not warrant reissuing the entire sample because the changes are limited. Such changes are highlighted in the following document, with strikeout indicating material to be deleted and boldface type indicating material to be inserted. Affected samples are attached at the end of this document.

It is recommended that districts review the revisions and incorporate them in district materials as appropriate. **Although the revisions are minor, the district should still use its normal adoption process to adopt the board policies, administrative regulations, and/or board bylaws affected by these revisions.**

These changes are separate from the Technical Revisions that are periodically issued by CSBA based on renumbering of laws, changes in cross-references, or corrections in Notes, legal references, or management resources. Those nonsubstantive revisions generally can be made in district materials without formal adoption.

### **BP 5121 - Grades/Evaluation of Student Achievement**

In section "Grade Point Average," revise first paragraph to add "International Baccalaureate," if applicable, as follows:

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, **International Baccalaureate**, honors, and/or concurrent postsecondary courses.

*Rationale: Because the rigor of the International Baccalaureate program may be comparable to AP, honors, and postsecondary courses, districts may choose to grant extra grade weighting to such courses.*

### **AR 5125.1 - Release of Directory Information**

In section "Parent/Guardian Consent," revise first paragraph of the section as follows:

**No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years old, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)**

*Rationale: To reflect Education Code 49073, as amended by AB 1068 (Ch. 713, Statutes of 2013).*

## MINOR REVISIONS

July 2015

Page 2 of 3

### AR 5145.3 - Nondiscrimination/Harassment

In section "Measures to Prevent Discrimination," revise item #1 as follows:

1. Publicize the district's nondiscrimination policy and related complaint procedures, **including the coordinator/compliance officer's contact information**, to students, parents/guardians, employees, volunteers, and the general public, ~~and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)~~ **posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.**

*Rationale: To reflect U.S. Department of Education, Office for Civil Rights "Dear Colleague Letter: Title IX Coordinators," April 2015*

### AR 5145.7 - Sexual Harassment

In section "Notifications," revise item #2 as follows:

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, ~~including school web sites (Education Code 231.5)~~

**A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.**

*Rationale: To reflect U.S. Department of Education, Office for Civil Rights "Dear Colleague Letter: Title IX Coordinators," April 2015*

### BP 6172.1 - Concurrent Enrollment

In section "Approval of Concurrent Enrollment," revise last paragraph of section as follows:

If the Board denies a request for special part-time or full-time enrollment at a community college for a student who is identified as highly gifted and talented as ~~defined in Education Code 52201~~, the Board shall issue its written recommendation and the reasons for the denial ~~within 60 days. The written recommendation and denial shall be issued at the~~ **at its** next regularly scheduled Board meeting that falls at least 30 days, **but within 60 days**, after the request has been submitted. (Education Code 48800, 48800.5)

**MINOR REVISIONS**

**July 2015**

**Page 3 of 3**

*Rationale: Education Code 52201 repealed pursuant to SB 971 (Ch. 923, Statutes of 2013). Revision also clarifies the timeline for issuing a denial of concurrent enrollment for a highly gifted and talented student.*

**BB 9223 - Filling Vacancies**

In section "Events Causing a Vacancy," delete item #11 and renumber the remaining items:

- ~~11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond (Government Code 1770)~~

*Rationale: Although item #11 reflects Government Code 1770, the bond practice is outdated.*

# CSBA Sample Board Policy

Students

BP 5121(a)

## GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Note: The following **optional** policy may be revised to reflect district practice.

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

The Superintendent or designee shall establish a uniform grading system based on standards that apply to all students in that course and grade level. Principals and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

A teacher shall base a student's grades on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests, and portfolios.

*(cf. 6011 - Academic Standards)*  
*(cf. 6162.5 - Student Assessment)*

Note: Education Code 49066 provides that the grade assigned by a teacher is final, absent any clerical or mechanical mistake, fraud, bad faith, or incompetency. Pursuant to Education Code 49066, the Governing Board and Superintendent cannot order a student's grade changed unless the teacher, to the extent practicable, is given an opportunity to state the reasons why the grade was given and to be included in all discussions regarding the changing of the grade; see AR 5125.3 - Challenging Student Records. In Las Virgenes Educators Association v. Las Virgenes Unified School District, the court determined that a citizenship mark is a "grade" within the meaning of Education Code 49066 and upheld a teacher's right to make the final decision regarding a citizenship mark.

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

*(cf. 5125.3 - Challenging Student Records)*

Note: The following **optional** paragraph is for use by districts that maintain elementary schools and should be revised to reflect district practice.

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

Students in elementary school shall receive proficiency based report cards.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Note: The following **optional** paragraph reflects correspondence issued by the U.S. Department of Education's Office for Civil Rights, Report Cards and Transcripts for Students with Disabilities, which clarifies that, because report cards are intended for parents/guardians and not for persons outside the district, they may contain information about a student's disability without violating the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67). However, transcripts may not provide information about a student's disability because there is an expectation that these documents could be shared with persons other than the student and his/her parents/guardians. See BP/AR 5125 - Student Records for further information regarding the confidentiality of student records.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

*(cf. 5125 - Student Records)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

**Effect of Absences on Grades**

If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

*(cf. 6154 - Homework/Makeup Work)*

Note: Pursuant to Education Code 49067, the Board may authorize teachers to assign failing grades to students with excessive unexcused absences, the number to be set by the Board.

**Districts using the following optional paragraph should fill in the blank to specify the number of unexcused absences for which students may receive a failing grade.**

The Board believes that 10% unexcused absences per grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

*(cf. 5113 - Absences and Excuses)*

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

**Grade Point Average**

Note: The following **optional** section is for use by districts that maintain secondary schools and may be revised to reflect district practice. Also see the accompanying administrative regulation.

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement.

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

*Legal Reference: (see next page)*

## GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

48070 *Promotion and retention*

48205 *Excused absences*

48800-48802 *Enrollment of gifted students in community college*

48904-48904.3 *Withholding grades, diplomas, or transcripts*

49066 *Grades; finalization; physical education class*

49067 *Mandated regulations regarding student's achievement*

49069.5 *Students in foster care, grades and credits*

51242 *Exemption from physical education based on participation in interscholastic athletics*

76000-76002 *Enrollment in community college*

#### CODE OF REGULATIONS, TITLE 5

10060 *Criteria for reporting physical education achievement, high schools*

30008 *Definition of high school grade point average for student aid eligibility*

#### UNITED STATES CODE, TITLE 20

1232g *Family Education Rights and Privacy Act (FERPA)*

6101-6251 *School-to-Work Opportunities Act of 1994*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy Act*

#### COURT DECISIONS

*Owasso Independent School District v. Falvo*, (2002) 534 U.S. 426

*Las Virgenes Educators Association v. Las Virgenes Unified School District*, (2001) 86 Cal.App.4th 1

*Swany v. San Ramon Valley Unified School District*, (1989) 720 F.Supp. 764

*Johnson v. Santa Monica-Malibu Unified School District Board of Education*, (1986) 179 Cal.App.3d 593

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Aiming High: High Schools for the 21st Century*, 2002

*Taking Center Stage: A Commitment to Standards-Based Education for California's Middle Grades Students*, 2001

*Elementary Makes the Grade!*, 2000

#### U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE

*Report Cards and Transcripts for Students with Disabilities*, October 17, 2008

#### WEB SITES

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

California Student Aid Commission: <http://www.csac.ca.gov>

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

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# CSBA Sample Administrative Regulation

Students

AR 5125.1(a)

## RELEASE OF DIRECTORY INFORMATION

### Definition

Note: Education Code 49073 and 20 USC 1232g, the Family Educational Rights and Privacy Act (FERPA), **mandate** that school districts adopt a policy identifying those categories of student records considered to be "directory information," which may generally be released unless the parent/guardian notifies the district of his/her refusal. "Directory information" is defined in Education Code 49061 and 34 CFR 99.3. However, the following section should be modified to reflect those categories of information defined by the district as "directory information"; those items the district does not intend to release as directory information should be deleted. Also see AR 5125 - Student Records.

AB 143 (Ch. 434, Statutes of 2011) amended Education Code 49061 to redefine directory information to include the student's email address (see item #4 below), thereby aligning state law with 34 CFR 99.3. However, Education Code 49061, as amended, does not include three types of information defined as directory information in 34 CFR 99.3: the student's place of birth, grade level, and photograph. Thus, these types of information are not reflected in the following list. Districts that receive any request for such information about student(s) based on federal law should consult legal counsel prior to releasing the information.

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

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

**RELEASE OF DIRECTORY INFORMATION** (continued)

## 11. Most recent previous school attended

*(cf. 1113 - District and School Web Sites)**(cf. 1114 - District-Sponsored Social Media)*

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

**Notification to Parents/Guardians**

Note: Pursuant to Education Code 49063, the district must annually notify parents/guardians and eligible students, in writing, of their rights related to student records, including the categories of records considered to be "directory information." See the accompanying Exhibit for a sample parent/guardian notification.

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

*(cf. 5125 - Student Records)**(cf. 5145.6 - Parental Notifications)*

Note: The following paragraph applies to districts that maintain secondary schools and receive funds under the federal Elementary and Secondary Education Act (ESEA). 20 USC 7908 requires those districts to notify parents/guardians that they may request that the district not release their child's name, address, and telephone number to military recruiters, employers, or colleges without their prior written consent. According to Guidance issued by the U.S. Department of Education (USDOE) ([Access to High School Students and Information on Students by Military Recruiters](#)), a single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/guardians of the above information is sufficient. The law does not specify whether parents/guardians may request that the district not release their child's information to certain third parties, such as military recruiters, but authorize the release to others parties, such as private employers. Districts should consult legal counsel as appropriate.

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

**RELEASE OF DIRECTORY INFORMATION (continued)**

**Parent/Guardian Consent**

Note: Education Code 49073 specifies that parents/guardians may request that their child's directory information not be released (an "opt-out" process). According to a letter from the USDOE to California's Superintendent of Public Instruction, it is a "misapplication" of 20 USC 7908 for a district to establish an "opt-in" procedure specifically for military recruiters whereby a district would not provide information to military recruiters unless a parent/guardian has provided affirmative consent. According to the letter, a district that establishes an "opt-in" procedure for military recruiters would risk having its federal ESEA funds withheld.

**No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years old, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)**

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

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

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# CSBA Sample Administrative Regulation

Students

AR 5145.3(a)

## NONDISCRIMINATION/HARASSMENT

Note: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting, at school or in school-sponsored or school-related activities, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against students based on actual or perceived race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 **mandates** districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with state and federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraphs identify the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws (e.g. Title IX and Section 504 coordinators), including the investigation and resolution of discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification,

**NONDISCRIMINATION/HARASSMENT** (continued)

age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Superintendent  
445 Montezuma Street, Rio Vista, CA 94571  
(707) 374-1700  
dbeno@rdusd.org

(cf. 1312.1 - *Complaints Concerning District Employees*)  
 (cf. 1312.3 - *Uniform Complaint Procedures*)

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. In its April 2011 Dear Colleague Letter: Sexual Violence, OCR recommends that nondiscrimination notices be prominently posted on school web sites and at various locations throughout campus, and published in electronic and printed publications of general distribution that provide information to students, parents/guardians, and employees about the school's policies.

Item #1 below may be revised to specify the means by which the district posts its nondiscrimination policies and complaint procedures.

1. **Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1) posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.**

*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

Note: In its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. Item #3 below may be modified to reflect district practice.

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

*(cf. 5145.6 - Parental Notifications)*

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's

**NONDISCRIMINATION/HARASSMENT** (continued)

nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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 nondiscrimination 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 information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Note: Item #6 below is required pursuant to Education Code 234.1 and recommended as a best practice by OCR.

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

Note: Item #7 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect him/her from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

## **NONDISCRIMINATION/HARASSMENT (continued)**

### **Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

*(cf. 5131.5 - Vandalism and Graffiti)*

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

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

*(cf. 5125 - Student Records)*

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

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

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

*(cf. 5144 - Discipline)*

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

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

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

### **Process for Initiating and Responding to Complaints**

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, based on specified actual or perceived characteristics. Such a process, which is required to be consistent with the uniform complaint procedures specified in 5 CCR 4600-4687, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25).



**NONDISCRIMINATION/HARASSMENT** (continued)

OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed. In addition, in its April 2011 Dear Colleague Letter: Sexual Violence, OCR cautions that districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment at school. This principle would also apply to harassment on other bases, such as race, gender, or disability.

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

**Transgender and Gender-Nonconforming Students**

Note: The following section may be modified to reflect district practice. Pursuant to Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013), a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity,

**NONDISCRIMINATION/HARASSMENT** (continued)

regardless of the gender listed on his/her educational records. The following guidelines are designed to implement AB 1266 and other existing state and federal laws that prohibit discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, against students based on their real or perceived gender identity and/or gender expression. The guidelines address certain issues and circumstances that may arise in relation to the needs of transgender and gender-nonconforming students, and are by no means exhaustive. Consequently, each instance or situation should be addressed on a case-by-case basis to ensure that the safety, privacy, and other concerns of all students involved are appropriately addressed. For more information on the rights of transgender students, see CSBA's policy brief [Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students](#) and its [Final Guidance Regarding Transgender Students, Privacy, and Facilities](#). Districts should consult legal counsel about applicable standards for determining a student's gender identity.

*Gender identity* means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

*Gender-nonconforming student* means a student whose gender expression differs from stereotypical expectations.

*Transgender student* means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act 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 are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex

**NONDISCRIMINATION/HARASSMENT** (continued)

3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

Note: Timelines included in items #1-2 below may be modified to reflect district practice.
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1. **Right to privacy:** A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

**NONDISCRIMINATION/HARASSMENT** (continued)

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

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

*(cf. 3580 - District Records)*

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access

**NONDISCRIMINATION/HARASSMENT** (continued)

facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

*(cf. 7110 - Facilities Master Plan)*

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

*(cf. 5132 - Dress Code)*

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# CSBA Sample Administrative Regulation

Students

AR 5145.7(a)

## SEXUAL HARASSMENT

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are **mandated** to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, including the investigation of complaints alleging sex discrimination. The following paragraph specifies the position designated as the district's Title IX Coordinator and compliance officer for purposes of complaints alleging sex discrimination, including sexual harassment, filed under AR 1312.3 - Uniform Complaint Procedures. To designate separate district employees to serve these functions, the district should modify the following paragraph accordingly.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Superintendent  
445 Montezuma Street, Rio Vista, CA 94571  
(707) 374-1700  
dbeno@rdusd.org

*(cf. 1312.3 - Uniform Complaint Procedures)*

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim. See AR 5144.1 - Suspension and Expulsion/Due Process.

Under OCRs 2001 Revised Sexual Harassment Guidance interpreting Title IX, sexual harassment is unwelcome conduct of a sexual nature. A hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the victim.

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 educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

**SEXUAL HARASSMENT** (continued)

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.

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

<p>Note: The following list contains common examples of sexual harassment from the U.S. Department of Education's Office for Civil Rights' (OCR) April 2011 <a href="#">Dear Colleague Letter: Sexual Violence</a>, its January 2001 <a href="#">Revised Sexual Harassment Guidance</a>, and definitions specified in 5 CCR 4916.</p>
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Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are 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, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way

**SEXUAL HARASSMENT** (continued)

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

**Reporting Process and Complaint Investigation and Resolution**

Note: The following reporting process details site-level steps to be taken by students and others for reporting sexual harassment incidents. In its April 2011 Dear Colleague Letter: Sexual Violence and January 2001 Revised Sexual Harassment Guidance, OCR acknowledges that procedures adopted by districts to address student harassment complaints will vary considerably depending on a number of factors, including the size of the district.

Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a "prompt and equitable" resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use their uniform complaint procedures (UCP) to investigate and resolve sexual harassment complaints involving students and to track complaints through a districtwide system. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures.

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.



**SEXUAL HARASSMENT** (continued)

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

**Confidentiality**

Note: Pursuant to 5 CCR 4964, districts are required to keep complaints and allegations of sexual harassment confidential, except when disclosure is necessary to further the investigation, other needed remedial action, or ongoing monitoring.

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. (5 CCR 4964)

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records such as the description of the corrective actions taken in response to a complaint of sexual harassment. Thus, districts are advised to consult legal counsel in determining what information must be included in the final written decision sent to the complainant and what information must not be included.

In determining what information to include and not include in the final written decision for complaints regarding sexual harassment, districts should be aware that current law (20 USC 1221) states that nothing in FERPA is to "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." OCR has interpreted these provisions to mean that FERPA permits a district to disclose to a student, who was subjected to sexual harassment, certain information about the sanctions imposed upon the offender when the sanctions directly relate to the student. For instance, if properly remedying the impact of sexual harassment would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay away order), OCR would require the district to disclose that information.

OCR's Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence, as well the FAQs issued in April 2014 indicate that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must continue to ensure that it provides a safe and nondiscriminatory environment for all students. If there is a high risk of harm to the complainant or others (e.g., if the district has information that the alleged perpetrator is a repeat offender) and the district cannot respond adequately to the risk without disclosing the complainant's identity, then in such limited circumstances the district may be required to investigate the incident and disclose the complainant's identity. If the district determines that it will respect the confidentiality request, it should nevertheless take all reasonable steps to investigate and respond to the complaint. Such steps may include limited investigative activities that do not require the district to reveal the complainant's identity; providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the district's policies on sexual violence.

**SEXUAL HARASSMENT** (continued)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - *Unauthorized Release of Confidential/Privileged Information*)  
(cf. 5125 - *Student Records*)

**Response Pending Investigation**

Note: The following reporting process may be revised to reflect district practice. In its April 2011 Dear Colleague Letter: Sexual Violence, OCR cautions that districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment at school.

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

**Notifications**

Note: In its January 2001 Revised Sexual Harassment Guidance, OCR states that a procedure for sexual harassment complaints cannot be prompt or equitable unless it is widely disseminated and written in language appropriate to the age of the school's students. Examples include having a copy of the procedures available throughout the school, publishing the procedures in the student handbook, and identifying individuals who can explain the procedure.

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

**SEXUAL HARASSMENT** (continued)

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

*(cf. 5145.6 - Parental Notifications)*

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, ~~including school web sites~~ (Education Code 231.5)

**A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.**

*(cf. 1113 - District and School Web Sites)*

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
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 (Education Code 231.5)

(3/09 3/12 10/14) 7/15

# CSBA Sample Board Policy

**Instruction**

BP 6172.1(a)

## **CONCURRENT ENROLLMENT IN COLLEGE CLASSES**

Note: The following **optional** policy may be revised to reflect district practice. Education Code 48800-48802 and 76000-76002 authorize enrollment in community college courses as an option for a limited number of district students to benefit from advanced scholastic or career technical work.

In addition, a limited number of school districts receive funding through the Foundation for California Community Colleges to operate Early College High Schools. These schools are designed so that students can achieve two years of college credit at the same time they are earning a high school diploma, and are targeted toward student groups that historically have below-average high school and college graduation rates (e.g., low-income, at-risk, English language learner, and minority students). For more information, see the Foundation's or California Department of Education's (CDE) web site.

The Governing Board desires to provide opportunities for eligible district students to enroll concurrently in courses offered at postsecondary institutions in order to foster individual student achievement, increase opportunities for students to complete college preparatory course requirements or career technical education preparation, and prepare students for a smooth transition into college by providing exposure to the collegiate environment.

*(cf. 6143 - Courses of Study)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

Note: The following paragraph is **optional**. Education Code 51225.3 provides that completion of postsecondary courses may be used as an alternative means of satisfying high school graduation requirements when approved by the Governing Board. According to the CDE, students enrolled in college classes will receive credit from the postsecondary institution but, pursuant to Education Code 48800-48802 and 76001-76002 and as a result of the repeal in 2005 of 5 CCR 1630, the district has discretion to determine whether completion of such courses will receive credit from the district. See BP 6146.11 - Alternative Credits Toward Graduation.

When it is determined that the postsecondary course in which the student intends to enroll is substantially equivalent to a course provided by the district, the student may receive credit toward high school graduation requirements in addition to credit received from the college.

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

### **Approval of Concurrent Enrollment**

Note: Although the Board may approve students for postsecondary classes in accordance with Education Code 48800 and 48800.5, the decision to admit a student into a postsecondary class rests with the college. Pursuant to Education Code 76002, a community college may restrict the admission of special part-time or full-time students based on age, completion of a specified grade level, and/or demonstrated eligibility for

**CONCURRENT ENROLLMENT IN COLLEGE CLASSES** (continued)

instruction using assessment methods and procedures approved by the Board of Governors of the California Community Colleges. Education Code 76001 requires that community colleges assign a low enrollment priority to special part-time or full-time students in order to ensure that they do not displace regularly admitted students.

The following **optional** paragraph may be revised to reflect criteria for approval established by the Board.

The Board may approve a limited number of students of any age or grade level to apply for part-time or full-time concurrent enrollment in a community college or four-year college when it is determined to be in the student's best interest and the student is adequately prepared for such coursework.

Upon recommendation of the principal and with parent/guardian consent, the Board may authorize a student to apply for attendance at a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of instruction offered at the community college level. (Education Code 48800)

Note: Education Code 48800 provides a five percent enrollment cap on the number of students at each grade level that may be recommended for community college summer session. However, this enrollment cap does not include students who are enrolled in college-level lower division general education courses or in career technical education courses leading to a degree or certificate in the subject area, under the conditions specified in Education Code 48800.

In addition, the enrollment cap does not apply to courses necessary to assist students in passing the high school exit examination when the enrolled student is a high school senior who has completed, or will complete by the end of the summer session, all graduation requirements except for passage of the exit exam. Such courses must not offer the student college credit in English language arts or mathematics.

Within the enrollment limits and exceptions allowed by law, the principal may recommend a student for community college summer session if that student demonstrates adequate preparation in the discipline to be studied and exhausts all opportunities to enroll in an equivalent course, if any, at his/her school of attendance. (Education Code 48800)

(*cf.* 6162.52 - High School Exit Examination)

Any student's parent/guardian may petition the Board to authorize full-time attendance at a community college if he/she believes the student would benefit from advanced scholastic or career technical work that would be available. (Education Code 48800.5)

If the Board denies a request for special part-time or full-time enrollment at a community college for a student who is identified as highly gifted and talented as defined in Education Code 52204, the Board shall issue its written recommendation and the reasons for the denial within 60 days. The written recommendation and denial shall be issued at the **at its** next regularly scheduled Board meeting that falls at least 30 days, **but within 60 days**, after the request has been submitted. (Education Code 48800, 48800.5)

*Rationale: Education Code 52201 repealed pursuant to SB 971 (Ch. 923, Statutes of 2013). Revision also clarifies the timeline for issuing a denial of concurrent enrollment for a highly gifted and talented student.*

## CONCURRENT ENROLLMENT IN COLLEGE CLASSES (continued)

Note: Pursuant to Education Code 48800.5, if the Board denies any student's petition for full-time enrollment in a community college, the student's parent/guardian may file an appeal with the County Board, which must render a final decision, in writing, within 30 days.

### Program Evaluation

Note: The following **optional** section should be revised to reflect indicators agreed upon by the Board and Superintendent for evaluating the district's program.

The Superintendent or designee shall regularly report to the Board regarding the number of district students participating in the concurrent enrollment option, their success in completing in postsecondary courses, and any impact on their achievement in district courses.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

#### Legal Reference:

##### EDUCATION CODE

46145-46147 Minimum day, high school

48800-48802 Enrollment of gifted students in community college

51225.3 Alternative means of satisfying graduation requirements

52200-52212 Gifted and talented education program

76000-76002 Enrollment in community college

#### Management Resources:

##### WEB SITES

California Community Colleges System: <http://www.cccco.edu>

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

California Postsecondary Education Commission: <http://www.cpec.ca.gov>

California State University: <http://www.calstate.edu>

Foundation for California Community Colleges, Early College High School Initiative:

<http://www.foundationccc.org/ECHS>

University of California: <http://www.universityofcalifornia.edu>

# CSBA Sample Board Bylaw

Board Bylaws

BB 9223(a)

## FILLING VACANCIES

### Events Causing a Vacancy

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)

Note: The following paragraph is for use by districts that have established trustee areas.
--

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

**FILLING VACANCIES** (continued)

Note: AB 334 (Ch. 54, Statutes of 2011) amended Government Code 1064 to authorize the Governing Board to extend an out-of-state absence for an unlimited duration when the absence is due to illness or other urgent necessity.

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)

Note: Board members forfeit office and, in some cases, are disqualified from holding public office upon conviction of designated crimes as specified in the Constitution and various other state laws. Examples of crimes that result in forfeiture of office include, but are not limited to, convictions for felonies, offenses that involve a violation of official duties, bribery, selling appointments, intoxication in the discharge of official duties, misuse of public funds, conflict of interest violations, and a false claim of receipt of any military decoration or medal.

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath within the time prescribed (Government Code 1770)

(*cf.* 9224 - Oath or Affirmation)



**FILLING VACANCIES** (continued)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

~~11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond (Government Code 1770)~~

1211. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

Note: Pursuant to Education Code 5090, a vacancy is declared when there has been a "failure to elect," meaning that the County Registrar of Voters has determined that an election will not be held because either no candidate or an insufficient number of candidates have filed to run for a Board seat(s). Education Code 5328 authorizes the Board to make an appointment in such circumstances.

1312. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

**Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)

Note: Pursuant to Education Code 5091, when a vacancy occurs or when a deferred resignation has been filed four or more months before the end of a Board member's term, the Board shall take action, as specified below. In the event that the Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy.

2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

## **FILLING VACANCIES** (continued)

### **Eligibility**

Note: Persons applying or nominated for a Board position must meet the legal qualifications for Board members as detailed in Education Code 35107. Education Code 35107 also provides that a district employee appointed or elected to the Board must resign his/her employment before being sworn in or have his/her employment automatically terminated upon being sworn into office. See BB 9220 - Governing Board Elections.

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

*(cf. 9220 - Governing Board Elections)*

### **Provisional Appointments**

Note: The Board is authorized to make a provisional appointment to fill a vacancy pursuant to item #2 in the section above entitled "Timelines for Filling a Vacancy." The law does not specify procedures for making provisional appointments for vacancies caused by reasons other than a failure to elect; however, such procedures must comply with the requirements of the Brown Act (Government Code 54950-54963). Secret ballots are prohibited by Government Code 54953.

The following **optional** paragraph should be modified to reflect district practice. See CSBA's publication Filling a Board Vacancy for additional information about provisional appointments, including sample questions for interviewing and evaluating candidates.

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

*(cf. 9130 - Board Committees)*

*(cf. 9323.2 - Actions by the Board)*

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee

**FILLING VACANCIES** (continued)

3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

**Appointment Due to Failure to Elect**

Note: The following procedure applies when an appointment is being made because of a failure to elect pursuant to Education Code 5090, 5326, and 5328 (item #13 in section entitled "Events Causing a Vacancy" above).
--

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

*(cf. 9100 - Organization)*

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

*Legal Reference: (see next page)*

## **FILLING VACANCIES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

#### ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

#### GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

#### PENAL CODE

88 Bribery, forfeiture from office

#### UNITED STATES CODE, TITLE 18

704 Military medals or decorations

#### ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

### *Management Resources:*

#### CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

#### WEB SITES

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

California State Attorney General's Office, Quo Warranto Applications:

[http://ag.ca.gov/opinions/quo\\_warranto.php](http://ag.ca.gov/opinions/quo_warranto.php)

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# CALIFORNIA SCHOOL BOARDS ASSOCIATION

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CSBA policy services provide sample policies, administrative regulations, bylaws and exhibits as a resource for school districts and county offices of education to develop their own policy manual. These samples reflect the law as of the date on each sample. Additionally, they do not necessarily express the personal, political, or legal opinions or viewpoints of CSBA, its Board of Directors, or its employees.

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## **Policy Reference UPDATE Service**

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**SCHOOL PLANS/SITE COUNCILS**

The Governing Board believes that comprehensive planning that is aligned with the district's local control and accountability plan (LCAP) is necessary at each school, in order to focus school improvement efforts on student academic achievement and facilitate the effective use of available resources. The Superintendent or designee shall ensure that school plans provide clear direction and identify cohesive strategies aligned with school and district goals.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0460 - Local Control and Accountability Plan)*

Each district school shall establish a school site council in accordance with Education Code 52852 and the accompanying administrative regulation to develop, review, and approve school plans.

For any school that participates in specified state and/or federal categorical programs, the school site council or other schoolwide advisory committee shall consolidate the plans required for those categorical programs into a single plan for student achievement (SPSA). (Education Code 64001)

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1431 - Waivers)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6190 - Evaluation of the Instructional Program)*

As appropriate, a school may incorporate any other school program into the SPSA. (Education Code 64001)

The Superintendent or designee shall review each school's SPSA to ensure that it meets the content requirements for all programs included, is based on an analysis of current practices and student academic performance, and reasonably links improvement strategies to identified needs of the school and its students. He/she shall also ensure that specific actions included in the district's LCAP are consistent with the strategies identified in each school's SPSA.

The Board shall, at a regularly scheduled Board meeting, review and approve each school's SPSA and any subsequent material revisions affecting the academic programs for students participating in the categorical programs addressed in the SPSA. The Board shall certify that, to the extent allowable under federal law, the SPSA is consistent with district local improvement plans required as a condition of receiving federal funding. (Education Code 64001)

## **SCHOOL PLANS/SITE COUNCILS (continued)**

Whenever the Board does not approve a school's SPSA, it shall communicate its specific reasons for disapproval of the plan to the school site council or committee. The school site council or committee shall then revise and resubmit the SPSA to the Board for its approval. (Education Code 52855)

The Superintendent or designee shall ensure that school administrators and school site council members receive training on the roles and responsibilities of the site council.

### *Legal Reference:*

#### EDUCATION CODE

- 52-53 Designation of schools
  - 33133 Information guide for school site councils
  - 35147 Open meeting laws exceptions
  - 41540-41544 Targeted instructional improvement block grants
  - 52060-52077 Local control and accountability plan
  - 52176 Advisory committees
  - 52852 School site councils
  - 54000-54028 Educationally Disadvantaged Youth Programs
  - 54425 Advisory committees (compensatory education)
  - 56000-56867 Special education
  - 64000 Categorical programs included in consolidated application
  - 64001 Single school plan for student achievement, consolidated application programs
- #### CODE OF REGULATIONS, TITLE 5
- 3930-3937 Compliance plans
- #### UNITED STATES CODE, TITLE 20
- 6311 Accountability, adequate yearly progress
  - 6312-6319 Title I programs; plans
  - 6421-6472 Programs for neglected, delinquent, and at-risk children and youth
  - 6601-6651 Teacher and Principal Training and Recruitment program
  - 6801-7014 Limited English proficient and immigrant students
  - 7101-7165 Safe and Drug-Free Schools and Communities
  - 7341-7355c Rural Education Initiative

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council, February 2014*

#### WEST ED PUBLICATIONS

- California Healthy Kids Survey*
- California School Climate Survey*

#### WEB SITES

- California Department of Education, Single Plan for Student Achievement:*  
<http://www.cde.ca.gov/nclb/sr/le/singleplan.asp>
- U.S. Department of Education:* <http://www.ed.gov>
- WestEd:* <http://www.wested.org>

**SCHOOL PLANS/SITE COUNCILS**

**School Site Councils**

Each school shall have a school site council composed of the following: (Education Code 52852)

1. The principal
2. Teachers selected by the school's teachers
3. Other school personnel selected by the school's other personnel
4. Parent/guardian representatives, who may include parents/guardians of students attending the school and/or community members, selected by parents/guardians of students attending the school
5. If the school is a secondary school, students attending the school selected by other such students

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. For an elementary school site council, the remaining half shall be parent/guardian representatives. For a secondary school site council, the remaining half shall be equal numbers of parent/guardian representatives and students. (Education Code 52852)

A district employee may serve as a parent/guardian representative on the school site council of the school his/her child attends, provided the employee does not work at that school. (Education Code 52852)

The bylaws of each school site council shall include the method of selecting members and officers, terms of office, responsibilities of council members, time commitment, and a policy of nondiscrimination.

School site councils may function on behalf of other committees in accordance with law. (Education Code 52176, 54425; 5 CCR 3932)

School site councils shall operate in accordance with procedural meeting requirements established in Education Code 35147.

*(cf. 1220 - Citizen Advisory Committees)*

**Single Plan for Student Achievement**

Any district school that shall participate in any state or federal categorical program specified in Education Code 64000 on an ongoing basis shall have a school site council which shall



**SCHOOL PLANS/SITE COUNCILS** (continued)

approve and annually review and update a single plan for student achievement (SPSA). If the school does not have a school site council, these responsibilities shall be fulfilled by a schoolwide advisory group or school support group conforming to the composition requirements of the school site council listed in the section "School Site Councils" above. (Education Code 64001)

*(cf. 1431 - Waivers)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6184 - Continuation Education)*

The SPSA shall be developed with the review, advice, and certification of any applicable school advisory committees. (Education Code 64001)

Such groups may include, but are not limited to, a parent advisory committee established to review and comment on the district's local control and accountability plan (LCAP); advisory committees established for English learner and special education programs; Western Association of Schools and Colleges leadership teams; district or school liaison teams for schools identified for program improvement; and other committees established by the school or district.

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 6190 - Evaluation of the Instructional Program)*

The SPSA shall be aligned with the district's LCAP and school goals for improving student achievement. School goals shall be based on an analysis of verifiable state data identified pursuant to law, and may consider any other data developed by the district to measure student achievement. (Education Code 52062, 64001)

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - State Academic Achievement Tests)*

*(cf. 6162.52 - High School Exit Examination)*

The SPSA shall, at a minimum: (Education Code 64001)

1. Address how funds provided to the school through specified categorical programs will be used to improve the academic performance of all students to the level of the performance goals established by law
2. Identify the means of evaluating the school's progress toward accomplishing those goals

**SCHOOL PLANS/SITE COUNCILS** (continued)

3. Identify how state and federal law governing the categorical programs will be implemented

In addition to meeting the requirements common to all applicable school plans, the SPSA shall address any content required by law for each individual categorical program in which the school participates.

In developing or revising the SPSA, the school site council or other schoolwide advisory group or school support group shall:

1. Analyze student achievement data. Using measures of student academic performance, the school shall identify significant patterns of low performance in particular content areas, student groups, and/or individual students and determine which data summaries to include in the plan as most informative and relevant to school goals.
2. Assess the effectiveness of the school's instructional program in relation to the analysis of student data.
3. Identify a limited number of achievement goals and key improvement strategies to achieve the goals. School goals shall reflect the needs identified at the school site while aligning with goals identified in federally required district plans. The school shall specify the student group(s) on which each goal is focused, the methods or practices that will be used to reach the goal, and the criteria that will be used to determine if the goal is achieved.
4. Define timelines, personnel responsible, proposed expenditures, and funding sources to implement the SPSA.

The school site council or other schoolwide group shall approve the proposed SPSA at a meeting for which public notice has been posted and then submit the SPSA to the Governing Board for approval. (Education Code 35147, 64001)

The school site council or other schoolwide group shall regularly monitor the implementation and effectiveness of the SPSA and modify any activities that prove ineffective. At least once per year, the principal or designee shall evaluate results of improvement efforts and report to the Board, school site council, advisory committees, and other interested parties regarding progress toward school goals.

The school site council or other schoolwide group may amend the SPSA at any time. Any revisions that would substantively change the academic programs funded through the consolidated application shall be submitted to the Board for approval.

Regulation  
approved:

RIVER DELTA UNIFIED SCHOOL DISTRICT  
Draft October 13, 2015

**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 the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 3555 - Nutrition Program Compliance)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6174 - Education for English Language 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 person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or 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, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

**UNIFORM COMPLAINT PROCEDURES** (continued)

3. Any complaint alleging district violation of 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)*

4. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

*(cf. 0460 - Local Control and Accountability Plan)*

5. 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

6. 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 agreeable to all parties. One type of ADR is mediation, which 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 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. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, 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.

## **UNIFORM COMPLAINT PROCEDURES** (continued)

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. All such records shall be destroyed in accordance with applicable state 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.
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 employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve 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. (Education Code 35186)

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*Legal Reference: (see next page)*

**UNIFORM COMPLAINT PROCEDURES (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination*  
8200-8498 *Child care and development programs*  
8500-8538 *Adult basic education*  
18100-18203 *School libraries*  
32289 *School safety plan, uniform complaint procedures*  
35186 *Williams uniform complaint procedures*  
48985 *Notices in language other than English*  
49010-49013 *Student fees*  
49060-49079 *Student records*  
49490-49590 *Child nutrition programs*  
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*  
52300-52490 *Career technical education*  
52500-52616.24 *Adult schools*  
52800-52870 *School-based program coordination*  
54400-54425 *Compensatory education programs*  
54440-54445 *Migrant education*  
54460-54529 *Compensatory education programs*  
56000-56867 *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*

PENAL CODE

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

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*  
6301-6577 *Title I basic programs*  
6801-6871 *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*

*Legal Reference continued: (see next page)*

**UNIFORM COMPLAINT PROCEDURES (continued)**

*Legal Reference: (continued)*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

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

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:*

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

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

Dear Colleague Letter: Sexual Violence, April 2011

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/about/offices/list/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 general 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. 4031 - Complaints Concerning Discrimination 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 to handle complaints regarding sex discrimination. 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)*

Superintendent  
445 Montezuma Street, Rio Vista, CA 94571  
(707) 374-1700  
dbeno@rdusd.org

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 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 or implicating a compliance officer may be filed with the Superintendent or designee.

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 designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation,



or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated 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 results 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, if possible, one or more of the interim measures. The interim measures may 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, including information regarding unlawful student fees and local control and accountability plan (LCAP) requirements, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 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)*

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

*(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.

AR 1312.3(c)

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.

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. 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.

AR 1312.3(d)

- e. 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.
- f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
- g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- h. Copies of the district's UCP are available free of charge.

### **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)

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)

### **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 accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

AR 1312.3(e)

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. 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)
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 or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) 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.
6. 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)

### **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,

AR 1312.3(f)

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.

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 to 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 two 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. 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.

AR 1312.3(g)

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. (5 CCR 4631)

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, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

**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. (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 that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

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

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.

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

- a. How 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 notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
  - b. Individual remedies offered or provided to the subject of the complaint
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

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:



**UNIFORM COMPLAINT PROCEDURES** (continued)

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 the 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](http://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 corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

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.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges 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, 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 may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

**UNIFORM COMPLAINT PROCEDURES** (continued)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the 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
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 the CDE

**EMPLOYEE USE OF TECHNOLOGY**

The Governing Board recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

*(cf. 0440 - District Technology Plan)*  
*(cf. 1100 - Communication with the Public)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*  
*(cf. 4032 - Reasonable Accommodation)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

Employees shall be responsible for the appropriate use of technology and shall use district technology primarily for purposes related to their employment.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 6162.6 - Use of Copyrighted Materials)*  
*(cf. 6163.4 - Student Use of Technology)*

*District technology* includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

**EMPLOYEE USE OF TECHNOLOGY** (continued)

*Harmful matter* includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

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

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

*Legal Reference: (see next page)*

## **EMPLOYEE USE OF TECHNOLOGY (continued)**

*Legal Reference:*

EDUCATION CODE

52295.10-52295.55 *Implementation of Enhancing Education Through Technology grant program*

GOVERNMENT CODE

3543.1 *Rights of employee organizations*

PENAL CODE

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

VEHICLE CODE

23123 *Wireless telephones in vehicles*

23123.5 *Mobile communication devices; text messaging while driving*

23125 *Wireless telephones in school buses*

UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

COURT DECISIONS

*City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332*

*Management Resources:*

WEB SITES

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

American Library Association: <http://www.ala.org>

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

Federal Communications Commission: <http://www.fcc.gov>

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

## **EMPLOYEE USE OF TECHNOLOGY**

### **ACCEPTABLE USE AGREEMENT AND RELEASE OF DISTRICT FROM LIABILITY (EMPLOYEES)**

The River Delta Unified School District authorizes district employees to use technology owned or otherwise provided by the district as necessary to fulfill the requirements of their position. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all employees to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

The district makes no guarantee that the functions or services provided by or through the district will be without defect. In addition, the district is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use district technology shall sign this Acceptable Use Agreement as an indication that he/she has read and understands the agreement.

#### **Definitions**

*District technology* includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

#### **Employee Obligations and Responsibilities**

Employees are expected to use district technology safely, responsibly, and primarily for work-related purposes. Any incidental personal use of district technology shall not interfere with district business and operations, the work and productivity of any district employee, or the safety and security of district technology. The district is not responsible for any loss or damage incurred by an employee as a result of his/her personal use of district technology.

The employee in whose name district technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall

## **EMPLOYEE USE OF TECHNOLOGY (continued)**

use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the district's system for which they do not have authorization.

Employees are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive district, employee, or student information without prior authorization from a supervisor
3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee
4. Engage in unlawful use of district technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or district practice

### **Privacy**

Since the use of district technology is intended for use in conducting district business, no employee should have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses within the jurisdiction of the district. Such



## **EMPLOYEE USE OF TECHNOLOGY (continued)**

monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of district technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by an employee on district technology does not create a reasonable expectation of privacy.

### **Personally Owned Devices**

If an employee uses a personally owned device to access district technology or conduct district business, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

### **Records**

Any electronically stored information generated or received by an employee which constitutes a district or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - District Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of district or student records.

### **Reporting**

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the Superintendent or designee.

### **Consequences for Violation**

Violations of the law, Board policy, or this Acceptable Use Agreement may result in revocation of an employee's access to district technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

### **Employee Acknowledgment**

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 - Employee Use of Technology, and other applicable laws and district policies and

**EMPLOYEE USE OF TECHNOLOGY** (continued)

regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology or when my personal electronic devices use district technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the district and its personnel from any and all claims and damages arising from my use of district technology or from the failure of any technology protection measures employed by the district.

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
(Please print)

School/Work Site: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**STAFF DEVELOPMENT**

The Governing Board believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

*(cf. 6111 - School Calendar)*

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, the local control and accountability plan, and other district and school plans.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and district academic standards

*(cf. 6011 - Academic Standards)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6142.2 - World/Foreign Language Instruction)*

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.5 - Environmental Education)*

*(cf. 6142.6 - Visual and Performing Arts Education)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6142.93 - Science Instruction)*

*(cf. 6142.94 - History-Social Science Instruction)*

2. Use of effective, subject-specific teaching methods, strategies, and skills

3. Use of technologies to enhance instruction

*(cf. 0440 - District Technology Plan)*

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

*(cf. 6163.4 - Student Use of Technology)*

**STAFF DEVELOPMENT** (continued)

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students

*(cf. 4112.22 - Staff Teaching English Language Learners)*

*(cf. 4112.23 - Special Education Staff)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6171 - Title I Programs)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

*(cf. 6178 - Career Technical Education)*

6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education

*(cf. 1240 - Volunteer Assistance)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, tolerance, and discipline, including conflict resolution and hatred prevention

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 6162.5 - Student Assessment)*

**STAFF DEVELOPMENT** (continued)

10. Knowledge of topics related to student health, safety, and welfare

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 5030 - Student Wellness)*
- (cf. 5131.6 - Alcohol and Other Drugs)*
- (cf. 5131.63 - Steroids)*
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*
- (cf. 5141.4 - Child Abuse Prevention and Reporting)*
- (cf. 5141.52 - Suicide Prevention)*
- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*

11. Knowledge of topics related to employee health, safety, and security

- (cf. 3514.1 - Hazardous Substances)*
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
- (cf. 4119.42/4219.42/4319.42- Exposure Control Plan for Bloodborne Pathogens)*
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)*
- (cf. 4157/4257/4357 - Employee Safety)*
- (cf. 4158/4258/4358 - Employee Security)*

The Superintendent or designee shall, in conjunction with teachers, interns, and administrators, as appropriate, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

- (cf. 4112.2 - Certification)*
- (cf. 4112.21 - Interns)*
- (cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*
- (cf. 4131.1 - Teacher Support and Guidance)*

Professional learning opportunities offered by the district shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

- (cf. 4115 - Evaluation/Supervision)*

**STAFF DEVELOPMENT** (continued)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

*(cf. 3100 - Budget)*

*(cf. 3350 - Travel Expenses)*

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

**STAFF DEVELOPMENT (continued)**

*Legal Reference:*

EDUCATION CODE

44032 *Travel expense payment*  
44259.5 *Standards for teacher preparation*  
44277 *Professional growth programs for individual teachers*  
44300 *Emergency permits*  
44325-44328 *District interns*  
44450-44468 *University internship program*  
44570-44578 *Inservice training, secondary education*  
44830.3 *District interns*  
45028 *Salary schedule and exceptions*  
48980 *Notification of parents/guardians; schedule of minimum days*  
52060-52077 *Local control and accountability plan*  
56240-56245 *Staff development; service to persons with disabilities*  
99200-99206 *Subject matter projects*

GOVERNMENT CODE

3543.2 *Scope of representation of employee organization*

CODE OF REGULATIONS, TITLE 5

13025-13044 *Professional development and program improvement*  
80021 *Short-term staff permit*  
80021.1 *Provisional internship permit*  
80023-80026.6 *Emergency permits*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*  
6601-6702 *Preparing, Training and Recruiting High Quality Teachers and Principals*

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

*United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085*

*Management Resources:*

CSBA PUBLICATIONS

*Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*California Standards for the Teaching Profession, 2009*

WEB SITES

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

California Department of Education, Professional Learning: <http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csmf.ucop.edu>

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

## All Personnel

AR 4161.8(a)  
4261.8  
4361.8

## FAMILY CARE AND MEDICAL LEAVE

The district shall not deny any eligible employee his/her 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) or 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 a woman who, in the opinion of her health care provider, is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or to other persons
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

*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)

## **FAMILY CARE AND MEDICAL LEAVE (continued)**

### **Eligibility**

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

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 (baby bonding)
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 female 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)

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)

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## **FAMILY CARE AND MEDICAL LEAVE (continued)**

In addition, for each pregnancy, any female 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 her 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; 2 CCR 11088; 29 USC 2612)

### **Use/Substitution of Paid Leave**

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; 2 CCR 11044; 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)

*(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)*

## **FAMILY CARE AND MEDICAL LEAVE (continued)**

### **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)

The basic minimum duration of leave for the birth or 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 if the employee is pregnant and provides medical certification from her health care provider of a medical need for intermittent leave or leave on a reduced work or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule is foreseeable based on his/her planned medical treatment or that of a family member. This 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)

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

### **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)

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## **FAMILY CARE AND MEDICAL LEAVE (continued)**

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 the 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 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,

**FAMILY CARE AND MEDICAL LEAVE** (continued)

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)

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)

## **FAMILY CARE AND MEDICAL LEAVE** (continued)

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 she 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.

### **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.

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

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

### **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)

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## **FAMILY CARE AND MEDICAL LEAVE** (continued)

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)

### **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)*



**FAMILY CARE AND MEDICAL LEAVE** (continued)

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 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)

*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

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## **FAMILY CARE AND MEDICAL LEAVE (continued)**

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.

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)

**FAMILY CARE AND MEDICAL LEAVE** (continued)

*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)

*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:

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- 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.

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:

**FAMILY CARE AND MEDICAL LEAVE** (continued)

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 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

**FAMILY CARE AND MEDICAL LEAVE** (continued)

- 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 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)

## **FAMILY CARE AND MEDICAL LEAVE (continued)**

### **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:*

##### 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*

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:*

##### FEDERAL REGISTER

*The Family and Medical Leave Act; Final Rule; February 6, 2013. Vol. 78, No. 25, pages 8903-8947*

##### 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:

RIVER DELTA UNIFIED SCHOOL DISTRICT  
Draft October 13, 2015

**STAFF DEVELOPMENT**

The Governing Board recognizes that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

*(cf. 3100 - Budget)*  
*(cf. 3350 - Travel Expenses)*  
*(cf. 4200 - Classified Personnel)*  
*(cf. 4261.3 - Professional Leaves)*

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*  
*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics: (Education Code 45391)

1. Student learning and achievement
  - a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students
  - b. Alignment of curriculum and instructional materials with Common Core State Standards
  - c. The management and use of state and local student data to improve student learning
  - d. Best practices in appropriate interventions and assistance to at-risk students

*(cf. 4222 - Teacher Aides/Paraprofessionals)*  
*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6143 - Courses of Study)*



**STAFF DEVELOPMENT (continued)**

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - State Academic Achievement Tests)*

**2. Student and campus safety**

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 3515.5 - Sex Offender Notification)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 4158/4258/4358 - Employee Security)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

**3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance**

*(cf. 0440 - District Technology Plan)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 6163.4 - Student Use of Technology)*

**4. School facility maintenance and operations, including best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites**

*(cf. 3510 - Green School Operations)*  
*(cf. 3511- Energy and Water Management)*

**5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates**

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*  
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

**6. School transportation and bus safety**

*(cf. 3540 - Transportation)*  
*(cf. 3541- Transportation for School-Related Trips)*  
*(cf. 3541.2 - Transportation for Students with Disabilities)*  
*(cf. 3542 - Bus Drivers)*  
*(cf. 3543 - Transportation Safety and Emergencies)*

**STAFF DEVELOPMENT** (continued)

7. Parent involvement, including ways to increase parent involvement at school sites

*(cf. 1240 - Volunteer Assistance)*

*(cf. 6020 - Parent Involvement)*

8. Food service, including food preparation to provide nutritional meals, food safety, and food management

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

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

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 5030 - Student Wellness)*

9. Health, counseling, and nursing services

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.24 - Specialized Health Care Services)*

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 5141.6 - School Health Services)*

*(cf. 6164.2 - Guidance/Counseling Services)*

10. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 3514.2 - Integrated Pest Management)*

*(cf. 6161.3 - Toxic Art Supplies)*

For classroom instructional aides or other classified staff involved in direct instruction of students, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students. Such professional learning opportunities shall be evaluated based on criteria specified in Education Code 44277 and BP 4131 - Staff Development.

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

*(cf. 4215 - Evaluation/Supervision)*

**STAFF DEVELOPMENT** (continued)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program.

(cf. 0500 - Accountability)

*Legal Reference:*

EDUCATION CODE

44277 Professional growth programs for individual teachers

44032 Travel expense payment

45380-45387 Retraining and study leave (classified employees)

45390-45392 Professional development for classified school employees

52060-52077 Local control and accountability plan

56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

*Management Resources:*

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

California School Employees Association: <http://www.csea.com>

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

*(cf. 6020 - Parent Involvement)*

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

*(cf. 5123 - Promotion/Acceleration/Retention)*

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

*(cf. 5125 - Student Records)*

*(cf. 6146.1 - High School Graduation Requirements)*

**Grades for Achievement**

For elementary students' level of progress shall be reported as follows:

- 1 Standard not met
- 2 Standard nearly met
- 3 Standard met
- 4 Standard exceeded

For middle and high school, grades for achievement shall be reported for each grading period as follows:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

An Incomplete shall be given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Because of the more rigorous nature of Advanced Placement, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

A	(90-100%)	Outstanding Achievement	5.0 grade points
B	(80-89%)	Above Average Achievement	4.0 grade points
C	(70-79%)	Average Achievement	3.0 grade points

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

**Grades for Physical Education**

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

*(cf. 6142.7 - Physical Education and Activity)*

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

**Grades for College Courses**

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

**Grades for Citizenship, Study Skills, and Effort**

Grades for citizenship, study skills, and effort shall be reported as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)**Pass/Fail Grading**

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

**Peer Grading**

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

**Repeating Classes**

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

**Withdrawal from Classes**

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period may receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

**Effect of Absences on Grades**

Teachers who may choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

*(cf. 5113 - Absences and Excuses)*

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

*(cf. 6173.1 - Education for Foster Youth)*

**Grade Point Average**

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Achievement" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

*(cf. 5126 - Awards for Achievement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)

**BULLYING**

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

- (cf. 5131 - Conduct)*
- (cf. 5136 - Gangs)*
- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*
- (cf. 5145.9 - Hate-Motivated Behavior)*

*Cyberbullying* includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

- (cf. 5145.2 - Freedom of Speech/Expression)*

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

- (cf. 0420 - School Plans/Site Councils)*
- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 0460 - Local Control and Accountability Plan)*
- (cf. 1220 - Citizen Advisory Committees)*
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*
- (cf. 6020 - Parent Involvement)*

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

- (cf. 1020 - Youth Services)*

**Bullying Prevention**

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a



**BULLYING** (continued)

positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

*(cf. 5137 - Positive School Climate)*

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

*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6142.94 - History-Social Science Instruction)*  
*(cf. 6163.4 - Student Use of Technology)*

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

**Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

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

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school

**BULLYING** (continued)

support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

*(cf. 6164.2 - Guidance/Counseling Services)*

**Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

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

**Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

**BULLYING** (continued)

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

**Discipline**

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

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

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

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

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

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

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

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

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

*Legal Reference: (see next page)*

**BULLYING** (continued)

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32282 *Comprehensive safety plan*

32283.5 *Bullying; online training*

35181 *Governing board policy on responsibilities of students*

35291-35291.5 *Rules*

48900-48925 *Suspension or expulsion*

48985 *Translation of notices*

52060-52077 *Local control and accountability plan*

PENAL CODE

422.55 *Definition of hate crime*

647 *Use of camera or other instrument to invade person's privacy; misdemeanor*

647.7 *Use of camera or other instrument to invade person's privacy; punishment*

653.2 *Electronic communication devices, threats to safety*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (e-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 *Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 *Designation of responsible employee for Section 504*

106.8 *Designation of responsible employee for Title IX*

110.25 *Notification of nondiscrimination on the basis of age*

COURT DECISIONS

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

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

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

*Management Resources: (see next page)*

**BULLYING** (continued)

*Management Resources:*

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014  
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

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

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

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

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



**BEFORE/AFTER SCHOOL PROGRAMS**

The Governing Board desires to provide before-school and/or after-school enrichment programs that support the regular education program and provide safe alternatives for students. In order to increase academic achievement of participating students, the content of such programs shall be coordinated with the district's vision and goals for student learning, its curriculum, and district and state academic standards.

- (cf. 0000 - Vision)*
- (cf. 0200 - Goals for the School District)*
- (cf. 5147 - Dropout Prevention)*
- (cf. 5148 - Child Care and Development)*
- (cf. 6011 - Academic Standards)*
- (cf. 6176 - Weekend/Saturday Classes)*
- (cf. 6177 - Summer Learning Programs)*
- (cf. 6179 - Supplemental Instruction)*

The district's program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422, 8482.5)

- (cf. 1020 - Youth Services)*
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*
- (cf. 1700 - Relations Between Private Industry and the Schools)*
- (cf. 6020 - Parent Involvement)*

The establishment of any program shall be approved by the Board and the principal of each participating school. (Education Code 8421, 8482.3)

The Superintendent or designee shall ensure that all staff who directly supervise students in the district's before-school and/or after-school program possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities. (Education Code 8483.4)

- (cf. 1240 - Volunteer Assistance)*
- (cf. 4131 - Staff Development)*
- (cf. 4222 - Teacher Aides/Paraprofessionals)*
- (cf. 4231 - Staff Development)*
- (cf. 4331 - Staff Development)*

The program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, the program may include support services that reinforce the educational component and promote student health and well-being.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 5030 - Student Wellness)*
- (cf. 5131.6 - Alcohol and Other Drugs)*
- (cf. 6142.7 - Physical Education and Activity)*

**BEFORE/AFTER SCHOOL PROGRAMS** (continued)

No fee shall be charged for participation in the program.

*(cf. 3260 - Fees and Charges)*

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

*(cf. 0500 - Accountability)*

Every three years, the program shall review its after-school program plan, including program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years. (Education Code 8482.3)

*(cf. 3580 - District Records)*

*Legal Reference: (see next page)*



**BEFORE/AFTER SCHOOL PROGRAMS (continued)**

*Legal Reference:*

EDUCATION CODE

8263 Eligibility and priorities for subsidized child development services  
8263.4 Enrollment of students ages 11-12 years  
8273.1 Family fees, exemptions  
8350-8359.1 Programs for CalWORKS recipients  
8360-8370 Personnel qualifications  
8420-8428 21st Century After-School Program for Teens  
8482-8484.65 After School Education and Safety Program  
8484.7-8484.9 21st Century Community Learning Centers  
8490-8490.7 Distinguished After School Health Recognition Program  
17264 New construction; accommodation of before- and after-school programs  
35021.3 After-school physical recreation instructors  
45125 Criminal record check  
45330 Paraprofessionals; instructional aides  
35340-45349 Paraprofessionals; instructional aides  
49024 Criminal background check; Activity Supervisor Clearance Certificate  
49430-49434 Nutrition standards  
49553 Free or reduced-price meals  
69530-69547.9 Cal Grant program  
UNITED STATES CODE, TITLE 20  
6314 Title I schoolwide programs  
6319 Program improvement  
7171-7176 21st Century Community Learning Centers  
UNITED STATES CODE, TITLE 42  
1766-1766a Child and Adult Care Food Program  
CODE OF FEDERAL REGULATIONS, TITLE 7  
226.17 Nutrition standards

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools, 2014

Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, 2014

California After School Physical Activity Guidelines, 2009

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

21st Century Community Learning Centers, Nonregulatory Guidance, February 2003

WEB SITES

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

California Department of Education, Before and After School: <http://www.cde.ca.gov/ls/ba>

California Healthy Kids Survey: <https://chks.wested.org>

California School-Age Consortium: <http://calsac.org>

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

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

U.S. Department of Agriculture: <http://www.fns.usda.gov/cnd/care/afterschool.htm>

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

**BEFORE/AFTER SCHOOL PROGRAMS**

**Grades K-9**

The district's After School Education and Safety (ASES) program or 21st Century Community Learning Center (21st CCLC) program may serve students in grades K-9. (Education Code 8482.3, 8484.8)

Consistent with state funding priorities, the district shall, to the extent feasible, give priority to establishing ASES programs that serve students in schools with the highest percentage of students eligible for free and reduced-price meals.

*(cf. 3553 - Free and Reduced Price Meals)*

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs or serve a high percentage of students from low-income families. (Education Code 8484.8; 20 USC 7173)

*(cf. 6171 - Title I Programs)*

Consistent with federal funding priorities, the district shall, to the extent feasible, give priority to establishing 21st CCLC programs in schools that are identified for program improvement under 20 USC 6316 and/or programs that will provide year-round expanded learning opportunities.

*(cf. 0520.2 - Title I Program Improvement Schools)*

The district's ASES and 21st CCLC program(s) shall be operated in accordance with the following:

1. Program Elements

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science. (Education Code 8482.3)

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6142.93 - Science Instruction)*

*(cf. 6154 - Homework/Makeup Work)*

*(cf. 6163.4 - Student Use of Technology)*

- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities. (Education Code 8482.3)

**BEFORE/AFTER SCHOOL PROGRAMS** (continued)

*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 6142.6 - Visual and Performing Arts)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6178 - Career Technical Education)*

2. Nutrition

- a. If snacks or meals are made available in the program, they shall conform to state nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3; 42 USC 1766-1766a; 7 CFR 226.17)
- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1)

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3554 - Other Food Sales)*  
*(cf. 5030 - Student Wellness)*

3. Location of Program

- a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3)
- b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the district may, with the approval of the Superintendent of Public Instruction, provide services at another school site. A significant barrier includes either of the following: (Education Code 8482.8)
  - (1) Fewer than 20 students participating in the program component
  - (2) Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8)

*(cf. 3540 - Transportation)*

**BEFORE/AFTER SCHOOL PROGRAMS** (continued)

4. Staffing

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4; 20 USC 6319)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

- b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4)

*(cf. 1240 - Volunteer Assistance)*

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

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

- c. The student-to-staff ratio shall be no more than 20 to 1. (Education Code 8483.4)

5. Hours of Operation

- a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1)
- b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483)

6. Admissions

- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6)

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

- b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:

- (1) Priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1)

**BEFORE/AFTER SCHOOL PROGRAMS** (continued)

- (2) Priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulations.

*(cf. 6179 - Supplemental Instruction)*

- (3) Any remaining capacity shall be filled by students selected at random.
- (4) A waiting list shall be established to accommodate additional students if space becomes available.

7. Attendance/Early Release

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that he/she participates.
- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival of his/her child for the before-school program or the reasonable early daily release of his/her child from the after-school program. The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

**BEFORE/AFTER SCHOOL PROGRAMS** (continued)

**Volunteers**

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. He/she also shall submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

**Reports**

The Superintendent or designee shall annually submit to the CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis
2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

*(cf. 0500 - Accountability)*

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

The Governing Board recognizes that high-quality preschool experiences help children ages 3-4 years to develop knowledge, skills, abilities, and attributes necessary for a successful transition into the elementary education program. Early education programs should provide developmentally appropriate activities in a safe, adequately supervised, and cognitively rich environment.

**Collaboration with Community Programs**

The Superintendent or designee shall collaborate with the local child care and development planning council, other public agencies, organizations, the county office of education, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

*(cf. 1020 - Youth Services)*

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

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 5148 - Child Care and Development)*

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

**District Preschool Programs**

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools.

The Board shall approve for the district's preschool program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 6171 - Title I Programs)*

On a case-by-case basis, the Board shall determine whether the district shall directly administer a preschool program or contract with a public or private provider to offer such a program.

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

Facilities for preschool classrooms shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

*(cf. 1330.1 - Joint Use Agreements)*

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7210 - Facilities Financing)*

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall coordinate planning efforts for the district's preschool program, transitional kindergarten program, and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge.

*(cf. 6011 - Academic Standards)*

*(cf. 6170.1 - Transitional Kindergarten)*

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by the CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The district's preschool program shall provide appropriate services to support the needs of English learners and children with disabilities.

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

*(cf. 6174 - Education for English Language Learners)*

The district shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

*(cf. 1240 - Volunteer Assistance)*

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.



**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*(cf. 3550 - Food Services/Child Nutrition Program)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*  
*(cf. 5141.6 - School Health Services)*

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

*(cf. 4112.2 - Certification)*  
*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*  
*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's part-day preschool program is offered.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)

The Superintendent or designee shall regularly report to the Board regarding enrollments in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

8200-8499.10 *Child Care and Development Services Act, especially:*  
8200-8209 *General provisions for child care and development services*  
8230-8233 *Migrant child care and development program*  
8235-8239 *California State Preschool Program*  
8240-8244 *General child care and development programs*  
8250-8252 *Programs for children with special needs*  
8263 *Eligibility and priorities for subsidized child development services*  
8263.3 *Disenrollment of families due to reduced funding levels*  
8300-8303 *Early Learning Quality Improvement System Advisory Committee*  
8360-8370 *Personnel qualifications*  
8400-8409 *Contracts*  
8493-8498 *Facilities*  
8499.3-8499.7 *Local child care and development planning councils*  
48000 *Transitional kindergarten*

HEALTH AND SAFETY CODE

1596.70-1596.895 *California Child Day Care Act*  
1596.90-1597.21 *Day care centers*  
120325-120380 *Immunization requirements*

CODE OF REGULATIONS, TITLE 5

18000-18434 *Child care and development programs, especially:*  
18130-18136 *California State Preschool Program*  
18295 *Waiver of qualifications for site supervisor*  
80105-80125 *Permits authorizing service in child development programs*

UNITED STATES CODE, TITLE 20

6311-6322 *Title I, relative to preschool*  
6319 *Qualifications for teachers and paraprofessionals*  
6371-6376 *Early Reading First*  
6381-6381k *Even Start family literacy programs*  
6391-6399 *Education of migratory children*

UNITED STATES CODE, TITLE 42

9831-9852 *Head Start programs*  
9858-9858q *Child Care and Development Block Grant*

CODE OF FEDERAL REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, including:*  
101151-101163 *Licensing and application procedures*

*Legal Reference continued: (see next page)*

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*Legal Reference: (continued)*

CODE OF FEDERAL REGULATIONS, TITLE 22 (continued)

101212-101231 Continuing requirements

101237-101239.2 Facilities and equipment

OF FEDERAL REGULATIONS, TITLE 45

1301-1310 Head Start

*Management Resources:*

CSBA PUBLICATIONS

Expanding Access to High-Quality Preschool Programs, 2008

California Preschool Learning Foundations

14-02 Enrolling and Reporting Children in California State Preschool Programs, April 2014

12-08 Disenrollment Due to 2012-13 Budget Reduction for California State Preschool Programs,

Management Bulletin, July 2012

Dream Big for Our Youngest Children: Final Report of the California Early Learning Quality

Improvement System Advisory Committee, 2010

Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning,  
2nd ed., 2009

Prekindergarten Learning Development Guidelines, 2000

First Class: A Guide for Early Primary Education, 1999

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Good Start, Grow Smart, April 2002

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Children and Families Commission: <http://www.cafc.ca.gov>

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

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

California Head Start Association: <http://caheadstart.org>

California Preschool Instructional Network: <http://www.cpin.us>

Child Development Policy Institute: <http://www.cdpi.net>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 Association of California: <http://www.f5ac.org>

National Institute for Early Education Research: <http://nieer.org>

National School Boards Association: <http://www.nsba.org>

Preschool California: <http://www.preschoolcalifornia.org>

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

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

When approved by the California Department of Education (CDE) under the California State Preschool Program, the district may operate one or more part-day preschool programs in accordance with law and the terms of its contract with the CDE.

*(cf. 5148 - Child Care and Development)*

The district's preschool program shall include all required program components, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation. (5 CCR 18271-28281)

**Minimum Hours/Days of Operation**

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235; 5 CCR 18136)

**Staffing Ratios**

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)

*(cf. 1240 - Volunteer Assistance)*

*(cf. 6020 - Parent Involvement)*

**PRESCHOOL/EARLY CHILDHOOD EDUCATION** (continued)

**Eligibility and Enrollment**

Children eligible for the district's preschool program include those who will have their third or fourth birthday on or before September 1 of the fiscal year that they are being served. (Education Code 8208, 8235, 8236)

When a child is eligible for both the preschool program and the district's transitional kindergarten program, the family may choose the most appropriate program for the child. In accordance with the enrollment priorities described below, the child may be enrolled in both programs provided that the child is not enrolled in both programs for the same time period on the same day.

*(cf. 5111 - Admission)*

*(cf. 6170.1 - Transitional Kindergarten)*

Eligibility for subsidized preschool shall be as follows:

1. Children shall be eligible for subsidized preschool services if their family is a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited. (Education Code 8235, 8263, 8263.1; 5 CCR 18131, 18134)
2. Children shall be eligible for subsidized wraparound preschool and child care services if their family meets at least one of the criteria specified in item #1 above or needs child care services due to either of the following circumstances: (Education Code 8239, 8263)
  - a. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services or as being, or at risk of being, neglected, abused, or exploited.
  - b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

First priority for enrollment in a preschool program shall be given to neglected or abused children age 3 or 4 years who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236; 5 CCR 18131)

*(cf. 1020 - Youth Services)*

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

*(cf. 1700 - Relations Between Private Industry and the Schools)*

After all children with first priority are enrolled, the district shall give second priority to eligible children age 4 years who are not enrolled in a transitional kindergarten program prior to enrolling eligible children age 3 years. (Education Code 8236)

After enrolling all eligible children who meet the criteria for subsidized services, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income is no more than 15 percent above the income eligibility threshold. (Education Code 8235; 5 CCR 18133)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

*(cf. 5145.6 - Parental Notifications)*

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

3. An indication by the parent/guardian that he/she no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file containing a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)

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

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

**Fees and Charges**

Fees for participation in the district's preschool program shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction. (Education Code 8273, 8273.2; 5 CCR 18078)

*(cf. 3260 - Fees and Charges)*

However, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program, a family that is receiving CalWORKs cash aid, or a family that is otherwise exempted pursuant to Education Code 8273.1. (Education Code 8273.1; 5 CCR 18110)

In addition, any family qualifying for subsidized preschool on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that services continue to be necessary, may be exempt from these fees for up to 12 months. Any family whose child is receiving subsidized preschool on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. (Education Code 8273.1)

**PRESCHOOL/EARLY CHILDHOOD EDUCATION** (continued)

The Superintendent or designee shall establish a process which involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

**Disenrollment**

When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)

1. Children age 3 years whose families have the highest income in relation to family size shall be disenrolled first, followed by children age 4 years whose families have the highest income in relation to family size.

At each age level, if two or more families have the same income ranking, the child with disabilities shall be disenrolled last. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.

2. Families of children age 3 or 4 years who are receiving child protective services or who have been documented to be at risk of being neglected, abused, or exploited, regardless of income, shall be disenrolled last.



**STUDENT USE OF TECHNOLOGY**

The Governing Board intends that technological resources provided by the district be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use.

*(cf. 0440 - District Technology Plan)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 6163.1 - Library Media Centers)*

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with this Board policy and the district's Acceptable Use Agreement.

*District technology* includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Before a student is authorized to use district technology, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement. In that agreement, the parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures or user mistakes or negligence and shall agree to indemnify and hold harmless the district and district staff for any damages or costs incurred.

*(cf. 6162.6 - Use of Copyrighted Materials)*

The district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that their use of district technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of

## **STUDENT USE OF TECHNOLOGY (continued)**

privacy in use of the district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

*(cf. 5145.12 - Search and Seizure)*

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 5125 - Student Records.

*(cf. 5125 - Student Records)*

Whenever a student is found to have violated Board policy or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

*(cf. 5144 - Discipline)*

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

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

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update procedures to enhance the safety and security of students using district technology and to help ensure that the district adapts to changing technologies and circumstances.

### **Internet Safety**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777; 47 USC 254; 47 CFR 54.520)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities.

*Harmful matter* includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

**STUDENT USE OF TECHNOLOGY** (continued)

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking"
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

*Legal Reference: (see next page)*

## STUDENT USE OF TECHNOLOGY (continued)

### *Legal Reference:*

#### EDUCATION CODE

49073.6 *Student records; social media*

51006 *Computer education and resources*

51007 *Programs to strengthen technological skills*

60044 *Prohibited instructional materials*

#### PENAL CODE

313 *Harmful matter*

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

653.2 *Electronic communication devices, threats to safety*

#### UNITED STATES CODE, TITLE 15

6501-6506 *Children's Online Privacy Protection Act*

#### UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

#### UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

#### CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy Protection Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

#### COURT DECISIONS

*New Jersey v. T.L.O., (1985) 469 U.S. 325*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

#### FEDERAL TRADE COMMISSION PUBLICATIONS

*How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000*

#### WEB SITES

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

Center for Safe and Responsible Internet Use: <http://csriu.org>

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy Protection:

<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

**STUDENT USE OF TECHNOLOGY****ACCEPTABLE USE AGREEMENT  
AND RELEASE OF DISTRICT FROM LIABILITY (STUDENTS)**

The River Delta Unified School District authorizes students to use technology owned or otherwise provided by the district as necessary for instructional purposes. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all students to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that students may access through the system.

Each student who is authorized to use district technology and his/her parent/guardian shall sign this Acceptable Use Agreement as an indication that they have read and understand the agreement.

**Definitions**

*District technology* includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

**Student Obligations and Responsibilities**

Students are expected to use district technology safely, responsibly, and for educational purposes only. The student in whose name district technology is issued is responsible for its proper use at all times. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, libelous, defamatory, obscene, sexually explicit, or disruptive
2. Bully, harass, intimidate, or threaten other students, staff, or other individuals ("cyberbullying")

**STUDENT USE OF TECHNOLOGY** (continued)

3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person
4. Infringe on copyright, license, trademark, patent, or other intellectual property rights
5. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission from a teacher or other district personnel, changing settings on shared computers)
6. Install unauthorized software
7. "Hack" into the system to manipulate data of the district or other users
8. Engage in or promote any practice that is unethical or violates any law or Board policy, administrative regulation, or district practice

**Privacy**

Since the use of district technology is intended for educational purposes, students shall not have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of district technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by a student on district technology does not create a reasonable expectation of privacy.

**Personally Owned Devices**

If a student uses a personally owned device to access district technology, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

**Reporting**

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the teacher or other district personnel.

**STUDENT USE OF TECHNOLOGY** (continued)**Consequences for Violation**

Violations of the law, Board policy, or this agreement may result in revocation of a student's access to district technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

**Student Acknowledgment**

I have received, read, understand, and agree to abide by this Acceptable Use Agreement and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Name: \_\_\_\_\_ Grade: \_\_\_\_\_  
(Please print)

School: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Parent or Legal Guardian Acknowledgment**

*If the student is under 18 years of age, a parent/guardian must also read and sign the agreement.*

As the parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the Acceptable Use Agreement. By signing this Agreement, I give permission for my child to use district technology and/or to access the school's computer network and the Internet. I understand that, despite the district's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, district, and district personnel against all claims, damages, and costs that may result from my child's use of district technology or the failure of any technology protection measures used by the district. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please print)

Signature: \_\_\_\_\_

**ORGANIZATION**

**Annual Organizational Meeting**

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within a 15-day period beginning from the date upon which a Board member elected at that election takes office. During non-election years, the meeting shall be held within the same 15-day period on the calendar. (Education Code 35143)

The day and time of the annual meeting shall be selected by the Board at its regular meeting held immediately prior to the first day of the 15-day period. On behalf of the Board, the Superintendent shall notify the County Superintendent of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the clerk of the Board, with the assistance of the Superintendent, shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent as secretary to the Board
3. Authorize signatures
4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters
5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates

*(cf. 9140 - Board Representatives)*

6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

*(cf. 9230 - Orientation)*

*(cf. 9240 - Board Development)*

*(cf. 9320 - Meetings and Notices)*

*(cf. 9323 - Meeting Conduct)*



**ORGANIZATION** (continued)

**Election of Officers**

The Board shall each year elect its entire slate of officers.

*(cf. 9224 - Oath or Affirmation)*

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

*Legal Reference:*

EDUCATION CODE

5017 *Term of office*

35143 *Annual organizational meeting date, and notice*

35145 *Public meetings*

GOVERNMENT CODE

54953 *Meetings to be open and public; attendance*

ATTORNEY GENERAL OPINIONS

68 *Ops.Cal.Atty.Gen. 65 (1985)*

59 *Ops.Cal.Atty.Gen. 619, 621-622 (1976)*

Bylaw  
adopted:

RIVER DELTA UNIFIED SCHOOL DISTRICT  
Draft October 13, 2015

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street



**BOARD AGENDA BRIEFING**

**Meeting Date:** October 13, 2015 Attachments: \_\_\_x\_\_\_

**From:** Elizabeth Keema-Aston, Chief Business Officer Item Number: \_14.\_

**SUBJECT** Approval of Adult Education Block Grant Consortium Participation  
Action: \_x\_\_\_  
Consent Action: \_\_\_\_\_  
Information Only: \_\_\_\_\_

**Background:**

The 2015-16 Adult Education Block Grant (AEBG) funds are designed to maintain existing adult school programs, expand services in underserved areas, and support collaborative planning and programming efforts between adult schools and community colleges. The overall goal of the AEBG is to accelerate academic and career success of adult learners through coordinated educational service delivery.

The Delta Sierra Regional Alliance (DSRA), a collaboration between San Joaquin county area Adult Schools and Delta College, was formed in response to the legislation that preceded the AEBG, AB 86. The goal of AB 86 was to create an educational system with seamless transitions for students across adult schools and community colleges. After over a year of collaborative efforts, the DSRA will continue to serve as the local infrastructure to support the mission of the AEBG.

While our district does not offer all aspects of the programs offered by DSRA, we do participate in the Adult High School Diploma program. For our district to receive funding for this program we needed to become a member of an Adult Ed Consortium. The Delta Sierra Regional Alliance is the consortium serving our area. Part of the membership requirements are Board approval of the assignment of an Official Representative, Agreement to Report Fund Use and Outcomes and the Agreement to Rules and Procedures.

Our current administrator of our Adult Ed program is Pierre Laleau, who has agreed to continue in that capacity and be named our official representative with Elizabeth Keema-Aston serving as an alternative representative.

**Status:** Presenting the aforementioned documents for approval prior to the October 15<sup>th</sup> deadline.

**Presenter:** Elizabeth Keema-Aston, Chief Business Officer

**Other People Who Might Be Present:** N/A

**Cost &/or Funding Sources**

Funding will be received as pass thru from the Delta Sierra Regional Alliance.

**Recommendation:**

Recommend that the Board approve the District's participation in the Adult Education Block Grant Consortium and to name Pierre Laleau as the official representative and Elizabeth Keema-Aston as the alternate representative to the DSRA and the Accompanying Membership agreements.

Time: \_\_5 mins.\_\_

**BOARD ACTION TEMPLATE (Revised 9/23/2015)**

**Adult Education Block Grant Legislative Background**

The 2015-16 State Budget included a \$500 million Adult Education Block Grant (AEBG). The AEBG funds are designed to maintain existing adult school programs and support collaborative planning and programming between adult schools and community colleges. The goal of the AEBG is to accelerate academic and career success of adult learners through coordinated educational service delivery.

Funding is exclusively dedicated to services for adults age 18 or older for the following program areas:

1. Elementary and secondary basic skills
2. Offerings for immigrants – citizenship, ESL and workforce preparation classes in basic skills
3. Education programs for adults with disabilities
4. Short-term career technical education programs with high employment potential
5. Programs for apprentices
6. Workforce entry or reentry programs for older adults
7. Programs for adults to develop knowledge and skills to assist elementary and secondary school children to succeed academically in school

**Delta Sierra Regional Alliance Background**

The Delta Sierra Regional Alliance (DSRA), a collaboration between San Joaquin County area Adult Schools and Delta College, was formed in response to the legislation that preceded the AEBG, AB 86. The goal of AB 86 was to create an educational system with seamless transitions for students across adult schools and community colleges. After over a year of collaborative efforts, the DSRA will continue to serve as the local infrastructure to support the mission of the AEBG.

Current member agencies of the DSRA include: Calaveras County Office of Education, Lodi Unified School District, Manteca Unified School District, River Delta Unified School District, San Joaquin County Office of Education, San Joaquin Delta Community College District, Stockton Unified School District and Tracy Unified School District.

The DSRA regional comprehensive plan was completed on March 1, 2015 and described DSRA's vision and strategies, identified regional needs, and potential projects that are being developed. The comprehensive plan was developed with input from monthly steering committee meetings, a series of regional convenings and the ongoing work of committees with representatives from DSRA members to address topics including curriculum alignment, college and career pathway development, and student support and transition services.

**Decision-Making Process**

The AEBG requires open meetings for all decisions and describes general guiding principles for consortium governance while allowing each consortium to develop and implement their own governance and decision-making processes. DSRA has successfully used the shared agreement model of decision-making for the development of the regional comprehensive plan and proposes to continue using shared agreement for decision-making. Shared agreement means that all members of a group support a given decision, either because they fully support it or because they believe it's a viable solution that was developed through a credible process. Shared agreement is a structured consensus process by which a group makes decisions by considering the perspectives and interests of all members. A given issue can be refined and tested for shared agreement several times, to address as many interests as possible.

**Required Board Action #1: Appointment of Official River Delta Unifies School District Representative to DSRA**

In response to legislative guidance, the DSRA has identified the Steering Committee as the primary body to make decisions on behalf of DSRA using the shared agreement model. When the Steering Committee is unable to make a decision using shared agreement, decisions are made using by voting.

The proposed Official Representative listed below will serve on the Steering Committee.

**Proposed Official River Delta Unified School District Representative**

Official Representative: Pierre Laleau and Principal, Wind River Adult Ed Program

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**Required Board Action #2: Agreement to Report on Fund Use and Outcomes**

As a member of the Delta Sierra Regional Alliance (DSRA) the River Delta Unified School District and its representatives agree to report on the use of funds as described in Section 84916 of AB 104:

- The Adults in Correctional Facilities Program
- Adult Education and Family Literacy Action (WIOA Title II)
- Carl D. Perkins Career and Technical Education Act (PL 109-270)
- Local Control Funding Formula apportionments received for students who are 18 years of age or older
- Community college apportionments received for providing instruction in courses in the AEBG programs (see above).
- State CalWORKS funds for remedial education or job training services

As a member of the Delta Sierra Regional Alliance (DSRA) the River Delta Unified School District and its representatives agree to report on the following required outcomes as described in AB 104:

- Number of students served
- Improved literacy skills
- Completion of high school diplomas or their recognized equivalents
- Completion of postsecondary certificates, degrees or training programs
- Placement into jobs
- Improved wages

**Board Action #3: Agreement to Rules and Procedures**

As a member of the Delta Sierra Regional Alliance (DSRA) the River Delta Unified School District and its representatives agree to abide by the following Rules and Procedures for implementing AB 104:

**1. Representation by officially appointed district employee**

Each School District’s governing board shall designate an official representative. The Co-Directors of DSRA shall ensure that only official representatives participate in decision-making of the Consortium steering committee.

**2. Assurance of Participation**

DSRA will assure participation of members by ensuring that an officially designated member or alternate is in attendance at all decision-making meetings.

**3. Voting Rules**

AB 86 established a principle of “shared leadership” between the community college district and the K-12 based adult schools. Based on this guidance, DSRA will primarily use the “Shared Agreement” model for decision-making. This method develops broad-based agreements through an open, structured collaborative sequence of information development and decision-making (see Appendix A.1). Shared Agreement also includes the San Joaquin and Calaveras County Offices of Education.

Voting will be used as a back-up method. The following agencies have one vote each: Calaveras County Office of Education, Lodi Unified School District, Manteca Unified School District, River Delta Unified School District, San Joaquin County Office of Education, Stockton Unified School District and Tracy Unified School District. The San Joaquin Delta Community College District, has three votes.

There are ten votes in total. Six votes are needed to pass any motion. This voting level means that each segment (K12 adult education and community college district) must have the concurrence of members of the other segment or the County Offices of Education, or both, to achieve approval of any proposal.

#### **4. Approval of Decisions**

Decisions are approved and final when each official representative indicates one of the following a) unqualified support for the proposed course of action, b) the course of action is acceptable (best of the options under consideration), or c) they can “live with” the decision (not strong support but believe the process was fair and the decision acceptable). All members indicating a, b, or c means the decision has “shared agreement”. If not all official representatives indicate a, b or c, the consortium will identify the areas of disagreement and attempt to develop modifications to gain shared agreement. If shared agreement cannot be achieved within state and local budgeting, implementation and accountability timelines, the consortium will approve decisions attaining a majority plus one of the total votes (i.e., six out of a possible ten votes). (See Appendix A-1.)

#### **5. Process to develop the decision-making model**

DSRA developed the decision-making model by adapting the district-wide decision-making process used at two multi-college California community college districts. The proposal was reviewed and approved by existing steering committee members.

#### **6. Process for proposed decisions to be considered in open, noticed meetings**

The consortium will publish a calendar of all steering committee meetings at the beginning of the fiscal year. All meetings will be open to the public. Meeting agendas and/or schedule changes will be published 72 hours before each meeting on a DSRA website and distributed to the project e-mail distribution list.

#### **7. Provision of Notice of Proposed Decisions**

Proposed decisions will be posted on the DSRA consortium website and distributed to the project e-mail distribution list 72 hours before each meeting.

#### **8. Distribution of Public Comments**

Comments submitted by members of the public, including comments submitted ahead of time and submitted at the meeting, will be compiled and submitted with the meeting minutes after each meeting.

#### **9. Process to solicit input from stakeholders**

In addition to public comment at the meetings and regularly scheduled steering committee meetings, the consortium will hold periodic input sessions with regional partners to identify needs and opportunities. DSRA will invite the partners consulted in the development of the March 2015 regional plan as well as others, and send invitations to the project e-mail distribution list. The regional partners will be included on the project e-mail distribution list, which will ensure that they receive notice of the annual calendar of meetings, schedule updates and meeting agendas.

#### **10. Approval of distribution schedule**

The consortium will conduct an annual planning and budgeting process reflecting the state’s timeline for communicating budget projections and estimates. The distribution schedule will be based on the DSRA Regional Plan. Specific implementation roles and corresponding distributions will be identified based on a planning process agreed to by the DSRA Steering Committee. The meetings to develop, receive public comment, and approve the plan priorities and budget (and distribution schedule) will be noticed through

publication of the annual calendar of meetings and updates on the DSRA website and to the distribution list.

### **11. Fund administrator**

DSRA shall use a single fund administrator to fulfill the following functions and characteristics:

- Provides the functions of a “bank”, i.e., holds and distributes AEBG funds on behalf of the consortium
- Processes expenses related to the grant as agreed upon by consortium members
- Certifies that expenditures have been prepared in accord with Federal/State regulations
- Works with consortium to implement fiscal decisions made by the members.

The agency providing the fund administration services will also be part of the Steering Committee. However, the fund administrator role is a distinct and separate role from the governance role. Fund administration is separate from the consortium’s policy and operational decision-making. The fund administrator does not have the authority to approve expenses applied against the grant, except as regards technical documentation. The fund administrator is not assigned the oversight role in the consortium for program and fiscal decisions. The personnel assigned the fund administration role are not part of the Steering Committee.

### **12. Members join, leave or be dismissed**

Members will be permitted to join pursuant to state law. State law will govern members’ resignations. Potential local standards include the following: Members seeking to leave must give as much notice as possible, no less than six months, and enter into binding discussions with the project directors regarding any outstanding deliverables or unused AEBG funds. DSRA will develop policies based on state law for dismissal. Potential factors include regular attendance at DSRA Steering Committee meetings and effectiveness in serving adult learners.

### **Rules and Procedures Appendix A.1 Shared Agreement Decision Model**

The recommended DSRA decision model has three key elements:

1. Members collaborate from the start of the planning and decision-making process using a participatory, structured and data-based process: The core to developing shared agreements is engaging core stakeholders in a transparent and credible process encompassing the following key phases:

- Developing a common agenda (problem definition and vision of success)
- Identifying and implementing projects that generate client outcomes and promote collaborative capacity building

- Measuring shared and individual success
- Adjusting and learning over time

2. All decisions are documented: Every recommendation will be documented in detail and be made available to all members, stakeholders and the public.

3. The primary decision rule is “Shared Agreement”: Shared agreement means that all members of a group support a given decision, either because they fully support it or because they believe it's a viable solution that was developed through a credible process. Shared agreement is a structured consensus process by which a group makes decisions by considering the perspectives and interests of all members. **Shared agreement is achieved when all members of the group rate a proposal as A, B or C, as shown below. If any Steering Committee members select option D, shared agreement is not achieved.** At that point the issue being considered can be refined and tested for shared agreement. A given issue can be refined and tested for shared agreement several times, to include as many interests in the final decision as possible. If shared agreement cannot be reached within the time constraints of the planning-budgeting cycle, the DSRA Steering Committee will vote on the issue (see DSRA Rules and Procedures Items 3 and 4).

Steering Committee members would indicate one of the following choices with regard to proposed decisions:

A: Unqualified support

B: Acceptable – best of the options we have

C: Can live with the decision. The proposed decision is seen as viable, though perhaps not the one that a member would have preferred. The member believes the agreed-upon process was followed and all viewpoints received a fair hearing.

D: Do not fully agree with the recommendation; need to have my viewpoint included in the documentation as a minority report



**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**  
445 Montezuma Street  
Rio Vista, CA 94571-1651

**BOARD AGENDA BRIEFING**

Meeting Date: October 13, 2015

Attachments:  X

From: Don Beno, Superintendent

Item Number: 15

**SUBJECT :** On August 11, 2015 the Board approved a budget of \$126,935 for repairs on Rio Vista High Schools Gym and authorized the superintendent to finalize scope and negotiate a contract with de Rutte Builders pursuant the prescribed budget. This project came in under budget by approx. \$17,000 and we are seeking approval to increase the scope of service to include making the same needed repairs on RVHS Exterior Ag Mechanics Building with the remainder of funds appropriated.

Action:  X  
Consent Action: \_\_\_\_\_  
Information Only: \_\_\_\_\_

**Scope Description:**

Cut back and repair the extended glue lam beams.  
Remove existing plastic siding, repair damaged substrate and install New prefinished Kynar coated metal siding, building vapor barrier and flashings. Repair damaged soffit. Paint repaired glu-lam beams and soffit. **Budget \$14,875**

**Background:**

The RVHS Gym project has been completed and is approximately \$17,000 under budget. The Ag Building has similar construction and similar problems as the gym building. Although the damage is not as severe as the damage on the gym. The subject repairs are as critical as those completed on the Gym. The cost of the repair of the Ag building is estimated to cost \$14,875 which is almost equivalent to the savings from the gym project.

**Status:**

The same contractor is available to work on the Ag Building starting next week, pending Board authorization to appropriate savings to the Ag building. The pricing is as competitive as the work performed on the Gym. Due to the availability of the contractor who already has the expertise and experience of doing the work at the high school, it is expedient to have this project done at this time at little impact to the budget.

**Presenter:** Don Beno

**Other People Who Might Be Present:** Staff

**Cost &/or Funding Sources:** Project savings, Fund 21, originating from State Reimbursements received from previous projects.

**Recommendation:** That the board approves the increase in scope of work with a budget of \$14,875 for repairs on the Ag building at Rio Vista High School and to authorize the superintendent to finalize the scope and contract with de Rutte Builders, Sebastopol, CA pursuant the prescribed budget.

Time: 5 mins.

# MASTER BUDGET SUMMARY SHEET PRELIMINARY FOR DISCUSSION ONLY

**SUMMARY OF ESTIMATED COSTS**  
 District River Delta  
 Project: RVHS Gym Exterior Repairs

DATE:           DATE:  
 PRELIMINARY  
 PRE-FINAL  
 FINAL

24-Jul-15  
 X

## TOTAL BUDGET -

### CURRENT FUNDS -

\*Available Bond Proceed: \$ \_\_\_\_\_ .00

Description:    FUND # \_\_\_\_\_

APPLICATION NUMBER	Lease	Leaseback		
<b>A. DISTRICT / ADMINISTRATIVE FEES</b>				
1 SITE ACQUISITION/APPRaisal/TITLE	\$	-		
2 SURVEY	\$	-		
3 SITE SUPPORT - BOND FEES	\$	-		
4 LEGAL FEES - <i>Allowances</i>	\$	5,000	Contracts	
5 OTHER (EIR/Negative Declaration)	\$	-		
6 OTHER	\$	-		
<b>SITE SUBTOTAL</b>	\$	5,000.00		
<b>B. PLANS</b>				
1 ARCHITECT'S FEE FOR PLANS- PRECONSTRUCTION / CONTRACT PREPERATION (RGM)	\$	2,400		
2 DSA PLAN CHECK FEE	\$	-		
3 DSA HANDICAPPED PLAN CHECK FEE	\$	-		
4 HEALTH DEPARTMENT	\$	-		
5 ENERGY ANALYSIS FEES	\$	-		
6 DEPARTMENT OF EDUCATION - <i>PLAN CHECK FEE</i>	\$	-		
7 PRELIMINARY TESTS				
A. SOILS	\$	-		
B. OPSC & YRE CONSULTANTS	\$	-		
C. BIDDING AND ADVERTISING	\$	-		
D. ENGINEERING/CONSULTING	\$	-		
E. HAZARDOUS MATERIAL SURVEY/SPECS	\$	-		
8 LABOR COMPLIANCE PROGRAM ADMINISTRATIVE COSTS	\$	-		
<b>PLANS SUBTOTAL</b>	\$	2,400		
<b>C. CONSTRUCTION</b>				
1 A. UTILITY SERVICE FEES	\$	-		
B. UTILITY SERVICE IMPROVEMENTS	\$	-		
2 OFF-SITE DEVELOPMENT	\$	-		
3 SERVICE SITE DEVELOPMENT	\$	-		
4 GENERAL SERVICE SITE DEVELOPMENT	\$	-		
5 <input checked="" type="checkbox"/> MODERNIZATION <input type="checkbox"/> RECONSTRUCTION	\$	82,000		
6 <input type="checkbox"/> DEMOLITION <input type="checkbox"/> INTERIM HOUSING				
7 <input type="checkbox"/> NEW CONSTRUCTON	\$	-		
8 A. UNCONVENTIONAL ENERGY SOURCES	\$	-		
B. SPECIAL ACCESS COMPLIANCE	\$	-		
C. TECHNOLOGY ALLOWANCE	\$	-		
9 ENVIRONMENTAL ABATEMENT	\$	3,000	Bat Removal/Close Openings-Allowance	Incl \$ (2,500)
10 AIR MONITOR CLEARANCE	\$	-		
11 PROJECT MANAGEMENT - RGM	\$	18,000		\$ (3,000)
12 OTHER (ITEMIZE)				
A. REIMBURSABLES/GENERAL CONDITIONS	\$	1,500		Incl \$ (1,500)
B. MOVING/STORAGE ( <i>District Expense</i> )	\$	-		
C. UNDERGROUND UTILITY SEARCH	\$	-		
<b>CONSTRUCTION SUBTOTAL</b>	\$	104,500		
D. TESTS (CONSTRUCTION LAB)	\$	-		
E. INSPECTION (IOR)	\$	-		
F. FURNITURE AND EQUIPMENT	\$	-		
G. CONTINGENCIES	\$	10,000	<i>Dry Rot Repairs</i>	\$ (10,000)
<b>TOTAL ESTIMATED COSTS (ITEMS A THROUGH G)</b>	\$	121,900		
				\$ (17,000)
H Costs incurred to Date- Original Bid Process	\$	5,035		
<b>TOTAL ESTIMATED BUDGET</b>	\$	126,935		
Replace Exterior Utility Doors	\$	5,800	Add	







